



Consignors And Commercial Breeders Association

# Newsletter

2nd Quarter 2008 Volume 3, Issue 2

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*“Coming together is a beginning, staying together is progress, and working together is success.”*

Henry Ford

## Welcome New Members

- Casse Sales
- Chateau Farm
- Donarra Thoroughbreds
- Eddie Woods Racing
- Elangeni Farm
- JMJ Racing
- Lemons Mill Farm
- Michael Lowenbaum
- Morgan’s Ford Farm
- New Day Racing
- Gary Stevens
- Tenlane Farm

## The Liabilities Of Disclosure Of Pre-Sale Vet Reports by Bill Hoskins

It is not an uncommon practice for horse owners and consignors to provide information such as veterinary reports to prospective purchasers prior to the sale of a weanling, yearling or racing prospect in order to provide that prospective purchaser the confidence to bid on his or her horse.

What horse owners and consignors may not consider is the liability they could potentially face for providing such information to prospective purchasers. The purpose of this short article is to help inform horse owners and consignors about steps that can be taken to limit such liabilities and exposures.

Horses are “Goods” by definition under the Uniform Commercial Code. “Goods” are often sold with two types of warranties—express and implied. Express warranties are written or oral assurances that a good is of a certain condition. An implied warranty of merchantability is an understood assurance that goods are reasonably fit for the general purpose for which they are sold or are of like quality to goods generally sold in the market. An implied warranty of fitness for

a particular purpose can arise under certain circumstances and, when present, is essentially an understood assurance that the goods sold are suitable to be used for a specific purpose.

**Owners and consignors selling their horses through major auction houses are covered under a warranty disclaimer through the sales companies conditions of sale that states “THERE IS NO WARRANTY EXPRESS OR IMPLIED BY THE SALES COMPANY OR CONSIGNOR EXCEPT FOR THE LIMITED WARRANTIES SET FORTH IN THE CONDITIONS OF SALE.” Every consignor and owner is covered under these conditions of sale until they verbally or otherwise state that their horse is “clean on x-rays” or “has a good throat or scope”. You have then very likely provided an express or implied warranty that the horse you are representing is suitable for a specific use.**


Industry stakeholders are well aware that veterinary science is subjective and vet opinions can and often do differ. With this in mind the CBA is recom-



mending the following education initiative and materials that will help inform the prospective purchaser while encouraging them to have a relationship with a veterinarian of their choice. The CBA therefore suggests the placing of educational disclaimers in visible areas around sales grounds as well as use of a label to be adhered to consignor veterinary reports. The labels can be obtained from the CBA website at [www.consignorsandbreeders.com](http://www.consignorsandbreeders.com).

While the CBA has made these suggestions, individual horse owners and consignors should also be proactive in notifying prospective purchasers that no warranties exist with respect to a horse being sold. To that end, horse owners and consignors should make prospective

(cont. p.2)



*The CBA works democratically on behalf of every consignor and commercial breeder, large and small, to provide representation and a constructive, unified voice related to sales issues, policies, and procedures. The Association's initiatives are designed to encourage a fair and expanding marketplace for all who breed, buy or sell thoroughbreds.*

## The Liabilities Of Disclosure Of Pre-Sale Vet Reports (cont. from P1)

purchasers aware of the following:

- The only warranties made regarding a horse for sale are those limited warranties stated in the applicable conditions of sale;
- Opinions found in veterinarian reports are not the opinions of the horse owner or his consignor;
- Veterinarian opinions can and often do differ;
- The skill or judgment of a horse owner or consignor should not be relied upon when selecting a horse;
- Prospective purchasers should always personally inspect and examine any horse before placing a bid on it, and
- If prospective purchasers desire a professional opinion as to the condition or fitness of a horse, they should hire their own veterinarian to inspect the horse.

By informing prospective purchasers that no warranties exist with respect to a horse, horse owners and consignors can substantially limit potential liability. The phrase “buyer beware” has lost a certain amount of its force in recent times, and horse owners and consignors may better protect themselves from legal pitfalls simply by implementing these few easy practices. While this provides the owner or consignor with a means to limit their liability it does not protect them from fraudulent activities that would include amending or doctoring reports from a veterinarian to aid in the promotion or marketing of that horse.

Because the facts of every situation differ with each circumstance, and while this article only intends to provide general guidelines, it is a good idea to have your specific situation evaluated by your legal counsel.

## The CBA Develops Pre-Sale Questionnaires For The Use Of Consignors

The CBA board of directors has developed a series of informational questionnaires for the use of all consignor members. The questionnaires are designed to provide a uniform, “best practices” information sheet for obtaining as much accurate and essential information as possible to help with marketing as well as provide the consignor useful information on the horse being sold including those items needed to meet conditions of sale. Through their use, the CBA intends to set an industry standard for consignors and our group as a whole.

The series includes a questionnaire for each age category of sales horse (i.e. weanling, yearling, broodmare or broodmare prospect, and racing prospect) and asks questions that are relevant to each group. Questionnaires can be downloaded at [www.consignorsandbreeders.com](http://www.consignorsandbreeders.com).

The questionnaires do not need to be returned to the CBA. They were created for consignors to send to their clients as a way to uniformly gather the information needed to effectively market sales horses. The information obtained can then be transferred to sales books or utilized in a manner that best meets the consignor’s needs. These questionnaires can be used in conjunction with any further documentation or items that are proprietary to individual agencies.

The CBA board of directors have unanimously agreed to use these documents when gathering information and encourages all consignor members to do the same.

If you have any questions or comments or are unable to download these documents, please contact Savannah Short in the CBA office at (859) 243-0033.

## Guidelines Regarding New Anabolic Steroid Policies for Weanlings and Yearlings

Printed at the request of  
Keeneland Association.

### Conditions of Sale Condition Twelfth

*Exogenous Anabolic Steroids  
in Yearlings and Weanlings*

**Limited Warranties:** *Consignor warrants that any weanling or yearling entered in this sale shall not have been administered any exogenous anabolic steroids (“EAS”) within 45 days of the date of sale*

We would like to remind consignors that Purchasers may avail themselves of blood tests for the presence of Exogenous Anabolic Steroids. If the blood test is found to be Positive, the Buyer has the right to rescind the sale and return the horse to the Seller.

The 45-day withdrawal time assumes that under normal conditions, a horse that has previously received Exogenous Anabolic Steroids will not produce a positive blood test result. The

45-day withdrawal time does not mean that all horses treated with Exogenous Anabolic Steroids will test absolutely Negative at the time of sale.

Therefore, we encourage Consignors and their Veterinarians to show greater caution in administration and subsequent withdrawal of Exogenous Anabolic Steroids to avoid the possibility of a Positive blood test result. A Positive at any level will be considered a Positive and

subject to the Purchaser’s Right of Return.

### **Other Prohibited Practices:**

- 1) **Shockwave Therapy** in any form once the horse enters the sales grounds.
- 2) **Acupuncture and/or Electro-Stimulation** with the intent of altering laryngeal function once the horse enters the sales grounds.
- 3) **Internal Blister (behind the knee)** for alteration of conformation.



## CBA MEMBERSHIP

CBA members account for approximately 75% of auction sales revenue in North America.

Airdrie Stud	Elm Tree Farm	Lockhart, Jimmie	Silverton Farm	True North Farm
Amlie, Erik & Mary Jo	Equus Farm	Long Grove Stables	Spendthrift Farm	Twin Creeks Farm
Anderson Farms Ontario	Eutrophia Farm	Lowenbaum, Michael	Spring Hill Farm	Twin Willows Farm
Andrew Thompson Co.	Fahlgren, Smoot	Lynch, Andre	Spruce Lane Farm	Upton Downs Farm
Anstu Farm	Falls Creek Farm	Lyons, Robbie	Spruce Lane Farm	Valkyre Stud
Arch Bloodstock	Fares Farm	Machmer Hall	Stepwise Farm	Viking Stud
Arnold, Terry	Farish, W.S. III	Malhouitre, Romain	Stevens, Gary	Vinery
Ashford Stud	Farish, W.S. Jr.	Mallory-Smith, Agent	Stonereath Farms	Voute Sales
Audley Farm	Feld, Bob	Manganaro LLC	Stonerside	Walmac Farm
B & B Bloodstock	Flying High Farm	Maple Leaf Farm	Strouss, Callan	Walnut Green
B. Flay Thoroughbreds	Folck, Timothy	Margaux Farm LLC	Stuart, John	Warrendale Sales
Baccari Bloodstock	Folck, Timothy	Maristow Farm	Sugar Maple Farm	Watership Down Stud
Ballyrankin Stud	Foster, John	McCann, Bob	Summer Wind	Weisbord, Barry
Bandoroff, Craig	Four Star Sales	McCarthy, Dr. Phil	Sun Valley Farm	Welker, Bayne
Barker Farm	Foxtale Farm	McIntyre, Bobby	Sunrise Stable	White Fox Farm
Bedouin Bloodstock	Foxwood Thoroughbreds	Meadow Haven Farm	Susan Forrester, Agent	Whiteley, Rob
Bell, Reynolds	Gabriel Thoroughbreds	Mill Ridge Farm	Swettenham Stud	Whitewood Stable
Belvedere Farm	Gaines-Gentry T'breeds	Millennium Farms	Taylor Made	Windfields Farm
Berger, Robert	Gainesway Farm	Millford Farm	Taylor, Mark	WinStar Farm
Blake Agency	Gallagher's Stud	Mitchell, Frank	Ten Flat, LLC	Wintergreen Farm
Blandford Stud	Gardiner Farms	Mitchell, Kelli	Tenlane Farm	Winter Quarter Farm
Bluegrass T'bred Svcs.	Gaulstown Stud	Montessori Farm	The Acorn	Woods Edge Farm
Bluewater Sales	Glenmalure Farm	Monticule Farm	The Stallion Company	Woodstock Farm
Bowling/Dodd Inc.	Glennwood Farm	Moonestone Farm	Three Chimneys Farm	Wynnmere Farm
Bradley, Peter	Glory Days Breeding	Morgan's Ford Farm	Top Yield Bloodstock	Young Stables
Brandywine Farm	Goff, Dash	Mt. Brilliant Farm	Trackside Farm	Zent, Dr. Walter
Bridlewood Farm	Golden Eagle Farm	Mulholland Springs Farm		
Brookdale Farm	Goldthorpe, Jack	Murphy, Clem		
Brown, Darrell	Good Win Farm	Nagle, David		
Bryan, Joseph	Gracefield	Nardelli Sales		
Buckner, Marty	Graystone Farm	Narvick International		
Brgner, Danny	Greenfield Farm	Nataf, Robert		
Burleson Farm	Greenwood Farm	Needham-Betz		
Calumet Farm	Gulf Coast Farms	New Day Racing		
Campion, Ted	Haras de Santa Isabel	Nicoma Bloodstock		
Carmichael Sales	Haras du Fresnay	Nikkel, Kathryn		
Casse Sales	Hardin Farm	North Wales		
Castle Park Stud	Hart Farm	Nuckols, Charles		
Cauthen, Kerry	Hartwell Farm	O'Connor, Charlie		
Centaur Farms	Henry, Richard	O'Rourke, Garrett		
Chantelclair Farm	Herbener Farm	Oak Barrel Farm		
Charlton Bloodstock	Hermitage Farm	Occidental Thoroughbreds		
Chateau Farm	Hidden Brook Farm	Oceanic Bloodstock		
Clark, Tom & Nancy	Highclere	Orange Blossom Farm		
Clarkland Farm	Hilbert Thoroughbreds	Oratis Thoroughbreds		
Claunch, Todd	Hill 'n' Dale Sales	Paladino, Jill		
Cline, Mike	Hinkle Farms	Paragon Farms		
Cobra Farm	Howard, Neil	Paramount Sales		
Corner Woods Farm	Hunter Valley Farm	Park Stud		
Country Life Farm	Hurstland Farm	Patterson Bloodstock		
Courtelis, Kiki	Hyde, Timmy	Pearson, Del		
Crestwood Farm	Idle Hour Farm	Penn Sales		
Crossroads Sales	Indian Creek	Perrone Sales		
Crystal Springs Farm	Ingordo, David	Perrotta, John		
Cunningham, Robert	Iron County Farm	PHS Racing		
Dapple Stud	J & J Mamakos	Pigg Charles		
Darby Dan Farm	Jamm Ltd.	Pin Oak Stud		
Dark Hollow Farm	JLT Bloodstock	Pollock Farms		
Darley America	JMJ Racing Stables	Reightler, Bill		
Deep Rock Farm	Journeyman Bloodstock	River Bend Farm		
Dell Ridge Farm	Justice Farm	Robinson, Jim & Pam		
Denali Stud	Kane, Eddie	Rockwell Sales		
Derry Meeting Farm	Kildare Stud	Royal Oak Farm		
Diamond A Farm	Kilfynn Farm	Runnymede Farm		
Dixiana Farm	Kilroy Thoroughbreds	Ryan, Dermot		
Donarra Thoroughbreds	Kindergarten Farm	Santulli, Richard		
Doninga Bloodstock	Kingswood Farm	Saxony Farm		
Donworth, Ken	Kinsman Farm	Seitz, Joe		
Double K, LLC	Knockgriffin Farm	Sellers, Bill		
Dreamfields	La Ciega	Serendipity Farm		
Dromoland Farm	Lane's End Farm	Seven Islands Ltd.		
Dunford Farm	Langsem Farm	Shadwell Farm		
Eaton Sales	Legacy Bloodstock	Shanahan, Paul		
Eddie Woods Stables	Lemons Mill Farm	Shannondoe Farm		
Edition Farm	Leprechaun Racing	Shawnee Farm		
Elangeni Farm	Robert/Beverly Lewis Trust	Siena Farm		
Elk Manor Farm	Liberation Farm	Silverman, Marshall		
	Lochlow Farm			

### CBA Officers

<b>Bayne Welker</b>	<b>President/Chairman</b>
Mill Ridge Farm	<a href="mailto:bwelker@millridge.com">bwelker@millridge.com</a>
<b>Mark Taylor</b>	<b>Vice President</b>
Taylor Made Sales	<a href="mailto:mtaylor@taylormadesales.com">mtaylor@taylormadesales.com</a>
<b>Joe Seitz</b>	<b>Secretary</b>
Brookdale Farm	<a href="mailto:jseitz@brookdalefarm.com">jseitz@brookdalefarm.com</a>
<b>Craig Bandoroff</b>	<b>Treasurer</b>
Denali Stud	<a href="mailto:craig@denalistud.com">craig@denalistud.com</a>

### CBA Board Of Directors

<b>Craig Bandoroff</b>	<b>Denali Stud</b>
<a href="mailto:craig@denalistud.com">craig@denalistud.com</a>	
<b>Darrell Brown</b>	<b>Stonereath Farm</b>
<a href="mailto:darrellbrown7020@aol.com">darrellbrown7020@aol.com</a>	
<b>Kerry Cauthen</b>	<b>Four Star Sales</b>
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<b>Mike Cline</b>	<b>Lane's End Farm</b>
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<b>Neil Howard</b>	<b>Gainesway Farm</b>
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<b>Robbie Lyons</b>	<b>Hartwell Farm</b>
<a href="mailto:hartwellfarm@aol.com">hartwellfarm@aol.com</a>	
<b>Martha Jane Mulholland</b>	<b>Mulholland Springs Farm</b>
<a href="mailto:mjmulholland@mulhollandsprings.com">mjmulholland@mulhollandsprings.com</a>	
<b>Dermot Ryan</b>	<b>Ashford Stud</b>
<a href="mailto:dryan@coolmore.com">dryan@coolmore.com</a>	
<b>Joe Seitz</b>	<b>Brookdale Farm</b>
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<b>John Stuart</b>	<b>Bluegrass T'bred Svcs.</b>
<a href="mailto:john@bluegrasstbred.com">john@bluegrasstbred.com</a>	
<b>Mark Taylor</b>	<b>Taylor Made Farm</b>
<a href="mailto:mtaylor@taylormadefarm.com">mtaylor@taylormadefarm.com</a>	
<b>Rob Whiteley</b>	<b>Liberation Farm</b>
<a href="mailto:liberationfarm@yahoo.com">liberationfarm@yahoo.com</a>	

## Code Of Conduct Reminder

Fasig-Tipton and Keeneland have included a code of conduct in their conditions of sale for 2008. For all of those who are not familiar with the code, the CBA encourages all sales participants to review the code of conduct in the upcoming 2008 catalogues. The code may also be referenced in the CBA's first quarter newsletter of 2008 or at [www.consignorsandbreeders.com](http://www.consignorsandbreeders.com).

## CBA Sales Presence

In an effort to further participation and enrollment of members in the CBA, the organization will have a presence at all upcoming sales. The CBA encourages all members to introduce others in the industry to the organization, so that we can maintain our position in the industry.

If there is any need for CBA signs, educational booklets, or new member sign-up cards, contact Savannah Short at (859) 243-0033.

## DEADLINE NOTICES



8/1/08 - Deadline: **Keeneland** Nov. Breeding Stock Sale



8/13/08 - Nomination Deadline: **Fasig-Tipton** Kentucky Selected Fall Mixed

8/15/08 - Deadline: **Fasig-Tipton** Kentucky Fall Yearlings

## Talk To Us! [www.consignorsandbreeders.com](http://www.consignorsandbreeders.com)

Please visit the CBA website—[www.consignorsandbreeders.com](http://www.consignorsandbreeders.com)—to voice your ideas and opinions. The CBA was formed to give a voice to all consignors and commercial breeders, large and small.

To ensure the association continues to work toward its mission, visit "Contact Us" on our website, email [info@consignorsandbreeders.com](mailto:info@consignorsandbreeders.com), or alternatively, you can call the CBA at (859) 243-0033.

## CBA Subcommittees

Following are the standing committees for **2008**. The CBA welcomes members to participate on these committees and would like to get the membership more involved. If you are interested in serving on one of these committees, please talk to a CBA board member or officer.

### Budget:

Craig Bandoroff (chair), Neil Howard, James Keogh, John Stuart

### Education:

Rob Whiteley (chair), Clifford Barry, Andrew Cary, Martha Jane Mulholland, Mark Taylor

### Legislative:

Kerry Cauthen (chair), Mike Cline, Don Robinson, Dermot Ryan

### Membership:

Mike Cline (chair), Pat Costello, Robbie Lyons, Dermot Ryan

### Communications/Newsletter:

Braxton Lynch (chair), Mike Owens, Kitty Taylor, Rob Whiteley

### Nomination:

Bayne Welker (chair), Craig Bandoroff, Kerry Cauthen, Mike Cline, Mark Taylor,

### Medication/Vet:

Tom VanMeter (chair), Craig Bandoroff, Kerry Cauthen, Bayne Welker, Mark Taylor

### Website:

Kris Stuebs

## Consignors And Commercial Breeders Association

Email: [info@consignorsandbreeders.com](mailto:info@consignorsandbreeders.com)

[www.consignorsandbreeders.com](http://www.consignorsandbreeders.com)



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Please  
place  
stamp  
here

TO: