

# **NATIONAL MUSEUM OF RACING AND HALL OF FAME**

## **COLLECTIONS MANAGEMENT POLICY**

*Amended and Approved by the Collections and Exhibits Committee on February 15, 2024*  
*Approved by the Executive Committee on February 16, 2024*

### **I. BACKGROUND AND GENERAL OVERVIEW**

#### **a. Statement of Purpose and Mission Statement**

The National Museum of Racing (“Museum”) received an Absolute Charter from the New York State Board of Regents on October 20, 1950 that was amended on December 21, 1951 to further define its purpose. This states that “the purpose for which such corporation is formed is to establish a museum for the collection, preservation and exhibition of books, documents and other printed or written material, statuary, paintings, pictures, films, memorials and any and all other kinds of articles associated with the origin, history and development of horse racing and the breeding of thoroughbred horses.”

On August 10, 2017, the Board of Trustees adopted and approved the following mission statement to better reflect the expanded role of the Museum in the 21<sup>st</sup> century: “The mission of the National Museum of Racing and Hall of Fame is to preserve and promote the history of Thoroughbred racing in America and honor the sport’s most accomplished participants in the Official National Thoroughbred Racing Hall of Fame.”

In accordance with the Museum's purpose outlined above, this policy acknowledges the collections management role of the Museum which requires a more thorough recognition of ethical standards as promoted by the American Alliance of Museums and the Museum Association of New York. It further acknowledges the expanded role of the Board of Trustees in enforcing these standards and the laws of the State of New York regarding museum property.

#### **b. Role of the Board of Trustees**

The Collections and Exhibits Committee, a sub-committee of the Board of Trustees, advises on all matters relating to the Museum Collection. Consisting of both regular and advisory trustees, the Committee meets regularly to review potential acquisitions and loan requests and discuss other collections-related issues. Together with the Director and Curator, the Committee assists in the planning of the Museum’s exhibition program, from special temporary exhibitions to the renovation or creation of gallery spaces. The latest news and recommendations from the Committee are reported to the full Board of Trustees at their three annual meetings.

#### **c. Purpose of the Collections Management Policy**

This Collections Management Policy (CMP) shall address issues surrounding the preservation, exhibition, accessibility, acquisition and deaccession procedures and standards of the Museum regarding its collection. Sections of the CMP will focus on:

- Care of the Collections
- Acquisition Priorities
- Accessioning of Objects
- Deaccessioning of Objects

- Loans (Outgoing and Incoming)
- Objects Left in Temporary Custody
- Objects Found in the Collection

## **II. CARE OF THE COLLECTIONS**

### **a. Staff Responsibility**

At all times, Museum staff should be aware of their responsibilities to preserve and protect collection objects. Unless otherwise herein stated, the ultimate authority in matters relating to these responsibilities shall be vested in the Director.

### **b. Security**

The Museum Collection, whether on exhibition or in storage, shall be adequately protected against fire, theft, vandalism, and natural disaster at all times. The Director shall establish procedures for handling any emergencies and shall have oversight responsibility in all these areas. Additional details can be found in the Museum's Emergency Disaster Manual.

### **c. Conservation**

The Director shall have a continuing responsibility to be concerned with the conservation of collection objects. There shall be an annual review of the Museum Collection, regarding the condition thereof and the need for conservation measures. The Collections Manager shall report any conservation concerns to the Director and Collections and Exhibits Committee. The Committee's recommendations will be reported to the Executive Committee via the Director for approval before a treatment plan is put into place. No action shall be taken without approval of the Board.

### **d. Packing and Shipping**

Appropriate attention and care shall be given to the packing and shipping of collections objects in or out of the Museum. The responsibility for monitoring such action shall be vested in the Curatorial Department. No collections object should ever leave its assigned position in the Museum without prior approval, and a written record of any change of location will be kept in the collections records and database.

### **e. Insurance**

There should be an annual review of the adequacy of the fine arts insurance coverage for the Museum Collection. The Director should oversee this review and suggest any changes to the Board of Trustees for approval. Specifically, the amount of insurance to be carried on the Museum Collection when in the custody of the Museum must be reported.

The borrower must insure all outgoing loan objects from the Museum Collection for the duration of the loan period. The question of who insures incoming loans to the Museum shall be a matter of negotiation on a case-by-case basis and clearly stated on the Incoming Loan Agreement.

Adequate insurance records must be kept, and the responsibility therefore shall be vested in the Director. Deviations from established insurance procedures shall only be allowed with the concurrence of the Executive Committee.

**f. Access to Collections**

The Museum Collection shall be accessible by appointment for legitimate research and study by individuals determined to be responsible by the Director. Such access shall be subject to the following conditions to safeguard the collection:

1. Access shall be by appointment only.
2. Access shall be permitted if the material is readily available, not prohibited by exhibition requirements, and if there is convenient study space to view the materials.
3. Access depends on the time necessary for the Museum staff to protect the collections and to assist the researchers.
4. Only Museum staff shall enter the collections storage areas. All others must have specific permission from the Director or Collections Manager.
5. The availability of the object to be reviewed depends on its ability to be moved, fragility, size, weight, and value. Large, heavy items that cannot be moved easily will require authorization from the Director. For safety reasons, fragile objects shall not be moved. Objects deemed extremely valuable by the Director must have his or her permission before moving.
6. Objects shall be viewed whenever possible in the Museum Library. They are not to be handled at any time by any non-professional personnel. A member of the curatorial staff will be on hand to assist with object handling and answer any questions.

All Museum catalogues, accession and archival records shall be treated, within reason, as public information. The following restrictions apply:

1. Time, space, protection, and staff assistance limitations as set forth in 1, 2, and 3 above shall be imposed.
2. Unpublished material and other records pertaining to the location and value of objects shall be restricted, with access subject to approval by the Executive Committee acting on recommendation of the Director.
3. Reproduction shall be done only by Museum staff or by responsible individuals authorized to do so. Methods of reproduction shall be limited to protect the original items from possible damage.
4. Reproduction fees may apply at the discretion of the Director.

Except as specified above and except as necessary to maintain its intellectual property rights, the Museum shall not restrict publication of its material for any non-commercial, scholarly, or educational purpose. Reasonable conditions, including those related to copyright, may be imposed depending on the type of reproduction and the credit given to the Museum as the source.

#### **g. Records**

A complete collections record system shall be maintained, including the following categories:

1. The legal status of each object within the Museum, with its condition, provenance, and curatorial significance. This includes both accession and deaccession records.
2. A donor file, with the correspondence relating to gifts to the collection and the address and contact information of the donor at the time of the gift.
3. A lender file, with all correspondence and documentation relating to the incoming and outgoing loans to/from the Museum, which includes shipping, insurance, condition reports, location, and relevant contact and exhibition information.

#### **h. Inventories**

Inventory of the permanent collections shall be done regularly for accounting and conservation purposes.

### **III. ACQUISITION PRIORITIES**

#### **a. Collection Summary and Acquisition Goals**

The Museum Collection consists of fine art and artifacts associated with significant Thoroughbred racing events, horses, jockeys, trainers, and stables. While acquisition efforts will primarily be directed toward acquiring artifacts associated with American racing, artifacts illustrating racing's origins and history in the United Kingdom as well as American connections with major races abroad, will also have a place in the collection. Artifacts associated with the careers of Hall of Fame horses, jockeys, trainers, and Pillars of the Turf are a top priority.

However, acquiring artifacts from the most prestigious races and players should be balanced by the selective acquisition of objects representing a broader range of the racing experience. The Museum Collection should represent the full social, cultural, economic, and political history of the sport in order to support our educational mission.

#### **b. Criteria for Acquisition**

1. Is the object associated with a Hall of Fame member?
2. Does the object represent a significant racing event, horse, jockey, trainer, or owner?
3. Does the object represent an era, track, or geographical region not well represented in the collection?
4. Does the object fill any gaps in the collection?
5. Is the aesthetic value or form of the object significant? Is this object a better example of an object that is already in the collection?
6. Is the workmanship, maker, or artist of the object significant?

**c. Other considerations**

Silks will be accepted for the permanent collection when they are associated with a specific event. (For example, silks worn by George Woolf in the Pimlico Special.)

Non-attributed silks will become part of the Display Collection. Any other item not accepted to the permanent collection but considered by the committee to be good for display use or for educational purposes will be added to our Display and Education Collection. While not formally accessioned, a Deed of Gift form will be sent to and completed by the donor.

Books and reference materials that are offered to the Museum will be accepted as Library Donations pending review and approval by the Director and Collections and Exhibits Committee. While not formally accessioned, these materials will be catalogued and housed in the John A. Morris Research Library, and a Deed of Gift form will be sent to and completed by the donor.

Additional archival materials (news clippings, photographs, paper ephemera) that are not needed for the permanent or library collections may be accepted as donations to the reference files housed in the library. These items are accepted at the discretion of the Director and Collections and Exhibits Committee.

If there are any items not accepted to the collections by the committee, the museum may ask the potential donor if they can be accepted for the Development Department. If this option is approved by the donor, the items may be used at discretion of the Development Department for events like silent auctions, fundraisers, etc. which will benefit the museum. Though not accepted to the collection a Deed of Gift form will be sent to and completed by the donor.

**IV. ACCESSIONING OF OBJECTS**

**a. Definition**

By “accession” the Museum means the formal transaction by which title to all gifts, purchases, exchanges, or other incoming objects passes to the Museum. The Museum subscribes to a policy of selective acquisition. Because of limitations of staff, physical space, and finances, it is neither feasible nor ethical for the Museum to collect indiscriminately.

**b. Criteria for Accession**

Objects acquired for the Museum should meet the following conditions:

1. The objects must be relevant to and consistent with the mission of the Museum.
2. The Museum must be able to provide for the storage, protection, and preservation of the objects under conditions that ensure their availability for the Museum's purposes and that they are in keeping with professionally accepted standards. There are costs incurred by the Museum to preserve its collection, and this must be taken into consideration when accessioning new objects.
3. The intention is to maintain the objects in the Museum Collection as long as they retain their physical integrity, identity, and authenticity, and as long as they remain useful for the purpose of the Museum.

Acting through the Collections and Exhibits Committee, the Board shall oversee an Acquisitions Policy, in general, and shall review and directly supervise the activities of the Director in implementing the policy in detail.

**c. Conditions of Acceptance**

1. All acquisitions to the Museum will be made to develop the collection or add new collections to further the mission of the Museum.
2. Title to all objects acquired for the Museum should be obtained free and clear, without restrictions as to use, attribution, display, or future disposition. The Museum cannot agree to keep any objects on permanent exhibition, or to display a collection together permanently. Exceptions to this policy may be made only for particularly rare, valuable, or important collections where restrictions imposed by the donor are in accord with current laws, or are in accord with scholarly needs; e.g., that an object or group of objects should never be deaccessioned except to another public institution with policies comparable to those of the Museum. If objects are accepted by the Museum with restrictions or limitations, however, the conditions should be adequately documented and should be retained in the collections record. Where restrictions are attached to an acquisition, every effort should be made to place a reasonable time limit for which they shall apply and to define the conditions under which they may be terminated.
3. A legal instrument of conveyance, setting forth an adequate description of the objects involved and the precise condition of transfer, should accompany all gifts and purchases for the Museum Collection and be kept on file.
4. Occasionally, objects may be accepted that are recognized as inappropriate for accession into the collection, if, and only if, they form part of a donation that includes objects of significance. If such items are accepted, the donor must have no conditions attached to their acceptance and give the Museum permission to dispose of or transfer the non-accessioned objects to other departments where applicable. When received and accepted, the entire donation will be inventoried, but the official Deed of Gift will only list the items accepted for accession into the permanent collection.

**d. Method of Acquisition**

The specialized training, experience, research activities and travel of the professional staff and/or curatorial advisors is focused mainly on two corollary aspects of the Museum's acquisitions: an alert and current knowledge of their field of expertise and of the market within that field; and an intimate awareness of the Museum Collection to determine their needs versus strengths.

1. Objects to be considered for potential acquisition can be acquired in three ways: donation (gift or deferred gift/bequest), purchase, or loan transfer.
2. Such documentation as may be available relating to artist/maker/publisher et al., medium, origin of the artifact, date provenance, reasons for its valuations, and proof of authenticity, will be furnished from the source.
3. The Collections and Exhibits Committee shall approve each acquisition in advance at a regularly scheduled meeting. Under unusual circumstances, this approval may be

conducted by e-mail or phone.

4. The donor must be offered a written copy of the Museum's mission statement (included on the Deed of Gift) and a copy of the CMP prior to the official transfer of ownership.
5. If the Museum has knowledge of a planned bequest prior to the death of the testator, the curatorial staff shall provide the potential donor with a written copy of the Museum's mission statement and CMP before a Deferred Gift Form is completed and put on file. The Museum may also request a copy of the will to place in this record, knowing that this document will be the legal record of the intended gift to the collection.

**e. Ethical Considerations of Accession**

1. In the event that the Collections and Exhibits Committee should authorize the purchase of an object for the Museum Collection with funds on hand, the possibility of a conflict of interest is to be avoided. Thus, if a Trustee or Museum staff member has an independent interest in purchasing the same work or object other than an intent to make an immediate gift to the Museum after purchasing, the interest of the Museum shall be paramount, and that of the individual shall be put on hold until after the purchase opportunity shall be acted upon or abandoned by the Museum. It shall be the responsibility of the Collections and Exhibits Committee to inform the individual of such pending action.
2. No member of the Museum staff is to start a personal collection that is in conflict with the Museum's acquisition priorities. Where such collections already exist, the Trustees are to be notified in writing, and the Museum is to be given serious considerations as the final repository.
3. No member of the Museum staff shall expand or revise personal collections in any subject area represented in the Museum Collection and must otherwise avoid even the appearance of competing privately with any function of the Museum.
4. No member of the Museum staff shall make professional monetary appraisals of objects, including the establishment of tax-deductible values, for gifts to the Museum.
5. The Museum Staff may identify (but not appraise or authenticate) an object or collection for professional or educational purposes only, or in compliance with the legitimate requests of professional or governmental bodies or their agents.
6. The Museum shall not acquire archaeological or ethnological specimens, which it has reason to believe have been unethically collected or unethically alienated from their society of origin (even when not in contravention of the relevant formal laws).

**f. Procedure for Accession**

1. The Collections and Exhibits Committee shall approve by formal vote the accession of objects for the Museum Collection.
2. The Museum shall prepare and preserve accession records for all objects acquired.

These records shall include instruments of conveyance signed by the donor, adequate description of all objects involved in an accession, and as complete as possible a documentation and history (provenance) of the object.

3. All records shall be prepared in the most current manner in use in the profession.

## **V. DEACCESSIONING OF OBJECTS**

### **a. Definition and Considerations**

The term "deaccession" refers to the permanent removal or disposal of property from the collection of a museum by virtue of its sale, exchange, donation, or transfer. It is the formal process used to remove permanently an object from the Museum Collection, and it can be applied only when certain conditions are met.

The historic identification of a work with the Museum or the Thoroughbred racing community must be considered when making decisions about deaccessioning.

Another important factor to be considered is the impact of such action on donors. The growth of the Museum Collection depends significantly upon the generosity of donors. In accepting gifts, the Museum adopts a position of trust.

Objects in the collection shall be retained permanently in the Museum as long as they continue to serve the objectives and purposes of the Museum, and if they can be properly stored, preserved, and exhibited. Deaccessioning of objects may be considered when these conditions can no longer be met, or if it is in the interest of improving the collection or furthering the mission of the Museum.

In some cases, this process enables the Museum to acquire better works than those removed from the collection by using funds raised from their dispersal, or when the removal of works no longer important for study, research or exhibition makes it possible to give more adequate space and care for the works retained in the collection.

### **b. Criteria for Deaccession**

Deaccessioning may take place in the following circumstances:

1. When the item or material is not relevant to the mission of the Museum
2. When works are donated with the understanding that they may be sold or exchanged, and doing so would strengthen the collection
3. When there are duplicates
4. When there are more examples of work in the collection by an artist or maker than would be exhibited or reasonably used for comparative study purposes
5. When there are commonplace works of inferior quality, similar examples of which are readily available on the market and which have no benefit for display or study
6. When only a fraction remains of the original condition of the object and it fails to retain its identity, when it is beyond repair, when it has deteriorated beyond its use



for display or study, or when it has been lost or stolen and there is no hope of recovery.

**c. Restrictions to Deaccession**

1. Before any object is deaccessioned from the Museum Collection, reasonable efforts will be made to ascertain that the Museum has clear title and is free to do so.
2. Where restrictions exist as to use or disposition of the object under question, the Museum will observe these conditions strictly. Reasonable effort must be made to comply with restrictions listed in the acquisition document, even if not legally bound to do so.
3. If there is any question as to intent or force of restrictions, the Museum will seek legal advice.
4. Deaccessioning shall only occur after concurrence by the Collections and Exhibits Committee.
5. All provisions for deaccessioning shall be consistent with the legal and ethical limitations recorded under Accession Policies and Procedures (Section IV).

**d. Method of Deaccession**

1. Permanent removal of deaccessioned objects from the Museum Collection shall be done in an ethical and legal manner.
2. The manner of disposition chosen shall represent the best interests of the Museum, the public it serves, the public trust it represents in maintaining and preserving the collection, and the scholarly and cultural communities it represents.
3. Deaccessioned objects can be transferred to cultural organizations (if the objects better fit their missions and purpose), sold (with funds raised allocated to the collection), disposed of, or destroyed (when beyond repair).
4. Objects of intrinsic value (aesthetic and historic value) in the collection shall be deaccessioned only upon the recommendation of the appropriate Museum staff and the Collections and Exhibits Committee. All deaccessions must be approved by the Board of Trustees.
5. When an object recommended for deaccession is estimated to be worth more than \$2,000, a professional appraisal must be obtained to confirm its value. When a work is believed to be worth more than \$10,000, three outside appraisals in writing must be obtained. These professional appraisals shall be used as a basis for establishing the price below which the item should not be sold (reserve price).

**e. Ethical Considerations of Deaccession**

1. The Museum realizes that it has a public accountability for its decision to deaccession and the method by which it chooses to dispose of an object. There will be no expectation of concealing the transaction.

2. At all times the original donor's wishes will be considered, and, where appropriate, new acquisitions obtained directly through the sale or trade of the original donated item, will bear the acknowledgement "GIFT OF (original donor) BY EXCHANGE."
3. Material that is part of the historical or cultural heritage of the United States should remain within the country.
4. In accordance with the AAM Code of Ethics, proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections. Proceeds from the sale of any deaccession shall be restricted in a separate fund that can only be used for the acquisition, preservation, protection, or care of collections. These funds cannot be used for ongoing operating expenses.

**f. Procedure for Deaccession**

1. A permanent record of all deaccessioned objects shall be kept on file. This shall include a record of the approval by the Collections and Exhibits Committee, the conditions and date of the transaction (method of disposal), the name and location of the museum or other transferee to which the object is transferred and/or sold, and a photograph and detailed description of each object covered by the deaccession action. All documents, including the authority for the action taken, shall be kept in the collections records.
2. A written statement of the Museum's policy and procedures with respect to the acquisition and deaccession of collections (CMP) shall be made available to donors or other responsible persons upon request.

**VI. LOANS**

The term "loan" refers to the temporary physical transfers of collection items from the Museum (other than those out for conservation) to another organization or the temporary transfer of items to the Museum for exhibition purposes. These transfers do not involve a change of ownership.

**a. Criteria for Loans**

1. The Museum may lend an object from its permanent collection for exhibit or research purposes to a museum or institution that will provide care and security for the object comparable to or better than at the Museum.
2. Incoming loans are accepted only for the purposes of exhibition or current research by the Museum.
3. The Museum Staff shall exercise the same due care toward incoming loan materials as they would toward objects in the permanent collection.
4. The Collections and Exhibits Committee shall review and approve all loan arrangements, both outgoing and incoming.

## **b. Outgoing Loans**

### *1. Restrictions and Requirements:*

- a. No loans will be made to individuals.
- b. Objects shall not be loaned if, in the opinion of the professional staff, there exists reasonable risk to the safety of the object or if they are of such importance, rarity or fragility that they must not be exposed to danger of loss, damage or deterioration by removal from the Museum.
- c. The borrowing institution shall be responsible for objects while in transit and while at the borrowing institution.
- d. Packing and transportation of outgoing loans must follow professional standards and safe methods approved in advance or arranged for by the curatorial staff. Professional shippers, under the direct supervision of curatorial staff, shall perform the wrapping and packing (and unpacking upon return) of collections objects on-site. All shipping costs shall be borne by the borrowing institution.
- e. The borrower must insure objects to the full amount specified by the Museum with the best available door-to-door coverage and furnish the Museum with a Certificate of Insurance that covers the entire loan period, from shipment to return.
- f. The Museum may require that loans be accompanied by a member of the curatorial staff and that the mounting, dismounting, and repacking be done under the supervision of a staffer, both at the borrower's expense.
- g. Only properly trained personnel shall be permitted to handle, move, or pack material to ensure safe handling of the object to minimize the risk of damage or loss.
- h. The borrower shall provide maximum security while objects are on loan, including while in transit, being unpacked or packed, in storage, being mounted or dismounted or on exhibit.
- i. No object may be altered, embellished, modified, or dismantled in any way by the borrower. No pins, nails or other supports may be used that will disfigure or endanger the object.
- j. Should an object be damaged, no repairs shall be made or ordered by the borrower without prior agreement and written approval from the Museum.
- k. Borrowed material may not be used for any commercial purposes whatsoever without specific written permission from the Museum.
- l. No objects may be re-loaned by a borrower without documented permission by the Museum.
- m. Adequate recognition shall be given in labels (not attached to the object), news releases, television coverage, and publications to "National Museum of Racing and Hall of Fame, Saratoga Springs, New York" as lender of the objects used for exhibition or research.

- n. When the purposes for which the loan is made have been completed, the objects shall be returned immediately to the Museum, even if the specified term of the loan has not expired.
- o. The Museum reserves the right to request the return of any object on long-term loan if needed for an in-house exhibition.
- p. The Museum may require a loan fee roughly commensurate with the cost to the Museum of preparing the requested materials from its collection for the loan. In each case, the fee shall be part of the loan agreement.

2. *Procedures:*

- a. Loan agreements shall be made only on the recommendation of the Director and Collections Manager and must be reviewed and approved by the Collections and Exhibits Committee.
- b. Loans will be made for a period of one year or less. If extensions to this initial period are granted, they must be reviewed by the Collections and Exhibits Committee.
- c. A complete record of the loan documentation shall be kept on file by the Curatorial Department. Appropriate loan forms shall include the relevant conditions governing outgoing loans. Any modification of these loan criteria may be made only by written approval of the Director and the Collections and Exhibits Committee.

**c. Incoming Loans**

1. *Restrictions and Requirements:*

- a. The Museum shall not be responsible for the preservation and safekeeping of objects on loan beyond that which they exercise for their own collections.
- b. Unless otherwise indicated in writing on the loan agreement, the Museum will carry fine arts insurance on objects borrowed using the valuation indicated by the lender.
- c. Unless permission to do so has been specifically denied in writing by the lender at or prior to the time a loan is made, the Museum is authorized to photograph for their own use any object they borrow.
- d. Any object borrowed by the Museum that is not currently on display may be withdrawn by the lender, upon reasonable notice, and returned prior to the expiration date listed on the loan agreement, thus terminating the loan.
- e. Further, any object on loan to the Museum may be returned to the lender upon request with reasonable notice.
- f. The lender must promptly notify the Museum, in writing, of any change of address or change in the ownership of property on loan to the Museum.

2. *Procedures:*

- a. Loans shall be accepted only on the recommendation of the curatorial staff

with approval from the Director.

- b. Appropriate loan agreement forms shall include the relevant conditions governing incoming loans and must be signed by both borrower and lender.
- c. A complete record of the loan documentation shall be kept on file by the Curatorial Department.
- d. Loans will be made for a period of one year or less (exceptions will be made for special exhibitions where the loan period will cover the display dates for that specific exhibition).
- e. If extensions to this initial loan period are granted, they will be made on a year-to-year basis and reviewed by the Collections and Exhibits Committee. Written documentation of the requested extension must be submitted to the lender at least 30 days before the termination date of the loan.

#### **d. Unclaimed Property**

The term “unclaimed property” means any object that is on loan to the Museum and in regard to which the lender, or anyone acting legitimately on the lender’s behalf, has not contacted the Museum for at least ten years from the date of the beginning of the loan, if the loan was for an indefinite or undetermined period, or for at least five years after the date upon which the loan for definite period expired.

According to New York State Museum Property Law (Section 233-AA of New York State Education Law), if the Museum has made a good faith and reasonable search for the identity and last known address of the lender from the Museum’s records and other records reasonably available, the Museum can terminate a loan for unclaimed property in its possession.

The Museum will then take the following steps to resolve the issue:

1. Mail a “Notice of Termination” to the last known address of the lender by certified mail with return receipt requested, indicating the Museum’s intent to terminate the loan and requesting how the lender would like to proceed: have the loan returned to them, kept on loan at the Museum and renewed annually (if the Museum also wishes it to remain on loan), or transferred to the Museum to accept into the collection or dispose of.
  - a. If no response is received within 120 days upon receipt, the Museum will send a second notice acknowledging the first and stating that it will begin proceedings to acquire title to the property.
  - b. If the lender fails to respond to the second notice within 120 days upon receipt, the Museum shall acquire all of the lender’s rights to the property.
2. If the Museum does not receive proof that the notices mailed were received within 30 days, if the identity of the lender is unknown, or if no known address is found, the Museum may give notice by publication, as follows:
  - a. Entitled “Notice of Intent to Acquire Property,” this statement must include the following: “The National Museum of Racing hereby asserts its intent to acquire title to the following property: (brief description of property). If you claim

ownership of this property, you must contact the Museum in writing and make arrangements to collect the property. If you fail to do so within one hundred eighty days, the Museum will commence proceedings to acquire title to the property. If you wish to commence legal proceedings to claim the property, you should consult an attorney.”

- b. The notice by publication must be given at least once a week for three consecutive weeks in a newspaper of general circulation in Saratoga County (current location of property) and the county of the lender’s last address, if known.
- c. The notice must include the name of the lender (if known), the last address of the lender (if known), a brief description of the property on loan to the Museum, the date of the loan (or approximate date), the name and address of the Museum, and the name and phone number of the Museum staff to be contacted regarding the property.
- d. If the Museum does not receive a response from the Notice of Intent to Acquire Property or discover any evidence establishing its ownership within 180 days of the date of notice by publication, the Museum shall cause a brief description of the property to be submitted to the comptroller, who shall post such description on the unclaimed funds registry for not less than 180 days.
- e. If the Museum does not receive contact from any person who can provide documentation or other evidence establishing an ownership interest in the property prior to or within thirty days following the conclusion of the unclaimed fund registry posting, the Museum shall acquire title to the property.

In addition to the accession or deaccession record for objects acquired as “unclaimed property,” records documenting the search for the identity and last known address of the lender, and copies of all notices and other documents prepared or received by the Museum in connection with the acquisition of title to such property must be kept on file.

## **VII. OBJECTS LEFT IN TEMPORARY CUSTODY**

There is a distinction to be made between objects loaned to the Museum for exhibition and/or research and objects temporarily deposited with the Museum for identification, authentication, examination for purchase/acquisition, or other related purposes. This activity usually involves the initiative of the owner to accomplish an objective of particular interest. It is a bailment, but it involves a lower standard of care than when the bailment is for the benefit of both the Museum and the owner.

In this case, a Temporary Custody Receipt shall be issued to the owner. This document shall state the fact that the bailment is for the benefit of the owner, and the Museum is responsible only for gross negligence. It shall further state that while reasonable care will be used, safety is not guaranteed, and no insurance will be carried. The purpose of this statement shall be to put the owner on notice that the Museum, with cause, is limiting its liability regarding the deposited material.

If too many objects have accumulated under the Temporary Custody procedures, the Director

shall institute a moratorium on the acceptance of additional objects until the backlog is reduced to a manageable level. Only the Director shall have the authority to approve the issuance of Temporary Custody Receipts.

Unsolicited objects mailed to the Museum shall be returned immediately with or without requested information, or a Temporary Custody Receipt will be mailed for review and signature.

A Temporary Custody Receipt, when issued, shall have a clearly specified termination date so that both the owner and the Museum staff are aware that a return date must be met. A maximum period of 90 days is suggested in most cases. The owner will also have the opportunity to denote how he/she wishes to have the item returned (via scheduled appointment, mailed at his/her expense) or what to do with the item if a return is not required (sold to benefit the Museum, or disposed of/destroyed).

The Museum has the right to photograph such objects or to examine them by generally accepted methods. The Museum shall not restore, treat or otherwise alter any objects left in temporary custody without the written permission of the owner.

Temporary Custody Receipts shall not constitute an endorsement or other approval by the Museum, and any representation by the owner that such is the case shall not be permitted.

If the Temporary Custody Receipt is used for objects for consideration as potential acquisitions via donation or purchase for the collection, the owner must warrant at this stage his or her ability to pass good title.

If for any reason the object cannot be returned at the expiration of the Temporary Custody Receipt, for reasons attributable to the owner, it will be inferred that an unrestricted gift to the Museum has been made if the object is not claimed after one year from the date of the issuance of the Temporary Custody Receipt.

## **VIII. OBJECTS FOUND IN THE COLLECTION**

The Museum recognizes that the records of acquisition, especially during the early years of its existence, are not complete. The Museum's policy regarding undocumented property in the collection is set forth here.

Generally speaking, any object found in the collection for which the Museum cannot prove ownership with certainty because of the lack of definitive records, shall be presumed as having been the result of a valid initial transfer of ownership to the Museum.

In the event any claimant asserts ownership in contravention of the previous statement, the burden of proving ownership rests on the claimant. This burden may be met in any individual case by the following:

1. A clear explanation of why the claimant believes he or she holds title, with copies of supporting evidence.
2. A statement from the claimant that he or she is either the sole party at interest or that he or she is authorized to represent all parties at interest, with supporting proof.

If there remains legitimate doubt as to validity of a claim, or if the claim appears to be valid but there are several claimants and some are reluctant to see the object removed from public use, the Museum should explore the issuance of a Deed of Gift, so that the title to the object shall then be secure.

Unless and until title to the objects has been resolved, the objects in the Museum shall remain therein, and shall not be loaned or removed from there by any parties, especially those who are asserting an adverse claim.

Whenever a claimant makes a claim in accordance with the foregoing, the Director shall report the matter to the Collections and Exhibits Committee.