

ROAP 2013 POINTS OF EMPHASIS

Protocols for Declaring a Race as “No Contest”

- The ARCI Model Rules 4.7 definition: No Contest is a race cancelled for any reason by the stewards/judges.
- ARCI-010-035 Running of the Race
E. (1)(d) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, exclude individual horses from all pari-mutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multi-race wagers.
- ARCI Pari-Mutuel Wager Model Rules cover protocols for a “no contest” 47 times with virtually all wagers.
- Stewards, placing and patrol judges, starter and his assistant starters, outriders, announcer, TV room operator and mutuel managers should all be prepared for the potential eventualities of a no contest.
- All tracks should be equipped with a siren and flashing lights that can be readily heard and seen by all participants on the racetrack.
- The first concern is the safety of the jockeys, horses and other participants. Should there be a malfunction of the starting gate and/or its towing vehicle, ambulance, vet truck or other any vehicle; or should a rider or horse go down on the track; or should a loose or mounted horse; or a person; bird or animal; or any other object create becomes an obstacle to the participants in the race that cannot be immediately solved, the stewards should error on the side of safety, and immediately declare the race a no contest.
- The siren and lights should be immediately turned on; the outriders should be alerted by radio to make sure the jockeys pull up their horses; the announcer should also announce that the jockeys are to pull up their horses; and any on-track personnel such as assistant starters, patrol judges, track vets or ambulance crew should, without getting in the way, also assist in making sure the jockeys know to pull up their horses.
- The announcer should announce that the race has been declared a no contest and that all wagers on that race will be refunded. The mutuel department should be prepared to refund wagers as per the rules of that jurisdiction with particular attention to the protocols for multi-race wagers.
- Should the stewards determine that an accident or malfunction of the starting gate, or other unforeseeable event did not compromise the safety of race participants, they should allow the race to finish and immediately hang the inquiry sign.
- The stewards should then investigate the situation that occurred during the race to determine if the fairness of the race of the race was compromised.
- If only one horse was impeded from having a fair chance to participate due to a mechanical malfunction of the starting gate stall door, mishandling by an assistant starter, obstacle on the racetrack; or other unforeseeable event, the stewards may declare that horse a non-starter for wagering purposes. The stewards may also choose to allow the horse to participate in the purse according to where the horse actually finished.

- Each jurisdiction and/or racetrack should have a standard rule or protocol for when more than one horse was impeded from having a fair chance to participate due to a mechanical malfunction of the starting gate stall door, mishandling by an assistant starter, obstacle on the racetrack; or other unforeseeable event. Whether the determining factors are if any horse crossed the finish-line unimpeded, at least half the field finishes unimpeded, or other predetermined protocol, the primary concern should be consistency in determining what constitutes a no contest.
- When a race is declared a no contest, a protocol should be in place to cover the jockey mount fees. Best practice would include the racetrack to pay the last place purse distribution to all horses at the gate to allow horsemen to cover jockey mount fee which should be deemed earned when the starter dispatches the field even if there is a malfunction of the starting gate.

Reciprocity of Lists

- Almost every race office in the U.S. has access to the InCompass RTO System. The RTO contains the various lists – Stewards’, Vet’s and Starter’s – from each racetrack. All jurisdictions have now agreed to share “read only” access to these lists.
- The ROAP web-site has a tutorial on how to properly utilize these lists at <http://www.horseracingofficials.com/default.asp?id=9> .
- Stewards should request their racing office to notify them if any horseman wants to enter a horse that is on a list prior to entering the horse. The stewards should then determine if the horse should be allowed to enter, pending being given an off date, or if the horse should be deemed ineligible until it has an off date on the list.
- Only the track that put the horse on the list can enter an off date.
- No matter which decision is reached, the trainer should be informed that his/her horse is on list and he/she should contact the racetrack or racing commission where the horse is on the list to determine what has to be done to have the horse removed. The stewards and race office staff should provide advice, contact numbers and possibly assistance for the trainer to accomplish this objective. Under no circumstances should a horse be allowed to race if it is on a Stewards’, Vet’s or Starter’s List if your jurisdiction states that a horse on one of these lists is ineligible to enter and/or race.
- Stewards, starters, regulatory and track veterinarians, and racing office personnel should make every effort to take horses off lists when the requirements of coming off the lists have been met especially at the end of race meets.
- Inter-jurisdiction protocols should be established by the ARCI/AAEP Regulatory Veterinarian Committee, ROAP Stewards’ Advisory Committee and the InCompass Racing Secretaries Committee to provide for cooperation between jurisdictions so that a horse on a list moving from one jurisdiction to another has the opportunity to become eligible to come off the list by the satisfaction the requirements imposed by the previous jurisdiction, in the current jurisdiction.
- These lists should not be used to keep vet’s, starter’s, stewards’ or race office notes on a horse or licensee. The RTO System has applications to allow notes to be kept for use at that track only, or to be shared with other regulatory vets, starters or stewards. Individual licensees can be placed on horsemen’s lists by the track.

Board of Stewards’ Meetings with Racing Officials, Racetrack Staff, Jockeys and Horsemen Prior to the Start of Race Meet

- Prior to the beginning of any race meet, the board of stewards should meet with every racing official, race office staff member and racetrack management to make sure everyone knows their job responsibilities and pertinent racing commission rules and regulations and racetrack rules and standard operation procedures pertinent to their positions.
- As much as is feasibly possible, these meetings should be held in a group format so that everyone has a basic understanding of each other's responsibilities.
- These meetings should include "What If" discussions to cover circumstances that could happen such as power failure, inclement weather, lightning, loose horse, injured participants (horses, riders, employees, spectators), communications issues (toteboard, announcer, television), fires, traffic jams, etc.
- The board of stewards should conduct "What If" discussions on a regular basis to be better prepared for any eventuality that may occur during the course of a race day especially with rule violations, objections, protests, positive lab reports, contraband in restricted areas, machines/batteries, injectibles and syringes in barn area, unlicensed participants, photo-finish and/or timer malfunction, early or late close of betting, etc.
- As much as possible of these rules, regulations, standard operating procedures, protocols, job descriptions, etc. should be in writing for consistent application and review on a routine basis.
- The board of stewards, state vets, racing officials and racetrack management should also conduct a meeting with the jockeys, horsemen and horsemen's representative staff a couple of days prior to taking entries. The topics should include but not be limited to;
 - Track rules
 - Security protocols
 - Areas of special emphasis by the board of stewards
 - Procedures, especially since the last meet, for:
 - Office hours and phone numbers for racing, licensing and stewards
 - Training schedule and on-track protocols from outriders
 - Entries & stake nominations
 - Scratch time & protocols
 - Shipping in and out requirements, including training and in-today horses
 - Claiming
 - Saddling paddock
 - Starting gate
 - Claim of fouls and stewards' inquires
 - Test barn
 - Pre- and post-race drug/medication testing procedures
 - Pre- and post-race inspection of horses by state and track vets
 - Medication rules and procedures including Lasix (Salix) administration
 - Stewards' hearings on alleged rule violations - location, notification, time deadlines, evidence and witness issue, due process matters, etc.
 - Questions

Protocols for Reciprocity of Suspensions

Rules and regulations in all jurisdictions normally require a license applicant to be in good standing everywhere, and those who are suspended; license denied, refused or revoked; ineligible for a license; or are not in good standing in any jurisdiction per their application or RCI database

are required to be restored to good standing in the jurisdiction where the individual is not in good standing before they can be licensed in another jurisdiction. When a license application is withdrawn by the applicant in anticipation of a denial of application by that racing jurisdiction, the racing jurisdiction should notify RCI that the application was withdrawn prior to final determination on whether or not it would be accepted or denied.

Summary Suspensions

In most jurisdictions, the board of stewards or the racing commission has the authority to summarily suspend a licensee for a serious rule violation that may threaten the public safety or the integrity of racing. Due to precautions to insure the right of the individual to due process, summary suspensions are rarely imposed pending the hearing for the rule violation in racing. As hearings can often be repeatedly postponed, it is recommended that each jurisdiction consider whether serious rules violations should mandate a summary suspension such as positive lab reports of Class 1 drugs, possession of illegal or prohibited Class 1 drugs within the enclosure, possession of a machine/battery, reckless endangerment within the enclosure, race fixing, illegal or fraudulent wagering practices, or other serious offense that might normally result in arrest and incarceration pending a hearing.

Restraining Orders

Occasionally, a board of stewards anticipates an individual or individuals may seek a restraining order from a judge to participate when the stewards have determined the individual(s) or a horse(s) is/are ineligible to participate for a rule violation (positive lab report, not properly entered, not eligible to be entered, etc.) or is not in good standing due to being suspended, ineligible to be licensed, or not able to secure a license prior to entry or post time, or other circumstance required and/or justified by the rules. The board of stewards should immediately contact the commission executive director and commission legal counsel to relate and discuss the situation and circumstances. The commission should then be prepared to contest the restraining order or have an appropriate appeals judge prepared to immediately hear the commission's appeal of a restraining order. The stewards should be included in the contesting and appealing of the restraining order due their eminent knowledge of the circumstances.