

## PROCEDURES for VOIDING a CLAIM (VANNED HORSE)

Effective October 19, 2012

### Procedures for Emergency Rule 4038.5(a)(iii) Voidable Claims

9 NYCRR 4038.5(a)(iii): a claim is voidable at the discretion of the new owner, for a period of one hour after the race is made official, for any horse that is vanned off the track after the race.

### BEFORE A CLAIMING RACE

#### Entries

Owners and representatives (trainer, authorized agent) shall be advised to be prepared to resume care, custody, and control of a claiming horse that may be vanned from the track.

#### Claim Box

Claimants and representatives shall be advised of our procedures and how to contact stewards.

#### Track Operator

This information should be posted in the Program and available at the racing office. The racing office [and Board office] shall have a supply of Void the Claim forms.

### WHEN A CLAIMED HORSE IS VANNED OFF

The state steward shall record on the steward's Program each claimed horse that is vanned off the track and the time that its race was made official.

The former owner (e.g., trainer) must remain available to resume the care, custody, and control of the horse immediately should its claim be voided. They must ensure that the stewards will have a means to contact them for this purpose.

After the stewards leave the stewards' stand at the conclusion of racing, the state steward shall stay available at the Board office as needed for a claimant who may yet void a claim, and shall ensure that each obligation of the stewards is performed. The Track and Jockey Club steward(s) may leave but only upon granting the State Steward a proxy to make the ruling.

The new owner (claimant, trainer) should void a claim as quickly as possible. The new owner should take reasonable actions to avoid any interruptions in rendering care to the horse.

## VOIDING A CLAIM

The new owner shall void a claim by completing and filing a Void the Claim form at the track racing office. It must be signed by the managing owner, trainer, or other representative. If the latter, the managing owner or trainer shall be available to affirm the person's authority for the racing office or stewards. The racing office will record the time and date that the form is filed. The form must be completed and filed within one hour after the race was made official. The racing office will immediately notify the stewards, who will rule whether the form was properly and timely completed and filed and, assuming the horse was vanned, void the claim.

If the racing office is closed, then the new owner may file this form at the Board office. After the conclusion of racing when the racing office closes, the state steward will be responsible to have the Board office available as needed to allow a new owner to void the claim. In unusual cases, the stewards may permit an alternative method (see infra) to void a claim.

As soon as the stewards void a claim, the stewards shall cause the former owner (directly or via the trainer) and the persons attending to the horse to be notified immediately that the ownership of the horse has reverted to the former owner who is now responsible for its care, custody, and control. The former owner shall immediately resume responsibility for the horse.

<u>Void the Claim</u>		
Track	Date of Race	Race #
Name of Claimed Horse		
<p>The new owner (successful claimant) hereby elects to VOID this CLAIM as permitted because the horse was vanned off the track after this claiming race, understanding that this election is final and that the ownership of the horse, when this form is filed and deemed valid by the stewards, is restored to the former owner who started the horse. The election is made pursuant to 9 NYCRR 4038.5(a)(iii).</p>		
(Signature)	Name (printed)	
Title (e.g., managing owner, trainer, authorized agent)	Badge/License Number	
<hr/> <i>(This portion be filled in by the racing office, Board office, or state steward with whom the form has been filed)</i> <hr/>		
This is to certify that this form was filed on _____, 201____, at _____:_____ p.m.		
Month	Day	Year                      Time to Minute
(Signature of Authorized Official)	Name (printed)	[TIME STAMP]

## ALTERNATIVE METHOD

The stewards for good cause shown (e.g., the new owner cannot complete and file a Void the Claim form at the track racing office or Board office), in their discretion, may permit the voiding of a claim based upon timely personal or telephone interaction with the stewards, as follows:

The claimant (new owner), directly or through the claimant's trainer or authorized agent:

- (1) must advise one or more of the stewards, through personal or telephone contact after the race, that the new owner has decided to void the claim;
- (2) must communicate the decision to void the claim to a steward within one hour after the race is made official;
- (3) must explain why the claimant has not completed and filed a Void the Claim form;
- (4) must provide the steward on request with a personal identifier (e.g., driver's license, DOB, SSN, badge or Board license number); and
- (5) must provide the steward on request with a telephone number or location to assist the former owner to resume care, custody, and control of a live horse as soon as possible.

The stewards, when asked to void the claim, shall:

- (1) record the time of the visit/call;
- (2) verify (via identifiers) and record the identity (and identifiers) of the visitor/caller;
- (3) decide whether to allow the visitor/caller to use this method, instead of a written form;
- (4) if yes, immediately rule on whether the request to void the claim is valid;
- (5) immediately advise the visitor/caller of the stewards' decision;
- (6) during the visit/call, obtain a telephone number or location that may assist the former owner to resume care, custody, and control of a live horse as soon as possible; and
- (7) instruct the custodian of the claimed horse, directly or through the visitor/caller, to cooperate in restoring a live horse to the care, custody, and control of the former owner; and then
- (8) immediately advise the former owner (directly or through the trainer or authorized agent) that the claim has been voided, the former owner again owns the horse, the former owner is now responsible for the horse, and the former owner must resume the care, custody, and control of a live horse as soon as possible; and
- (9) promptly advise the racing office that the claim has been voided.

## DOCUMENTATION

The state steward shall record in the steward's Program each claimed horse that has been vanned off and the time that the race was made official. If the stewards rule to void a claim after hearing from the racing office or Board office that the new owner has filed a Void the Claim form, then the state steward shall also record the ruling in the steward's Program. In addition, a copy of the Void the Claim form shall be added to the Board records.

If a person calls or appears in person to request that a claim be voided, the state steward shall record in an appropriate manner an identifier (e.g., SSN) of the person, the person's title (owner, trainer, authorized agent), the time (hour and minute) when the person first requests to void the claim, contact information to assist in transferring the care, custody, and control of a live horse back to the former owner (e.g., trainer) as soon as possible, and the ruling of the stewards. This may be recorded in the steward's Program and in any supplemental documentation that is needed. The steward's Program shall be retained. The supplemental documentation may be discarded once its information has been recorded in an Incident Report and/or DESTINY and once the time to file a protest, objection, or appeal of the stewards' ruling has elapsed without any such challenge. The state steward shall ensure that the racing office is promptly advised of a voided claim.

The state steward shall enter into DESTINY a report concerning each voided claim, including Track, Date, Race, Claimed Horse, Vanned from Track, Time Race Made Official, Time New Owner Voided Claim, Person Making Request / Title (e.g., trainer) / Identifier(s), Who Made Ruling, and Ruling Made. The report shall include additional comments, if any.

## VETERINARY CARE

A claimant who anticipates voiding a claim should make every reasonable effort to void the claim or to consult with the former owner/trainer before it is necessary to euthanize a horse.

Veterinarians should anticipate that the owner/trainer of a horse may revert under this rule to the former owner/trainer. The owner of a claimed horse is the claimant from the start of the race and until such time as the stewards have ruled that the claim has been validly voided. As soon as the stewards have ruled to void a claim, ownership of the horse is restored to the former owner.

The former owner, directly or through the trainer or an authorized agent, must immediately resume full responsibility for the care, custody, and control of a voided-claim horse.