

# 2015 ROAP Points of Emphasis

## 1. Program Trainers

The Oklahoma Horse Racing Commission definition:

**"Program Trainer** is a licensed trainer who, for the purposes of the official race program, is identified as the trainer of a horse and is acting on behalf of another individual that is either licensed or not licensed; cannot be licensed; is prohibited from racing for any reason; or is attempting to assume the appearance of being the trainer of a horse that he/she does not have in his/her care, custody or control, or which is under the control of and/or trained by the licensed or unlicensed individual."

Applicable ARCI Model Rules are attached at the end of this document in "Resources." These rules can be utilized to address the issue of program trainers. Unless there are comparable rules in your jurisdiction, these rules should be considered for adoption.

Through the coordinated efforts of the Stewards and commission investigators with the cooperation and assistance of track management, program trainers should be able to be investigated, rule violations alleged, subjected to a Stewards' hearing, and properly sanctioned with a fine and/or license suspension.

1. At the initial licensing process for a trainer make sure the applicant has thoroughly completed the license application form. Do not allow the term "on file". Then check the trainer's ARCI licensing and rulings history to substantiate his/her previous licenses and rulings listed on the application. If the information provided on the application is incomplete or falsified, you have a potential rule violation that could result in license denial.
2. Check the trainer's record on Equibase. If he or she does not have a fairly significant record of starts, wins, horses in the money and earnings in the last five years, the Stewards may want to require the applicant to take a trainer's test. Of course, if that applicant has never been a trainer, he has to take the test. The Stewards should utilize the National Trainer's Test available through ROAP as a resource in creating the trainer's test. All applicants should have 2-3 licensed trainers and at least one licensed owner who are willing to be sponsors.
3. Review the list of horses the trainer claims he will be training if granted a license. Check the last several starts of each to see who have been training the horse and who the last recorded owner was. Contact that owner of each horse and ascertain through a series of questions if the applicant is the actual trainer of the horse. If there is a significant question, the Stewards may have just cause not to license the applicant.
4. In the case of a suspended trainer transferring his horses to this trainer, he must have the approval of the Stewards who can thoroughly investigate the situation and request cooperation from the owners to establish this is a legitimate transfer before they approve the transfer.
5. In the course of routine security patrols of the barn area, check the trainer's shedrow to see who is working for him. Make sure the grooms have badges and correspond to the trainer's badge list. Verify that the trainer was listed on the groom's license applications, and that the trainer signed the groom's application. This trainer should be included at least once in the occasional barn searches.
6. Monitor deposits and withdrawals from the trainer's horsemen's bookkeeper account and the accounts of his owners.
7. If the trainer's staff is paid by check and they cash their checks at the racetrack, have whoever okays and initials the checks keep a list of grooms' checks he should be monitoring for possible payment by someone other than the trainer for whom the groom works.

8. Check with the trainer's veterinarian to see who is being billed and who is giving or okaying the vet med administration instructions.
9. Closely monitor who enters the horses, and if it is a jockey agent, inquire from whom the agent is getting the authorization and instructions.
10. Have security or the safety steward check out the trainer's shedrow on race days when he has an in-today horse to see who is present in the barn by checking names and license badges.
11. Make sure that the trainer saddles his horses in the saddling paddock and be cognizant of other people in the saddling paddock stall with the trainer.
12. Get copies of all win pictures and have security watch for who is close by the winner's circle, especially if there is a suspended or ineligible person the Stewards think is the actual trainer. Check to see who orders the win pictures, and if they are mailed, to whom.
13. If the horses are shipping in from off the grounds, monitor who comes in with the horses on race day and from where the horses are coming. If the horses have been at a licensed training facility, utilize the same barn patrol protocols for the trainer's shedrow as in #4 above.

All of these steps can help determine who the actual trainer is of specific horses, and if there is a program trainer involved. Of course, informants can be helpful, as the barn area licensees usually think they know who the actual trainers are. If you have probable cause to suit your commission legal staff, you can subpoena the owners for the trainer's bill and records of payment. In the case where the trainer only has one owner of all the horses, the investigation may become more complicated with the owner and trainer conspiring to protect the actual trainer. In these cases and the case where the trainer is the owner of all the horses, the track can consider refusing stalls and the right to enter.

There are other incidences of program training such as a groom who is the owner and/or trainer of a horse which races under the name of the trainer for whom the groom works. There is also the case when the horse or horses trained and/or owned by another trainer in another jurisdiction, are sent to a local trainer who is training the horse or horses on an extended basis, not just shipping in for a race, stake or trials, and then shipping out. There should be an assistant trainer for the trainer in another jurisdiction for these horses. These other incidences are not quite as serious as a program trainer training for a suspended or ineligible trainer, but this is program training all the same as the actual trainer of the horse is not listed on the program.

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## **2. Assessing Implementation of Industry Initiatives at the Racetrack**

Over the last 10 years there has been a number of horse racing industry initiatives that have been researched, developed, recommended and implemented in many jurisdictions and at a significant number of racetracks. Some of these industry initiatives are the ARCI Model Rules, The Jockey Club Equine Injury Database, RMTTC therapeutic medication threshold levels and withdraw times for definitive administration protocols, NTRA Safety and Integrity Alliance, Jockey Health Information Database, Groom Elite, safety equipment (vests, helmets, riding crops & reins), ORI & TRPB track security guidelines, horse shoe traction devices, ambulance para-medics, InCompass list sharing, track maintenance protocols and record keeping, continuing education for trainers, and racehorse retirement program.

For the most part, these initiatives have been the collaborative efforts of breed registries, racing commissions, racing associations, racetracks, horsemen's associations, veterinarians, jockeys and industry vendors. While these initiatives are for the most part universally adopted at the national level, implementation and compliance at the local level are in some instances not followed through and enforced.

Stewards should be knowledgeable of these industry initiatives and the applicability to their jurisdiction and racetrack. It goes without saying that Stewards must be well-versed in the racing statutes, administrative procedures, rules and regulations of their jurisdiction. Stewards should also be familiar with the ARCI Model Rules and racing rules and regulations in surrounding jurisdictions.

If the horse racing industry is ever going to have uniformity in rules, regulations and the enforcement thereof, Stewards should be willing to take an important role in the consideration and adoption of ARCI Model Rules in their jurisdictions. The ARCI Model Rules are available at: [http://www.uarip.org/industry\\_service/arci\\_model\\_rules](http://www.uarip.org/industry_service/arci_model_rules).

The Grayson-Jockey Club Equine Research Foundation has conducted five Welfare and Safety Summits every other year since 2006. Many of the industry initiatives listed above are products of these industry-wide summits. For definitive information about these welfare and safety initiatives go to: <http://www.jockeyclub.com> and click on the “Advocacy and Promotions” banner for connections to “Aftercare, Integrity, Safety Initiatives and Promotions”.

The National Thoroughbred Racing Association formed the Safety and Integrity Alliance in response to a call for industry leadership to address safety and integrity issues at the racetracks. To date, 22 racetracks representing more than 70% of the wagering on horse racing in the North American have been accredited by the NTRA. Stewards should be familiar with the NTRA Safety and Integrity Code of Standards for accreditation. If their track is NTRA accredited, the Stewards should make sure that compliance with the Code of Standards is on a full-time, real-time basis. If their track is not NTRA accredited, the Stewards should encourage track management to consider becoming accredited or at least begin adopting as many of the Code of Standards at their track as possible. The NTRA Code of Standards is available at: <http://www.ntra.com/en/safety-alliance/>.

There are many more web-sites that can be utilized in the research of industry initiatives on safety, integrity, health and welfare. Consistent, cooperative communications between racing jurisdictions and with horsemen and track management across all breeds can certainly help with the uniform implementation and administration of these industry initiatives. The Jockey Club provides a comprehensive directory of these web-sites on a state, national and international basis at: <http://www.jockeyclub.com/default.asp?section=Resources&area=11&report=N>.

As stated, many excellent industry initiatives that are critical to the current and future success of the horse racing have been researched, developed and recommended by the leadership of the various horse racing industry organizations. The bottom-line of this ROAP Point of Emphasis is that not all jurisdictions, racetracks and horsemen’s associations have embraced, adopted and implemented these industry initiatives at the local level. And, many of those jurisdictions, racetracks and horsemen’s associations that have adopted these industry initiatives may not be implementing and enforcing these rules, safety protocols, integrity programs and standards of procedures on a daily basis. Therefore, the Stewards at each racetrack in every jurisdiction should be doing their part to supervise and coordinate the utilization of industry initiatives at their track.

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### **3. Licensing Protocols**

The licensing process in every jurisdiction should have written standard operating procedures for the licensing staff, investigators and Stewards to follow. This is the access point for licensees and once granted is more difficult to revoke than refuse at the time of application. At the end of each racing season, the commission licensing and legal staffs, and the Stewards should review the license application and associated documents (stable name, partnerships, authorized agent, vendor, etc.) and

make any necessary updates. A prime example of the need for review and updates is that many license applications in use today do not request an e-mail address.

At the initial licensing process, the licensing staff must make sure the applicant has thoroughly completed and properly signed the license application form. Do not allow the term “on file” for the questions concerning previous licenses, suspensions and fine, and arrests and convictions. Require the applicant to at least list the three most recent of each. Then check the license and ruling history in the ARCI database to substantiate his/her previous licenses and rulings listed on the application. If the information provided on the application is incomplete or falsified, you have a potential rule violation that could result in license denial. The same applies for the investigators substantiating that the arrests and convictions questions are correctly answered.

In checking the ARCI Licensing and Rulings Database, the licensing staff should be thoroughly trained to understand how to properly search the database. Because licensees may have been licensed in several jurisdictions over many years, they may have more than one file due to errors in the input of the name, date of birth and social security number. The ARCI currently accepts only the last four numbers of the social security number. In addition, some jurisdictions have not uploaded their licensee and ruling information to ARCI on a timely and consistent basis. The ARCI staff is always very willing and extremely helpful in teaching licensing staff how to properly utilize the database.

If finger-printing is required in your state, it makes the most sense to only require fingerprints every three years. Life Scan finger-printing should be utilized if at all possible because FBI identification of ink prints can take as long as three months which is shorter than many race meets.

Every applicant should be required to provide a government issued photo identification preferably a current driver’s license. Racing license badges from other states, provinces or countries while generally acceptable are only as good as the licensing process in that jurisdiction.

If the applicant is not a citizen in your jurisdiction, then they should provide appropriate immigration documents. The licensing staff should then have the ability to utilize E-Verify, a United States Citizenship and Immigration Services Internet-based system that allows agencies to determine the eligibility of license applicants to work in the United States.

Once the initial application process has been completed, the application should be initialed by the licensing staff person who assisted the applicant. A photo-copy of the government issued ID, the ARCI licensing and ruling history, and immigration status should be attached to the licensing application. The license staff may want to keep a photo-copy of the license application and attachments until the final application is received back from the investigators and Stewards.

Depending on the protocol and staffing in your jurisdiction, either the Stewards or the investigators will receive the application next. The investigators will check the criminal background for the applicant. Once the investigators are satisfied that the applicant should be licensed, they should initial the application and forward to the Stewards. Thorough checks of criminal databases and the FBI fingerprint report make take time to complete. In these cases, especially for first-time applicants, a temporary, conditional or provisional license might be issued depending on the administrative protocols in your jurisdiction.

The Stewards should review the license application thoroughly for completeness and any questionable submissions or rulings. In cases where the applicant must demonstrate the expertise and experience (trainers, jockeys, exercise riders, pony persons, farriers, etc.) to hold the license for which he or she has applied, the Stewards should check the trainer’s or jockey’s records on Equibase. If the applicant does not have a fairly significant record of starts, wins, horses in the money and earnings in the last five

years, the Stewards may want to require the applicant to take a trainer's test or meet the requirements for a first-time license as a jockey.

If an exercise rider or pony person does not have a fairly substantial licensing history in that capacity within the past five years, then the Stewards should require the applicant to meet the requirements of a first-time applicant for these positions. These generally should require the applicant to demonstrate his horsemanship abilities to the satisfaction of the outriders, Starter and Stewards. Again, a 1-2 day conditional, provisional or temporary licenses, if permitted in your jurisdiction, may be issued so the applicant can acceptably demonstrate his skills to the examiners.

The licensing of practicing veterinarians should always require the interview by and approval of the Chief Commission Veterinarian or Veterinary Medical Officer.

The Stewards should review the list of horses the trainer claims he will be training if granted a license. By checking the last several starts of a couple of the horses in the InCompass RTO System to see who was listed as trainer and if the horses appear to have recent starts or works, the Stewards can determine if the trainer is ready to race at the meet.

Depending on the workers' compensations insurance statutes, rules and regulations in your jurisdiction and/or the requirements of track management, trainers may have to provide proof of workers' compensation coverage at time of licensure. In addition, a trainer's "badge list" of current stable employees should be maintained in the licensing office with current copies at the stable gate and available to track security, commission investigators and the Stewards. Trainers are required to keep this information up-to-date so that grooms do not switch trainers, quit or are terminated without the licensing office being properly noticed to update the badge lists and licensing database as to for whom a groom currently works.

After reviewing all of the information provided on the application, the ARCI licensing and ruling history, Equibase and RTO records and, if possible, having received the investigators' report, the Stewards might also interview the applicant, if necessary, by phone to help determine whether or not they should license a questionable applicant. If the Stewards decide to license the applicant, at least two of the Stewards should sign the application. If the Stewards determine not to license the applicant, he should be informed of that decision and the proper administrative procedures in that jurisdiction should he want to appeal the Stewards' denial or refusal to license. A ruling should be issued unless the protocols in your jurisdiction allow the licensee to withdraw his application without prejudice.

Under some circumstances, unlicensed persons (trainer, groom, exercise rider) may arrive at the racetrack with horses for which they are responsible for the care, custody and/or control when the licensing office is not open. Procedures should be established for the stable gate security to get photo-copies of photo identification and a current racing license badge from another jurisdiction, and issue temporary barn area passes for no more than three days until the person can be properly licensed. This may also occur on or before race day with ship-ins, whereby the unlicensed persons need to unload, walk, water and bed the horses in a receiving stall prior to getting licensed. The procedure of a temporary pass with photo-copies of ID card and a current pari-mutuel badge should be utilized until these persons can go to the licensing office.

The licensing of a participant at the race meet should never be an automatic procedure without the approval of the investigators and Stewards just because the applicant has been previously licensed in that jurisdiction or is currently licensed in another jurisdiction in the same capacity. It is far more effective and efficient to thoroughly screen license applicants and properly issue, or deny an application, then to have to go through the necessary protocols to rescind or revoke a license when it is discovered that the applicant has falsified the application; is under suspension; has a recent ruling or criminal issues

that preclude the issue of a license; or that the applicant is not qualified for whatever reason to receive the license for which he has applied.

Applicable ARCI Model Rules are attached at the end of this document in “Resources”.

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#### **4. Rule Violation Penalty Determinations**

One of the primary responsibilities of the Stewards is to determine the appropriate penalties for rule violations. Stewards should strive to be as consistent as possible with the issuance of fines and suspensions for similar offenses in their jurisdiction. In addition, horsemen, commissions, racing officials, track management and racing fans would like to see uniformity across jurisdictional boundaries.

Once a possible rule violation has been determined, the Stewards with the assistance of the commission investigators, drug testing laboratory, racing officials, security and track management will conduct an investigation. Eventually, the Stewards may initiate the hearing process for the alleged rule violator while ensuring that all of the licensee’s rights under due process and administrative procedures for that jurisdiction have been properly followed.

When the due process has been completed and a hearing held, the Stewards will determine if there has been a rule violation. If the licensee is found to be in violation of the racing rules in that jurisdiction, only then should the Stewards begin to consider the appropriate penalty.

The Stewards have many resources and guidelines that can be utilized to determine the appropriate penalty. The ARCI license and ruling history for the licensee, comparable rulings for similar offenses from an ARCI rulings search, extenuating circumstances, any applicable ARCI Model Rules recommended penalties, previous penalties for similar offenses in that jurisdiction and commission recommendations should all be considered.

The ARCI license and ruling history for the licensee is easily searched by using the same procedures the licensing office utilizes during the application process. The ARCI has another excellent search program available to the Stewards in the Main Menu of the ARCI Database under “Ruling Search” where rulings can be searched by ruling type, drug, breed and jurisdiction for any given time frame. Once the ruling report is run, the Stewards can both print the entire report and individual rulings contained therein on-line.

Extenuating circumstance that may be mitigating or aggravating factors to penalty consideration should be reviewed. A list of extenuating circumstance for drug violations is provided in the ARCI Model Rules 011-020 Medications and Prohibited Substances attached at the end of this document in “Resources.” These include the past record of the trainer, suspicious betting patterns, purse of the race and trainer’s efforts to safeguard his horse. The commission legal staff should be consulted concerning the appropriate extenuating circumstances Stewards can consider in the penalty phase. While Stewards often consider the quality of racing, average daily purses, average number of annual starts in a trainer’s or jockey’s record, recent changes in rules and regulations, and intent of the licensee, the commission legal staff should again be consulted for advice as to permissible extenuating circumstance.

Concerning penalties for therapeutic medications and prohibited drug rule violations, the ARCI Model Rules has a complete list of drug classifications, penalty categories and recommended penalties at: <http://arcicom.businesscatalyst.com/assets/uniformclassificationguidelines.pdf>.

Of course, the Stewards will have access to previous penalties for similar offenses in their jurisdiction and their commission's penalty guidelines and recommendations. An additional consideration is the limits the Stewards have in terms of maximums for fines and suspensions they can assess. In cases where a review of all the aforementioned criteria for determining the fine and/or suspension calls for amounts and days in excess of the maximum limits, the Stewards should consider awarding the maximum fine and suspension, and refer the case to the commission with recommended further sanctions.

All of these considerations with the thorough investigative efforts, proper notice to the accused licensee and a correctly administrated Stewards' hearing will help establish consistency in penalties awarded both within the jurisdiction and across the horse racing industry. Penalties that are too lenient; are inconsistent with similar circumstances; or do not take notice of repeated offenses will be to the detriment of the integrity of the horse racing industry and may not be a sufficient deterrent to keep licensees from committing rule violations.

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## **5. Catastrophic Review Protocols**

Below is an outline of a catastrophic review process, who should participate and procedures for conducting a review. Regardless if your jurisdiction requires a full necropsy of any equine death, a catastrophic review into those deaths should be conducted.

### **Catastrophic Review Committee**

#### Standing Members:

VP of Racing  
Racing Secretary  
Association Steward  
Track Veterinarian  
Track Superintendent  
Chief Commission Veterinarian  
Chief State Steward  
Associate State Steward  
Jockey Guild Rep  
Horsemen's Association Rep

#### Incident Participants:

Trainer  
Practicing Veterinarian  
Jockey

### **Resource Review Records**

Race Video Replay  
Equibase Race Chart  
Past Performance Information with Pertinent Race Charts  
EID Injury Report  
EID Injury History

Daily Veterinarian Medication Reports  
Equibase Starters' Comments  
Paid Autopsy Request Form  
Tufts Cummings Vet School Autopsy Report  
Recent Veterinarian Bills  
Radiographs  
Trainer's Training Records  
Track Maintenance Records  
Lab Drug Test Report  
Pre-Race Exam Findings  
Insurance Status of the Horse  
Interview Reports:  
    Trainer  
    Jockey  
    Practicing Veterinarian  
    Farrier  
    Owner

Other Associated Licensees (Groom, EX Rider, Previous Owner, Trainer or Jockey)

## **Definitions**

- A Catastrophic Injury is one in which the stability of a leg is completely disrupted and is consistent with Triage Scores IV and V. These injuries are career ending and in the majority of cases life threatening.
- Triage Score IV is severe instability in 1 plane; closed injury.
- Triage Score V is limb instability in 2 or more planes/loss of column of support (open or closed); open: fx/joint capsule/tendon sheath.
- A Race Related Catastrophic Injury is when a horse is severely injured, dies or is euthanized as a direct result of injuries sustained while participating in a race, including on-track deaths or horses that are injured and transported to a barn or referral vet hospital, but are subsequently euthanized within 7 days after a comprehensive examination identifies the extent of the injury.
- A Training Related Catastrophic Injury is when a horse is severely injured, dies or is euthanized as a direct result of injuries sustained while participating in training, including on-track deaths or horses that are injured and transported to a barn or referral vet hospital, but are subsequently euthanized within 7 days after a comprehensive examination identifies the extent of the injury.
- Non-racing or training related equine deaths are horses that die or be euthanized on the grounds of the racetrack due to any other reasons such as colic, anaphylaxis shock, EPM or other debilitating condition or disease.

## **Standard Operating Procedures**

Racing Related Catastrophic Injury



- If a breakdown or injury occurs during the race, the Stewards call for the horse ambulance, post the inquiry sign, review the video replay and make any necessary determinations as to the outcome of the race.
- Between races talk to the jockey(s) involved unless they were injured and unavailable.
- Prior to the end of the racing program or shortly thereafter if the incident occurred during the last several races, talk to the Track Veterinarians as to initial prognosis of the breakdown or injury.
- Request a DVD of the race and all available camera angles of the breakdown and the race leading up to the breakdown.
- The Track Veterinarian should complete the Equine Injury Report and within 24 hours enter the report into the Equine Injury Database.
- The Chief Commission Veterinarian shall complete the Paid Autopsy Request Form and make the necessary arrangements with the track staff for the dead horse to be transported to vet school lab as soon as possible.
- The next day begin to assemble the necessary information listed under Resource Review Records from all resources and the responsible collector.
- The responsible interviewer should contact the pertinent licensees outlined under Resource Review Records as soon as possible.
- The Chief Commission Veterinarian should be the responsible for collecting and maintaining the case study file.
- When the preliminary autopsy report, drug testing lab results and all the other Resource Review Records have been collected, a Catastrophic Review Committee meeting should be convened as soon as possible, but in no case less than two weeks after the incident.
- The Catastrophic Review Committee determinations (if any) and recommendations to assist in the avoidance of any future catastrophic incidents (if any) should be appropriately circulated and initiated.

#### Training Related Catastrophic Injury

- If a breakdown or injury occurs during training, the Clocker turns on the siren; and the Outrider calls for the horse ambulance and has the stable gate page for a veterinarian.
- The Stewards, the Chief Commission Veterinarian and the Track Veterinarians should be notified by the Clocker that a Training Related Catastrophic Injury has occurred.
- If the Track Veterinarian is available, a blood sample should be collected from the horse for drug testing.
- The rider, unless injured and unavailable, should be questioned by the Outrider, Stewards or Chief Commission Veterinarian as to the circumstance surrounding the injury.
- The Chief Commission Veterinarian shall complete the Paid Autopsy Request Form and make the necessary arrangements with track staff for the dead horse to be transported to vet school lab as soon as possible.
- With the assistance of the attending veterinarian, the Track Veterinarian should complete the Equine Injury Report and enter the report into the Equine Injury Database.
- The Stewards or the Chief Commission Veterinarian begins to assemble the necessary information listed under Resource Review Records from all resources and the responsible collector.

- The responsible interviewer should contact the pertinent licensees outlined under Resource Review Records as soon as possible.
- The Chief Commission Veterinarian should be the responsible for collecting and maintaining the case study file.
- When the preliminary autopsy report, drug testing lab results and all the other Resource Review Records have been collected, a Catastrophic Review Committee meeting should be convened as soon as possible, but in no case less than two weeks after the incident.
- The Catastrophic Review Committee determinations (if any) and recommendations to assist in the avoidance of any future catastrophic incidents (if any) should be appropriately circulated and initiated.

#### Non-Racing or -Training Related Equine Deaths

- Practicing Veterinarians and trainers are required to immediately report non-racing or -training related equine deaths to the Chief Commission Veterinarian.
- The Chief Commission Veterinarian shall complete the Paid Autopsy Request Form and make the necessary arrangements with track staff for the dead horse to be transported to vet school lab as soon as possible.
- The Stewards or the Chief Commission Veterinarian begins to assemble the necessary information listed under Resource Review Records from all resources and the responsible collector.
- The responsible interviewer should contact the pertinent licensees outlined under Resource Review Records as soon as possible.
- The Chief Commission Veterinarian should be the responsible for collecting and maintaining the case study file.
- When the preliminary autopsy report, drug testing lab results and all the other Resource Review Records have been collected, a Catastrophic Review Committee meeting should be convened as soon as possible, but in no case less than two weeks after the incident.
- The Catastrophic Review Committee determinations (if any) and recommendations to assist in the avoidance of any future catastrophic incidents (if any) should be appropriately circulated and initiated.

## **6. Writing, Downloading and Publishing Stewards' Rulings**

Stewards' rulings are perhaps the most important communication that a Board of Stewards shares with the licensees at their racetrack, in their jurisdiction, with surrounding jurisdictions and the ARCI licensing and Rulings Database. The timely sharing of this information is extremely important. A racing rule has been violated in most all stewards' rulings. The immediate communication of this information can act as a deterrent to the potentiality of other licensees violating the same rule, and in the case of suspension, jurisdictions are notified that this licensee is no longer eligible to participate during the course of this suspension.

The format utilized for writing a ruling should be determined by the racing commission's legal staff. Most often the ruling needs to communicate the findings of fact, conclusions of law and determination of the penalty.

For the benefit of those reading a stewards' ruling, the licensee being penalized must be accurately identified, usually by full name, date of birth, last four numbers of his or her social security number, the city and state of his permanent residence, and license category and number in that jurisdiction.

Then the ruling should state the situation including date and location which violated the rule(s) which is the finding of fact. Next should be the listing of the specifics regarding the rule(s) violated which is the conclusions of law. Then, the determination of the penalty should be clearly stated including fine, suspension, and denial of privileges such as access to the racing facility. Finally, the right and procedures to appeal the stewards' ruling should be clearly stated.

**Examples:**

**TENNESSEE HORSE RACING COMMISSION  
NASHVILLE DOWNS – BOARD OF STEWARDS**

DATE: January 31, 2015

NO: 2015-NVD-011

Upon receipt of a report from Integrity Laboratories, that the blood sample #06567 taken from the horse, TROOPER, which finished 2<sup>nd</sup> in the 3<sup>rd</sup> race on December 18, 2014 was found to contain PHENYLBUTAZONE at a level 7.1 micrograms/mL and its metabolite OXYPHENBUTAZONE at a level of 1.4 micrograms/mL, the Nashville Downs Board of Stewards notified the trainer of the horse, JAMES JAY DOE, DOB 03/09/66, NHRC License #1347, last four SS# 1234 of Raleigh, NC. This is a second violation of NHRC Rule 4.52(5)(a)1a in the last 365 days.

Trainer of the horse, TROOPER, JAMES JAY DOE, requested a split sample be sent to the University of Tennessee Laboratory which, in a report dated January 21, 2015, confirmed the presence of PHENYLBUTAZONE at a level of 7.6 micrograms/m.

Upon appearance before the Nashville Downs Board of Stewards for a formal hearing on January 31, 2015, Trainer JAMES JAY DOE's NHRC Trainer's License is hereby suspended for fourteen (14) calendar days from February 1 through February 14, 2015, hereby fined the sum of five hundred Dollars (\$500) and per NHRC 4.52(2)(f), and one (1) ARCI Multiple Medication Violation Point will be added to JAMES JAY DOE'S ARCI Rulings Record.

During the period of his suspension, JAMES JAY DOE is denied the privileges of the grounds of Nashville Downs and all licensed pari-mutuel wagering facilities in Tennessee, cannot participate in pari-mutuel horse racing as an owner, trainer or any other license, must place his horses on the grounds of Nashville Downs under the care, custody and control of a licensed trainer approved by the Stewards, cannot communicate or give instructions to the trainer or his employees in charge of his horses, nor can he receive any allocation of funds into his Horsemen's Bookkeeper Account attributable to this period of time.

**NHRC 4.52(5) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)**

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

1. Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

a. Phenylbutazone – 2 micrograms per milliliter

NHRC 4.35(3) The Stewards shall have general supervision over owners, trainers, jockeys, grooms and other persons attendant on horses, and also over all the other officials at the meeting.

In accordance with NHRC 4.03 Appeal to the Commission

(1) A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, may be taken to the Commission.

(2) Such an appeal must be filed in writing at the office of the Commission within ten days of date of said penalty or imposition of said discipline.

NASHVILLE DOWNS BOARD OF STEWARDS

Entered in ARCI

Date \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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TENNESSEE HORSE RACING COMMISSION  
NASHVILLE DOWNS – BOARD OF STEWARDS

DATE: January 31, 2015

NO: 2015-NVD-012

Jockey JONATHAN ROSS RYDER, DOB 07/06/1993, NHRC License #1351, last four SS# 9876 of Del Rio, Texas having appeared before the Nashville Downs Board of Stewards concerning his ride aboard #4 Green Forest in the 7th race on January 29, 2015 at Nashville Downs when his horse bore in during the stretch run around the 1/8<sup>th</sup> pole causing the rider, Misty Day, aboard #2 Never Beaten to take hold and alter her course thereby altering the outcome of the race.

Jockey JONATHAN ROSS RYDER hereby suspended from race riding for five calendar days from February 1 thru February 5, 2015 for careless riding. Jockey JONATHAN ROSS RYDER is allowed the privileges of the grounds and can exercise horses during training hours during his suspension.

NHRC 4.11(6)(e)2. Interference, Jostling or Striking.

a. A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horse in the race.

NHRC 4.35(3) The Stewards shall have general supervision over owners, trainers, jockeys, grooms and other persons attendant on horses, and also over all the other officials at the meeting.

In accordance with NHRC 4.03 Appeal to the Commission

(1) A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, may be taken to the Commission.

(2) Such an appeal must be filed in writing at the office of the Commission within ten days of date of said penalty or imposition of said discipline.

NASHVILLE DOWNS BOARD OF STEWARDS

Entered in ARCI

Date \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Once issued, stewards' ruling should be immediately posted as directed by the racing commission, normally in the licensing office, the racing office and jockey room. In many jurisdictions, rulings are now posted on the track and/or commission web-sites.

If the Stewards believe a suspended licensee may attempt to race in a neighboring jurisdiction, they should notify the stewards in those jurisdiction by phone, e-mail and or fax.

Stewards' ruling should also be immediately entered in the ARCI Licensing and Rulings Database. See the attached for a tutorial on the system.

# 2015 ROAP Points of Emphasis

## **ARCI Model Rules Resources:**

### **1. Program Trainers**

#### *ARCI-008-010 General Provisions*

##### **A. Licenses Required**

- (1) A person shall not participate in pari-mutuel racing under the jurisdiction of the Commission without a valid license issued by the Commission. License categories shall include the following and others as may be established by the Commission:
  - (a) racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, exercise rider, pony rider, veterinarian, veterinary assistant, horseshoer and stable employees);

##### **P. Grounds for Refusal, Denial, Suspension or Revocation of License**

- (1) The Commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant:
  - (e) has failed to disclose or states falsely any information required in the application;
  - (j) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;

##### **Q. Relationships with Inactive Persons, Prohibited**

- (1) A person shall not train a horse or practice veterinary medicine for the benefit, credit, reputation, or satisfaction of an inactive person. This prohibition shall not prevent the partners in a veterinary practice from providing services to horses as long as the inactive person does not receive a pecuniary benefit from those services.
- (2) An associated person of an inactive person shall not:
  - (a) Assume the inactive person's responsibilities at a location under the jurisdiction of the commission;
  - (b) Complete an entry form for a race on behalf of or for the inactive person or an owner or customer for whom the inactive person has worked; or
  - (c) Pay or advance an entry fee for on behalf of the inactive person or owner or customer for whom the inactive person has worked.
- (3) An associated person who assumes the responsibility for the care, custody, or control of an unsuspended horse owned (fully or partially), leased, or trained by an inactive person shall not:
  - (a) Be paid a salary directly or indirectly by or on behalf of the inactive person;
  - (b) Receive a bonus or any other form of compensation in cash, property, or other remuneration or consideration from the inactive person;

- (c) Make a payment or give remuneration or other compensation or consideration to the inactive person or associated person; or
  - (d) Train or perform veterinarian work for the inactive person or an owner or customer of the inactive person at a location under the jurisdiction of the Authority.
- (4) A person who is responsible for the care, training, or veterinarian services provided to a horse formerly under the care, training, or veterinarian services of an inactive person shall:
- (a) Bill customers directly on his or her bill form for any services rendered at or in connection with any race meeting;
  - (b) Maintain a personal checking account totally separate from and independent of that of the inactive person to be used to pay expenses of and deposit income from an owner or client of the inactive person;
  - (c) Not use the services, directly or indirectly, of current employees of the inactive person; and
  - (d) Pay bills related to the care, training, and racing of the horse from a separate and independent checking account. Copies of the invoices for such expenses shall be retained for not less than six (6) months after the date of the reinstatement of the license of the inactive person or the expiration of the suspension of the inactive person's license.

***ARCI-008-020 Trainers:***

**A. Eligibility**

- (1) An applicant for a license as trainer:
- (a) be at least 18 years of age.
  - (b) shall, in the case of not being previously licensed, be qualified, as determined by the stewards or other commission designee, by reason of:
    - (A) at least 2 years' experience as a licensed assistant trainer, or comparable experience in other equine disciplines, or college-level education in equine science and/or horsemanship.
    - (B) submission of two written statements from trainers currently licensed in that jurisdiction as to character and qualifications of the applicant, and one written statement from a currently licensed owner stating intent to place one or more horses with the applicant, when licensed.
    - (C) shall be required to pass a written examination, oral interviews with the stewards and regulatory veterinarian; and demonstrate practical skills.
- (2) A trainer licensed and in good standing in another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted if evidence of experience and qualifications are provided. Evidence of qualifications shall require passing one or more of the following:
- (a) A written examination;
  - (b) A demonstration of practical skills;
  - (c) An interview with the stewards.

- (3) Upon timely request to the stewards do to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations may be made for the applicant including, but not limited to oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the Stewards administering the examination.
- (4) Beginning no later than January 31, 2012, in order to maintain a current license, trainers must complete at least four (4) hours per calendar year of continuing education courses approved by the ARCI or the commission in that jurisdiction

### **C. Other Responsibilities**

A trainer is responsible for:

- (6) disclosure of the true and entire ownership of each horse in his/her care, custody or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary;
- (7) training all horses owned wholly or in part by him/her which are participating at the race meeting;
- (25) personally attending to his/her horses in the paddock and supervising the saddling thereof, unless excused by the stewards;
- (28) notifying horse owners upon the revocation or suspension of his/her trainer's license. A trainer whose license has been suspended for more than 30 days; or license has expired or been revoked; or license application has been denied, must inform the horse owners that until the license is restored the trainer can no longer be involved with the training, care, custody or control of their horses, nor receive any compensation from them for the training, care, custody or control of their horses. Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race. Upon transfer of the horse(s), the inactive trainer shall not be involved in any arrangements related to the care, custody or control of the horse(s) and shall not benefit financially or in any other way from the training of the horse(s).

## **3. Licensing Protocols**

### ***ARCI-008-010 General Provisions***

#### **B. Licenses Required**

- (2) A person shall not participate in pari-mutuel racing under the jurisdiction of the Commission without a valid license issued by the Commission. License categories shall include the following and others as may be established by the Commission:
  - (a) racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, exercise rider, pony rider, veterinarian, veterinary assistant, horseshoer and stable employees);
  - (b) racing officials (including steward, racing secretary, starter, horsemen's bookkeeper, timer/clocker, clerk of scales, jockey room custodian, paddock



judge, patrol judge, placing judge, official veterinarian, racing veterinarian and horse identifier);

- (c) persons employed by the association, or employed by a person or concern contracting with or approved by the association or Commission to provide a service or commodity, which requires their presence in a restricted area, or which requires their presence anywhere on association grounds while pari-mutuel wagering is being conducted; and
  - (d) all Commission employees.
- (3) Members of the media, including chart callers, while not required to be licensed, may at the commission's discretion be subject to background investigation, fingerprinting, be required to carry credentials, and pay all required fees.
  - (4) Persons required to be licensed shall submit a completed application on forms furnished by the Commission and accompanied by the required fee.
  - (5) License applicants may be required to furnish to the Commission a set(s) of fingerprints and a recent photograph and may be required to be re-fingerprinted or re-photographed periodically as determined by the Commission.

### **C. Fingerprinting and Licensing Reciprocity**

The Commission may license persons holding valid permanent (not temporary) licenses issued by racing jurisdictions in North America. The licensee must be in good standing; have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 36 months, or such other period as is required by this jurisdiction; file an application and/or affidavit as may be required by the Commission; and pay the required applicable fees prior to participating in racing.

- (1) The Commission may recognize the issuance of racing licenses from jurisdictions in North America for purposes of issuance of licenses in this jurisdiction.
- (2) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.
- (3) An applicant must be in good standing in each jurisdiction where they hold or have held a racing license.
- (4) The applicant must have submitted fingerprints within the past 36 months, or such other period as is required by this jurisdiction, for the purpose of a criminal records check by the FBI or RCMP. The applicant shall provide this jurisdiction with proof of licensure from another jurisdiction to which fingerprints were submitted.
- (5) The applicant shall submit the license application form and license fee required by this jurisdiction.
- (6) Provided the above requirements have been met, this jurisdiction may issue either a license and/or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another jurisdiction. The validation sticker shall measure a maximum of one-half inch vertically by one and one-half inches horizontally and shall contain this jurisdiction's two-letter postal service abbreviation, the year of validation and the audit trail code or serial number (where applicable). The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute

licensing. This Commission shall determine the period of time that such license shall be valid in this jurisdiction.

- (7) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the Commission office by the licensee so that a Commission representative may affix the proper validation sticker to the racing license badge.

#### **D. Multi-Jurisdictional Licensing Information**

In lieu of a license application from this jurisdiction, the Commission shall accept a NAPRA or RCI Multi-Jurisdictional License Form.

#### **E. Age Requirement**

Applicants for licensing shall be a minimum of 16 years of age unless otherwise specified in these rules. An applicant may be required to submit a certified copy of his/her birth certificate. Persons under the age of 18 may be required to show evidence of active participation in a certified educational program or have a high school diploma or equivalent.

#### **F. Consent to Investigation**

The filing of an application for license shall authorize the Commission to investigate criminal and employment records, to engage in interviews to determine applicant's character and qualifications and to verify information provided by the applicant.

#### **G. Consent to Search and Seizure**

By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents and to the seizure of any prohibited medication, drugs, paraphernalia or devices in accordance with state/provincial and federal law.

#### **H. Protection of Horses**

- (1) Each person licensed by the Commission shall do all that is reasonable and within his/her power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.
- (2) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

#### **I. Substance Abuse/Addiction**

- (1) All licensees shall be deemed to be exercising the privileges of their license, and to be subject to the requirements of these rules, when engaged in activities that could affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.
- (2) It shall be a violation to exercise the privileges granted by a license from this Commission if the licensee:

- (a) Is engaged in the illegal sale or distribution of alcohol or a controlled substance;
  - (b) Possesses, without a valid prescription, a controlled substance;
  - (c) Is intoxicated or under the influence of alcohol or a controlled substance;
  - (d) Is addicted, having been determined to be so by a professional evaluation, to alcohol or other drugs and not engaged in an abstinence-based program of recovery acceptable to the Commission;
  - (e) Has in his/her possession within the enclosure any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance;
  - (f) Refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition; or
  - (g) Presently has drugs (controlled substances) or alcohol in his or her body. With regard to alcohol, the results of a breathalyzer test showing a reading of more than .05 percent of alcohol in the blood shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the drug in any quantity measured by the testing instrument establishes the presence of the drug for purposes of this paragraph.
- (3) At its discretion, the Commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.
- (4) When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.
- (5) No notice need be given as to onset or cessation of random testing.
- (6) For licensees who are tested under the provisions in this chapter, and whose testing shows the presence of drugs (controlled substances) or alcohol, any field screening test results shall be confirmed by a laboratory acceptable to the Commission which shall include Gas Chromatography/ Mass Spectrometry (GC/MS) procedures.
- (7) When the sample quantity permits, each test sample shall be divided into portions so that one portion may be used for the confirmation procedure and another portion may be utilized by the licensee to obtain an independent analysis of the urine sample.
- (8) The Commission shall provide for a secure chain of custody for the sample to be made available to the licensee.
- (9) All costs for the transportation and testing for the sample portion made available for the licensee shall be the financial responsibility of the requesting person.

- (10) Payment shall be due from the requesting person within 30 days of receipt of notice of the costs.
- (11) A licensee penalized or restricted pursuant to this chapter shall retain rights of due process with respect to any determination of alleged violations which may adversely affect the right to hold a license.
- (12) If there has been a violation, under number 2 above, the following procedures will be followed:
- (13) The Commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other drugs or the Commission may act on the information at hand.
- (14) Actions in the case of first violators may include revocation of the license, suspension of the license for up to six months, placing the violator on probation for up to 90 days or ordering formal assessment and treatment.
- (15) Treatment or assessment, if ordered, must meet the conditions given in numbers 16-18 below.
- (16) The license of the person may be revoked or suspended for a period of up to one year or a professional assessment of the person may be ordered by the Commission.
- (17) If a professional assessment indicates presence of a problem of alcohol or other drug abuse that is not treatable within the reasonably foreseeable future (360 days) the license may be suspended for a period of up to one year.
- (18) If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the Commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the Commission. Required features of any program or practitioner acceptable to the Commission will be:
  - (a) Accreditation or licensure by an appropriate government agency, if required by state statute;
  - (b) A minimum of one year follow-up of formal treatment; and
  - (c) A formal contract indicating the elements of the treatment and follow up program that will be completed by the licensee and, upon completion, certified to the Commission as completed. To effect the contract, the licensee will authorize release of information by the treating agency, hospital or individual.
- (19) For third-time violators, the violator's license may be revoked and the violator may be deemed ineligible for licensure for up to five years.
- (20) Although relapse (failure to maintain abstinence) is not inevitable, it is common for relapse to occur in recovery from alcoholism or other substance dependence. Therefore, a licensee who is engaged in a formal program of recovery, and is compliant with all provisions other than abstinence, will not be regarded automatically as having committed a new violation.
- (21) When a licensee is determined to have failed in maintaining abstinence, the licensee shall furnish to the Commission an assessment by the treating agency, hospital or

individual practitioner indicating whether the licensee was compliant with the agreed upon program of recovery, and an opinion as to whether a "new violation" occurred.

- (22) The Commission will determine whether a new violation has occurred in each instance. If a new violation has occurred, the Commission will proceed under numbers 13-15 above or numbers 16-18 above. Otherwise, the licensee shall continue in the agreed upon program of recovery.

**J. Approval or Recommendations by Stewards**

The Commission may designate categories of licenses which shall require stewards' prior approval or recommendation.

**K. Employer Responsibility**

- (1) The employment or harboring of any unlicensed person at facilities under the jurisdiction of the Commission is prohibited.
- (2) Every employer shall report the discharge of any licensed employee in writing to the Commission or its designee, including the person's name, occupation and reason for the discharge.

**L. Employer Endorsement of License Applications**

The license application of an employee shall be signed by the employer.

**M. Workers' Compensation**

Licensed employers shall carry workers' compensation insurance covering their employees as required by statute.

**N. Financial Responsibility**

Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued.

**O. License Refusal**

The Commission or its designee may refuse to issue a license and give the applicant the option of withdrawal of an application without prejudice. If an applicant is refused, the applicant may reapply for a license.

**P. License Denial**

The Commission may formally deny an application in accordance with these rules. An application denied shall be reported in writing to the applicant stating the reasons for denial, the date when a reapplication may be submitted, and shall be reported to or the Association of Racing Commissioners International, Inc whereby other member racing jurisdictions shall be advised.

**Q. Grounds for Refusal, Denial, Suspension or Revocation of License**

- (2) The Commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant:
- (a) has been convicted of a felony;

- (b) has been convicted of violating any law regarding gambling or a controlled dangerous substance;
  - (c) has pending criminal charges; or
  - (d) is unqualified to perform the duties required of the applicant;
  - (e) has failed to disclose or states falsely any information required in the application;
  - (f) has been found in violation of statutes or rules governing racing in this state or other jurisdictions;
  - (g) has racing disciplinary charges pending in this state or other jurisdictions;
  - (h) has been or is currently excluded from association grounds by a recognized racing jurisdiction;
  - (i) has had a license denied, suspended or revoked by any racing jurisdiction;
  - (j) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;
  - (k) demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;
  - (l) is ineligible for employment pursuant to federal or state law because of age or citizenship; or
  - (m) has violated any of the alcohol or substance abuse provisions outlined in Sec. H of this rule.
- (3) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, Inc. whereby other member racing jurisdictions shall be advised.

**R. Relationships with Inactive Persons, Prohibited**

- (5) A person shall not train a horse or practice veterinary medicine for the benefit, credit, reputation, or satisfaction of an inactive person. This prohibition shall not prevent the partners in a veterinary practice from providing services to horses as long as the inactive person does not receive a pecuniary benefit from those services.
- (6) An associated person of an inactive person shall not:
  - (a) Assume the inactive person's responsibilities at a location under the jurisdiction of the commission;
  - (b) Complete an entry form for a race on behalf of or for the inactive person or an owner or customer for whom the inactive person has worked; or
  - (c) Pay or advance an entry fee for on behalf of the inactive person or owner or customer for whom the inactive person has worked.
- (7) An associated person who assumes the responsibility for the care, custody, or control of an unsuspended horse owned (fully or partially), leased, or trained by an inactive person shall not:
  - (a) Be paid a salary directly or indirectly by or on behalf of the inactive person;
  - (b) Receive a bonus or any other form of compensation in cash, property, or other remuneration or consideration from the inactive person;

- (c) Make a payment or give remuneration or other compensation or consideration to the inactive person or associated person; or
  - (d) Train or perform veterinarian work for the inactive person or an owner or customer of the inactive person at a location under the jurisdiction of the Authority.
- (8) A person who is responsible for the care, training, or veterinarian services provided to a horse formerly under the care, training, or veterinarian services of an inactive person shall:
- (a) Bill customers directly on his or her bill form for any services rendered at or in connection with any race meeting;
  - (b) Maintain a personal checking account totally separate from and independent of that of the inactive person to be used to pay expenses of and deposit income from an owner or client of the inactive person;
  - (c) Not use the services, directly or indirectly, of current employees of the inactive person; and
  - (d) Pay bills related to the care, training, and racing of the horse from a separate and independent checking account. Copies of the invoices for such expenses shall be retained for not less than six (6) months after the date of the reinstatement of the license of the inactive person or the expiration of the suspension of the inactive person's license.

**S. License Restrictions, Limitations and Conditions**

The Commission or its designee, for cause, may restrict, limit or place conditions on any license.

**T. Duration of License**

- (1) Licenses expire December 31 or are valid for such other period as permitted by the Commission.
- (2) A license is valid only under the condition that the licensee remains eligible to hold such license.

**U. Changes in Application Information**

During the period for which a license has been issued, the licensee shall report to the Commission changes in information provided on the license applications as to current legal name, marital status, permanent address, criminal convictions, license suspensions of 10 days or more or license revocations or fines of \$500 or more in other jurisdictions.

**V. Temporary Licenses**

The Commission may establish provisions for temporary licenses or may permit applicants to participate in racing pending action on an application.

**W. More Than One License**

More than one license to participate in flat racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest.

**X. Conflict of Interest**

- (1) The Commission or its designee shall refuse, deny, suspend or revoke the license of a person whose spouse holds a license and which the Commission or stewards find to be a conflict of interest.

- (2) A commissioner or Commission employee or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.
- (3) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.
- (4) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as a jockey; apprentice jockey; jockey agent; racing official; assistant starter; practicing veterinarian; veterinary assistant; racetrack director, officer or managing employee; track maintenance supervisor or employee; jockey room custodian; valet; outrider; racetrack security employee; horseshoer; photo finish operator; horsemen's bookkeeper; racing chemist or testing laboratory employee.

**Y. License Presentation**

- (1) A person shall present an appropriate license to enter a restricted area.
- (2) The stewards may require visible display of a license in a restricted area.
- (3) A license may only be used by the person to whom it is issued.

**Z. Visitor's Pass**

Track security may authorize unlicensed persons temporary access to restricted areas. Such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the Commission or its designee within 48 hours. Such authorization or credential may only be used by the person to whom it is issued.

**AA. Knowledge of Rules**

- (1) A licensee shall be knowledgeable of the rules of the Commission; and by acceptance of the license, agrees to abide by the rules.
- (2) A licensee shall report to track security or the stewards any knowledge he/she has that a violation of these rules has occurred or may occur.

***ARCI-008-015 Owners***

**A. Licensing Requirements for Owners**

- (1) Each person who has a five percent or more ownership or beneficial interest in a horse is required to be licensed.
- (2) An applicant for an owner's license shall own or lease a horse which is eligible to race, registered with the racing secretary and under the care of a trainer licensed by the Commission. An owner shall notify the stewards of a change in trainer of his/her horse. A horse shall not be transferred to a new trainer after entry.
- (3) The provisions of ARCI-008-010 Section D notwithstanding, a horse owner of any age may apply for an owner's license. If younger than 18 years of age, an applicant for an owner's license shall submit a notarized affidavit from his/her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the



applicant's financial, contractual and other obligations relating to the applicant's participation in racing.

- (4) If the Commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.
- (5) Each licensed owner is responsible for disclosure to the Commission or its designee of the true and entire ownership of each of his/her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the stewards. Each owner shall comply with all licensing requirements.
- (6) The Commission or its designee may refuse, deny, suspend or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the Commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a Commission rule or ruling is prohibited.

#### **B. Licensing Requirements for Multiple Owners**

- (1) If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other association or entity, each shareholder, member or partner shall be licensed as required in of this rule.
- (2) Each partnership, corporation, limited liability company, syndicate or other association or entity shall disclose to the Commission all owners holding a five percent or greater beneficial interest, unless otherwise required by the Commission.
- (3) Each partnership, corporation, limited liability company, syndicate or other association or entity which includes an owner with less than a five percent ownership or beneficial interest shall file with the Commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.
- (4) To obtain an owner's license, an owner with less than a five percent ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards.
- (5) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice or order at such address shall constitute official notice to all persons involved in the ownership of such horse.
- (6) The written appointment of a managing owner or authorized agent shall be filed with the Commission.

#### **C. Lease Agreements**

A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the Commission is attached to the certificate of registration and on file with the Commission. The lessor and lessee shall be licensed as horse owners.

#### **D. Stable Name Registration**

Licensed owners and lessees may adopt a stable name subject to the approval of the Commission.

- (1) The applicant shall identify all persons using the stable name. Changes shall be reported immediately to the Commission.
- (2) A person who has registered a stable name may cancel it upon written notice to the Commission.
- (3) A stable name may be changed by registering a new stable name.
- (4) A stable name which has been registered by any other person will not be approved by the Commission.
- (5) A stable name shall be clearly distinguishable from other registered stable names.
- (6) The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."
- (7) All persons using a stable name shall comply with all rules regarding licensing of owners.

*ARCI-008-020 Trainers (see Trainers in 1. Program Trainers above)*

*ARCI-008-025 Owners' Authorized Agents*

#### **A. Licenses Required**

- (1) An authorized agent shall obtain a license from the Commission.
- (2) Application for license shall be filed for each owner represented.
- (3) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public.
- (4) If the written instrument is a power of attorney it shall be filed with the Commission and attached to the regular application form.
- (5) Any changes shall be made in writing and filed as provided in 3 above.
- (6) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the Commission whereupon the license shall not be valid.

#### **B. Powers and Duties**

- (1) A licensed authorized agent may perform on behalf of the licensed owner-principal all acts as relate to racing, as specified in the agency appointment, that could be performed by the principal if such principal were present.
- (2) In executing any document on behalf of the principal, the authorized agent shall clearly identify the authorized agent and the owner-principal.
- (3) When an authorized agent enters a claim for the account of a principal, the name of the licensed owner for whom the claim is being made and the name of the authorized agent shall appear on the claim slip or card.

- (4) Authorized Agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.

### ***ARCI-008-030 Jockeys***

#### **A. Eligibility**

- (1) No person under 18 years of age shall be licensed by the Commission as a jockey, except persons who have been licensed by this Commission prior to the date of adoption of this rule.
- (2) A jockey shall pass a physical examination given within the previous twelve months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.
- (3) An applicant shall show competence by prior licensing and the demonstration of riding ability, which may include participation in up to five races with the prior approval of the stewards with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track. The demonstration of riding ability is defined at a minimum of:
  - (a) Breaking with a horse in company from the starting gate;
  - (b) Working a horse in company around the turn and down the stretch;
  - (c) Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive;
  - (d) Causing a horse to switch leads coming out of the turn.
- (4) A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding.
- (5) A person whose weight exceeds 130 pounds at the time of application shall not be licensed as a jockey.

#### **B. Apprentice Jockeys**

- (1) An applicant may be prohibited from riding until the stewards or the Commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.
- (2) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performances in quarter horse racing do not apply to the conditions of an apprentice jockey license.
- (3) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.
- (4) An apprentice certificate may be obtained from the stewards on a form provided by the Commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the Commission where it was issued.
- (5) An apprentice jockey may ride with a five pound weight allowance beginning with his/her first mount and for one full year from the date of his/her fifth winning

mount. If after riding one year from the date of his/her fifth winning mount, the apprentice jockey has failed to ride a total of forty winners from the date of his/her first winning mount, he/she may continue to ride with a five pound weight allowance for one more year from the date of his/her fifth winning mount or until he/she has ridden forty winners, whichever comes first. Apprentice allowance may be waived with the stewards' permission at the time of entry by the trainer or the trainer's designee. If an apprentice jockey is unable to ride for a period of fourteen consecutive days or more after the date of his/her fifth winning mount because of service in national armed forces, enrollment in an institution of secondary or higher education, or because of physical disablement, the Commission may extend the time during which such apprentice weight allowance may be claimed for a period not to exceed the period such apprentice jockey was unable to ride (see APPRENTICE JOCKEY EXTENSION FORM). The Commission will take jurisdiction only on certificates which it has issued. All other requests for extensions shall be directed to the Commission that approved the apprentice certificate.

- (6) The conditions set forth in Section A or this rule shall also apply.

**APPRENTICE JOCKEY  
EXTENSION FORM**

Date: \_\_\_\_\_

To: \_\_\_\_\_  
(Name of Racing Commission)

Gentlemen and/or Ladies:

I hereby request an extension of my apprentice allowance for the following reason(s):

\_\_\_\_\_ physical disability or illness.  
\_\_\_\_\_ military service.  
\_\_\_\_\_ Attendance in an institution of secondary or higher learning.  
\_\_\_\_\_ other reasons which would be acceptable to the Commission. (explain  
below) \_\_\_\_\_  
\_\_\_\_\_

My apprentice allowance expires on \_\_\_\_\_  
(date)

My apprentice contract expires on \_\_\_\_\_  
(date)

Incident occurred at \_\_\_\_\_ on \_\_\_\_\_  
(Track & location) (date)

Name(s) of steward(s) at track: \_\_\_\_\_

I was examined at the time by \_\_\_\_\_ on \_\_\_\_\_  
(Name of physician) (date)

\_\_\_\_\_  
(Address of examining physician)

I was examined and declared fit to ride by \_\_\_\_\_ on \_\_\_\_\_  
(Name of physician) (date)

\_\_\_\_\_  
(Address of examining physician)

(Attached is a letter from my physician verifying above facts.)

Total number of calendar days I was unable to ride requested as an extension in this  
application \_\_\_\_\_

Name of contract holder at time of incident \_\_\_\_\_

Present contract holder, if other than above \_\_\_\_\_

Signed: \_\_\_\_\_  
(apprentice signature)

Note to applicant: No request will be considered by the Commission without a confirming report from your doctor. Be sure to secure letters from attending physicians stating nature & extent of injury, date, etc. and names of stewards presiding at meeting where you were injured.

### **C. Foreign Jockeys**

Upon making an application for a license in this jurisdiction, a jockey from a foreign country shall declare that he/she is a holder of a valid license in his/her country and currently not under suspension. To facilitate this process, the jockey shall present a declaration sheet in a language recognized in this jurisdiction to the Commission.

#### **ARCI-008-035 Jockey Agents**

##### **A. Eligibility**

An applicant for a license as a jockey agent shall:

- (1) provide written proof of agency with at least one jockey licensed by the Commission;
- (2) demonstrate to the stewards that he/she has a contract for agency with at least one jockey who has been licensed by the Commission; and
- (3) be qualified, as determined by the stewards or other Commission designee, by reason of experience, background and knowledge. A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or both of the following:
  - (a) a written examination or
  - (b) an interview or oral examination.
- (4) Applicants not previously licensed as a jockey agent shall be required to pass a written and oral examination.

##### **B. Limit on Contracts**

A jockey agent may serve as agent for no more than two jockeys and one apprentice jockey.

##### **E. Agent Withdrawal**

- (1) When any jockey agent withdraws from representation of a jockey, the jockey agent shall immediately notify the stewards and shall submit to the stewards a list of any unfulfilled engagements made for the jockey.
- (2) A jockey agent shall not be permitted to withdraw from the representation of any jockey unless written notice to the stewards has been provided.

#### **ARCI-008-040 Horseshoers**

##### **Eligibility**

An applicant for a license as horseshoer shall:

- (1) be at least 18 years of age;
- (2) be qualified, as determined by the stewards and horseshoer consultant, by reason of experience, background and knowledge of horseshoing. A horseshoer's license from another jurisdiction, having been issued within a prior period as determined by the Commission, may be accepted as evidence of experience and qualifications.
- (3) Evidence of qualifications may require passing one or more of the following:

- (a) a written examination;
  - (b) an interview or oral examination; and
  - (c) a demonstration of practical skills in horseshoing.
- (3) Applicants not previously licensed as a horseshoer shall be required to pass a written/oral examination, demonstrate practical skills and submit at least two written statements as to the character and qualifications of the applicant.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

### ***ARCI-008-045 Practicing Veterinarians***

#### **A. Eligibility**

An applicant for a license as practicing veterinarian shall be qualified and licensed to practice veterinary medicine in this jurisdiction and be otherwise qualified to be issued a license to participate in racing. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine.

## **4. Rule Violation Penalty Determinations**

### ***ARCI-011-020 Medications and Prohibited Substances***

Upon a finding of a violation of these medication and prohibited substances rules, the stewards shall consider the classification level of the violation as listed in at the time of the violation in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International and impose penalties and disciplinary measures consistent with the recommendations contained therein. The stewards shall also consult with the official veterinarian to determine if the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's Medication Report Form received per ARCI-011-010 (C). The stewards may also consult with the laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. Penalties for all medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (1) The past record of the trainer, veterinarian and owner in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug ;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (7) The purse of the race;

- (8) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (9) Whether there was any suspicious betting pattern in the race, and;
- (10) Whether the licensed trainer was acting on the advice of a licensed veterinarian. As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

## **5. Catastrophic Review**

### *ARCI-011-030 Physical Inspection of Horses*

#### **C. Postmortem Examinations**

- (1) The Commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.
- (2) The Commission may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.
- (3) If a postmortem examination is to be conducted, the Commission shall take possession of the horse upon death for postmortem examination. All shoes and equipment on the horse's legs shall be left on the horse.
- (4) If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.
- (5) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.
- (6) Postmortem examinations shall be conducted according to the most recent edition of the *American Association of Equine Practitioners Guidelines for the Necropsy of Racehorses*

## **6. Writing Rulings**

### ARCI-003-010 Proceedings By Stewards/Judges

#### G. Ruling

- (1) The issues at a disciplinary hearing shall be decided by a majority vote of the stewards/judges. If the vote is not unanimous, the dissenting steward/judge shall include with the record of the hearing a written statement of the reason(s) for the dissent.
- (2) A ruling by the stewards/judges must be on a form prescribed by the Commission and include:



- (a) the full name, social security number, date of birth, last record address, license type and license number of the person who is the subject of the hearing;
  - (b) a statement of the charges against the person, including a reference to the specific section of the Act or rules of the Commission that the licensee is found to have violated;
  - (c) the date of the hearing and the date the ruling was issued;
  - (d) the penalty imposed;
  - (e) any changes in the order of finish or purse distribution;
  - (f) other information required by the Commission and;
- (3) A ruling must be signed by a majority of the stewards/judges.
- (4) If possible, the stewards/judges or their designee shall hand deliver a copy of the ruling to the person who is the subject of the ruling. If hand delivery is not possible, the stewards/judges shall mail the ruling to the person's last known address, as found in the Commission's licensing files, by regular mail and by certified mail, return receipt requested. A copy of the ruling shall be electronically submitted to the NAPRA or RCI Ruling Data-Base, and if the ruling includes the disqualification of a contestant, the stewards/judges shall provide a copy of the ruling to the owner of the contestant, the bookkeeper, the appropriate past performance service(s).
- (5) At the time the stewards/judges inform a person who is the subject of the proceeding of the ruling, the stewards/judges shall inform the person of the person's right to appeal the ruling to the Commission.
- (6) All fines imposed by the stewards/judges shall be paid to the Commission within \_\_\_ after the ruling is issued, unless otherwise ordered.