

**NYCRR Title 9, Executive**

**Subtitle T, New York State Gaming Commission**

**Chapter I, Racing**

**Subchapter C. State Quarter Horse Racing Commission**

**PART 4200. GENERAL PROVISIONS**

4200.1 Powers reserved

All powers of the commission not specifically defined in this Subchapter are reserved to the commission under the law creating the commission and specifying its powers and duties. The commission may issue such orders and directives as may be deemed by it to be in the public interest and in the interest of quarter horse racing consistent with the provisions of chapter 1023 of the Laws of 1970, as amended.

4200.2 Obligations of licensee

Every license to hold a race meeting is granted by the commission upon the condition that the licensee shall enforce the laws of the State of New York and shall accept and enforce all rules and regulations and commission orders and directives. It shall be the duty of every licensee and the officers, directors, employed officials and employees of the licensee to enforce the law, rules and regulations and orders and directives of the commission. Failure to enforce, or comply with such rules and regulations, orders or directives may constitute sufficient cause for revocation of a license by the commission or result in a fine, suspension or other disciplinary action by the commission.

4200.3 Amendments

This Subchapter may be changed or amended by a majority of the commission at a regular or a special meeting. An order or directive issued by the commission may likewise be changed or amended or overruled at a regular or special meeting of the commission. The commission may adopt new rules and regulations, make exceptions or waive any rule or regulation in individual instances if in the judgment of the commission it may be deemed advisable. However, such action shall not be deemed a precedent nor a waiver by the commission of any rule or regulation involving the same or a similar situation which may occur in the future.

4200.4 Reserved

4200.5 Modification of a decision

The commission may rescind or modify any penalty or decision imposed or made by racing officials at any quarter horse racing meeting.

## **PART 4201. DEFINITIONS**

### 4201.1 Definitions

- (a) Age of a horse. The age of a horse shall be computed on the basis of a calendar year starting on January 1st of the year foaled. It is a weanling during the calendar year in which foaled and a yearling during the first calendar year following its foaling date regardless of the time of year foaled.
- (b) Allowance race. Shall mean a race in which contestants carry weight allowance based on performance and/or winnings as stipulated in the conditions thereof.
- (c) Appeal. A request for the commission to consider and review any decision or ruling of a steward or judges of a meeting which shall include interpretations, conduct, penalties or any other questions relating to racing or the conduct of racing.
- (d) Association or racing association. Shall be deemed to mean any corporation authorized by chapter 1023 of the Laws of 1970, as amended, whether or not duly licensed by the commission.
- (e) Authorized agent. Shall mean an agent appointed by a notarized document signed by the owner and filed with the secretary of the racing meeting.
- (f) Breeder. Means the owner of its dam at the time of foaling. A horse is bred at the place of his birth.
- (g) Bookmaking or making book. Shall be deemed to mean the acceptance or solicitation of a wager upon any result in a horse race, as defined by section 986 of the Penal Law, except through the duly licensed pari-mutuel system.
- (h) Claiming race. One in which any horse starting therein may be claimed for a designated amount in conformance with the rules.
- (i) Classified race. A race regardless of the money winnings, eligibility of horses, entries being selected by a race secretary on the basis of ability or performance.
- (j) Commission or board shall be deemed to be the New York State Racing and Wagering Board.
- (k) Conditioned race. An overnight event to which eligibility is determined according to specified qualifications. Such qualifications may only be based upon:
  - (1) money winnings in a specified number of previous races or during a specified previous time;

(2) finishing positions in a specified number of previous races or during a specified period of time;

(3) age;

(4) sex;

(5) number of starts during a specified period of time;

(6) purses raced for;

(7) claiming price in past races;

(8) any one or more combinations of the qualifications herein listed;

(9) other qualifications for which permission has been granted by the commission in writing.

(l) Coupled entry. The combination of two or more starters in the same race as a unit for wagering and disqualification.

(m) Declaration. A declaration is the withdrawal of a specific horse from a race before the closing of overnight entries.

(n) Disqualification. A decision that a horse shall not start or shall not be allowed to maintain its finishing position for betting or purse purpose or both, if it shall have started.

(o) (Reserved)

(p) Entry. Means according to the requirement of the text: (1) a horse eligible to run in a race; (2) two or more horses which are entered to run in a race by the same owner or trained by the same trainer.

(q) Field. Means that when the individual horses competing in a race exceed the numbering capacity of the tote board, the highest numbered horse within the capacity of the tote board and all horses of a higher number shall be classified together in wagering and called the field.

(r) Futurity. A stake in which the animal to compete is nominated either in utero or during the year of foaling.

(s) Graded quarter race. Means a quarter horse race for which horses are arbitrarily classified by the race secretary on the basis of past performance.

(t) Handicap race. Means a race in which weights to be carried by the entered horses are adjusted by the race secretary for the purpose of equalizing their respective chances of winning.

(u) Interference. Whenever used, this term shall mean any act, which by design or otherwise, and

regardless of actual contact, hampers or obstructs any competing horse or horses.

(v) Maiden. Is a horse which at the time of starting has never won a race on a quarter horse race track whose results are recorded by the American Quarter Horse Chart Book. For the purposes of this subdivision, the winner is that horse which has been declared the winner by the judges for the "official" pari-mutuel placing. A maiden which has been disqualified after finishing first, but before the race is declared official, is still to be considered a maiden. Races or purses awarded to a horse or denied to a horse after the "official" sign has been posted shall not affect its status as a maiden.

(w) Nomination. The naming of a horse or its foal in utero to compete in a specific race or a series of races, eligibility for which may be conditioned upon the payment of a fee at the time of the naming, the payment of subsequent sustaining fees and/or a starting fee.

(x) Owner of stable. Shall be deemed to include a part owner and a lessee and may comprise one or more natural persons in a partnership or any other form of collective ownership or control.

(y) Overnight event. A race for which entries close not more than four days (omitting Sundays) before such race is to be contested. All races other than stakes and early closing events shall be considered overnight events.

(z) Paddock. An enclosure in which horses scheduled to compete in a race program are confined prior to racing.

(aa) Post position. The position assigned to the horses at the starting line of the race.

(bb) Protest. An objection properly sworn to charging that a horse is ineligible to race, alleging improper declaration or citing any act of an owner, trainer, or jockey or official prohibited by the rules, and which if true, should exclude the horse or jockey from the race.

(cc) Public trainer. One who trains as an independent contractor rather than as an employee.

(dd) Purse race. A race for money or a prize to which the owners of the horses do not contribute an entry fee of more than \$ 50.

(ee) Quarter horse racing. The term quarter horse racing as used in this Subchapter shall be construed to mean only horse racing in which the horses participating are mounted by a jockey and registered by the American Quarter Horse Association.

(ff) Race track or track. Shall be deemed to mean any and all parts of the plant of a racing association including, but not limited to, the racing strip, the approaches and entrances, the stands and all other accommodations and facilities provided for the public, the stables, barns, paddocks, quarters of jockeys and others employed in or about the track, judges' and stewards' boxes, photo-finish and film plants, pari-mutuel offices, facilities and equipment, totalizator and public announcement systems.

(gg) Rules and regulations. Shall be deemed to include the rules and regulations adopted by the commission and orders or directives of the commission applicable to administration and racing unless another meaning is clearly indicated.

(hh) Scratched. Means withdrawal of a horse entered in a race after the closing of overnight entries.

(ii) Stakes. A race in which the money given by the track conducting the same is added to the money contributed by the nominators, all of which, except deductions for the cost of nominators or other awards, belong to the winner or winners. In any event, all of the money contributed by the nominators, must be paid to the winner or winners. Where definite purse is offered, same shall be known as a "guaranteed stakes."

(jj) Starter. (1) Official who dispatches the horses from the starting gate.

(2) A horse is a starter when the stall doors of the starting gate open in front of it at the time the official starter dispatches the horses.

(kk) Suspension. Whenever the term suspension is referred to, unless otherwise specifically limited, it shall be construed to mean the unconditional exclusion and disqualification from every phase of quarter horse racing, either directly or indirectly, on or off the track or admission to the track as a patron or otherwise.

(ll) Gender. Words of the masculine gender include the feminine and the neuter and may refer to a partnership or other form of ownership or control, and words in the singular include the plural and words in the plural include the singular.

(mm) Association Veterinarian. A veterinarian licensed by the board and employed by a racing association or corporation.

(nn) Attending Veterinarian. A veterinarian licensed by the board and hired by the owner or trainer.

## **PART 4202. POWERS AND DUTIES OF THE COMMISSION**

### **4202.1 General policy**

General policy on all racing matters is to be declared by the board at their meetings or by unanimous consent in writing. The administration thereof shall be the duty of the chairman acting through the staff of the board.

### **4202.2 Meetings**

Regular meetings of the board shall be held monthly at an office of the board. Special meetings may be had at any time on the call of the chairman or of any two members.

#### 4202.3 Reserved

#### 4202.4 Track office

The commission shall establish and maintain an office for its use at each track.

#### 4202.5 Racing program

The commission may require that the names of the commissioners, and specified employees and other information appear on daily racing programs.

#### 4202.6 American Quarter Horse Association

The commission shall inform the American Quarter Horse Association of its rules and regulations and any changes therein and all penalties imposed which shall be of interest to it.

#### 4202.7 Form of commission orders

Whenever the commission has adopted a rule or regulation or has rendered a decision, whether on appeal or otherwise, or made an order or directive, the signature of any of the commissioners or the chairman shall be sufficient, however, such signature shall not be required if the secretary of the commission shall certify to the decision, order or directive and his signature on such written order or any form of determination, or on any promulgation thereof, shall be valid and effective as evidencing the official action taken by the commission.

#### 4202.8 Betting by minors

No licensed association or corporation shall permit any person who is actually and apparently under 18 years of age to bet at a race meeting conducted by it.

#### 4202.9 Issuance of subpoenas

Each member of the commission and such officers, employees or agents of the commission, as may be designated by the commission for such purpose, shall have the power to administer oaths and examine witnesses and may issue subpoenas to compel attendance of witnesses and the production of all relevant materials and reports, books, papers, documents, correspondence and any other evidence.

#### 4202.10 Hearing officers

Each commissioner or any employee of the commission so designated by the commission, may act as a hearing officer in reference to any matter pending before the commission. Such hearing officer, after taking all evidence, oral or written, and receiving all material exhibits, shall report

his findings to the commission and the commission shall determine such matter as if the evidence had been presented to the full commission. The legal rules as to the admissibility of evidence shall not be applicable to any hearing held before the commission, a commissioner or hearing officer.

#### 4202.11 Punishment by commission

The commission may punish independently any misconduct of any person connected with racing.

#### 4202.12 Punishment of violations

Violation of any rule or regulation or order or directive of the commission, whether or not a penalty is fixed in the rules and regulations, or in such order or directive is punishable in the discretion of the commission by revocation or suspension of a license and exclusion from all racing enclosures under the jurisdiction of the commission. A violation by the holder of a track license in conducting a racing meeting may be punishable by revocation, suspension or denial of a future license or by fine.

#### 4202.13 Credentials or stickers

Credentials issued by the commission to its members, employees and appointees shall be honored by racing associations for admission at all gates and entrances and to all places within the enclosure of any race track, and automobiles carrying official windshield stickers of the commission or other identification issued by the commission shall be permitted an ingress and egress at any point.

#### 4202.14 Decisions of racing judges

Every person participating in and every patron at a licensed meeting shall abide by the laws and the rules and regulations, and accept a steward or judge's decision on any and all questions to which their authority extends, subject to the right of appeal to the commission.

### **PART 4203. COMMISSION STAFF**

#### 4203.1 Reserved

#### 4203.2 Temporary employees

The chairman may arrange for the employment of such temporary employees for such period as

he may deem necessary, within the lawful appropriation therefor, upon approval by the commission.

#### 4203.3 Compensation

The staff of the commission, both permanent and temporary, shall receive such compensation for their services as may be determined annually by the commission within the lawful appropriation therefor; and no increase or decrease in such compensation shall be made except with the consent of the commission.

#### 4203.4 Race meeting official

No member of the staff of the commission shall at any time or place, either in the State of New York or elsewhere, act as an official at any race meeting, whether for compensation in any form or otherwise, without the formal consent of the commission, in writing.

#### 4203.5 Termination of employment

The chairman is authorized to terminate the employment of any member of the staff of the commission at any time after such termination has been approved at a meeting of the commission.

#### 4203.6 Retirement

Each member of the commission upon retirement shall have the title of honorary steward in recognition of his services, with such duties, rights and privileges as may be specified by the commission.

### PART 4204. TRACK LICENSES

#### 4204.1 Race meeting license

All quarter horse racing corporations or associations formed pursuant to the Quarter Horse Racing Law of the State of New York desiring to conduct a race meeting with pari-mutuel wagering thereon must obtain a license annually from the commission. All licenses shall be deemed conditioned upon compliance with the laws of the State of New York, the rules and regulations of the commission, payment of salaries, fees and taxes required by statute, payment of charges for the operation of the commission laboratory for chemical analysis of samples, and the proper installation, operation and maintenance of equipment and devices for the conduct, timing and monitoring of races which the commission shall prescribe as necessary or desirable in the public interest.

#### 4204.2 Temporary licenses

The commission may, in considering either an initial track license or pending final determination of any question with respect to the granting of an annual license, issue a temporary license upon such terms and conditions as it may deem necessary, desirable or proper to effectuate the purposes of the Quarter Horse Racing Law and the rules and regulations of the commission. Such temporary license may be issued subject to the written acceptance of the terms and conditions therein prescribed and in the event that such written acceptance is not received by the commission within the time prescribed, the commission may refuse to issue such temporary license.

#### 4204.3 Application form

Application for a license to conduct a quarter horse racing meeting with pari-mutuel wagering shall be submitted to the commission in such form as may be approved by the commission and the commission may require that such form shall contain a provision for an oath of a duly authorized officer of the applicant corporation or association or by the applicant desiring a track license. The commission may call for further data and information or it may require the applicant or any officer or employee to appear in person before it.

#### 4204.4 License

Upon receipt of an application satisfactory in form and content to the commission, the commission may grant an initial license or a temporary license for a term of days during the current racing year during which the applicant may conduct quarter horse racing with pari-mutuel wagering. Such license shall specify the place where and the hours of the day or night during which racing and pari-mutuel wagering shall be held.

#### 4204.5 Duty of licensee

A licensee conducting quarter horse racing with pari-mutuel wagering, their officers, directors, officials, and employees, shall be responsible for the conduct of such racing meetings and each shall observe and enforce this Subchapter, the orders and directions of the commission, the Pari-Mutuel Revenue Law and the Quarter Horse Racing Law.

#### 4204.6 Denial of license

The commission may refuse to issue a license to conduct a race meeting with pari-mutuel wagering when, in its judgment, such refusal shall appear to be in the best interest of racing and of the public.

#### 4204.7 Transfer of license

No license or any part thereof shall be transferable or assignable in any manner or in any particular.

#### 4204.8 Financial reports

Each racing association shall furnish to the commission within 60 days after the close of its fiscal year, four copies of its balance sheet and of its operating statement for such fiscal year with comparison to the prior year, the same to be duly sworn to before a notary public by the treasurer or an authorized officer of such racing association and certified by a duly licensed certified public accountant and be in such form as may be prescribed from time to time by order of the commission.

#### 4204.9 Policing of grounds

Each licensee shall police its grounds at all times and preclude admission of any authorized persons in and around the stables, paddocks or other security areas.

#### 4204.10 Financial reports of concessionaires

Any person, firm, association or corporation, who holds, any concessions, right or privilege, to perform any service or sell any article at any quarter horse race track at which pari-mutuel meets are conducted must submit to the commission a copy of each report, advice or other document which that person, firm, association or corporation furnishes or is required to furnish to the licensed quarter horse racing association or corporation pursuant to any agreement written or oral, with such racing association or any other arrangement between such parties. At the end of each racing meeting, such person, firm, association or corporation shall prepare and send to the commission a record of its operations at the track in the form of a profit and loss statement. Such report shall contain detailed statement of revenues and expenses paid or accrued during the period and shall be sworn to by at least two of the principal officers of such firm. Such report must be filed with the commission within 30 days after the end of each racing meeting. Such firm, person, association or corporation shall also submit to the commission a verified financial statement including a balance sheet, supporting schedules, and such other details as may fully acquaint the commission with all of the facts pertaining to its operation during the year. These reports shall be filed within 75 days after the end of the calendar or fiscal year of such person, firm, association or corporation.

#### 4204.11 Information to be furnished by concessionaires

Any persons, firm, association or corporation which holds any concession, right or privilege to perform any services or sell any article at any track at which pari-mutuel quarter horse racing

meets are conducted must submit to the commission the names of all personnel employed at the track including such information that the commission shall require concerning each employee, copies of all written contracts and agreements and a summary of all verbal contracts and agreements, list of stockholders annually, list of officers and directors and annual compensation paid to each and upon the sale or transfer of any stock of any concessionaire, evidence of such sale or transfer must be submitted to the commission by affidavit verifying that said transfer or sale is in compliance with section 63 of article 3 of the Pari-Mutuel Revenue Law, as amended.

#### 4204.12 Badge identification system

(a) Each quarter horse racing association or corporation shall implement and maintain an identification system for all persons entering the stable area of the track. The stable area includes the backstretch and paddock areas.

(b) All persons present in the stable area shall wear in plain view the identification badge issued by the quarter horse racing association or corporation except that in the case of board employees, each shall conspicuously wear his board identification credentials.

(c) No identification badge may be issued unless the recipient has a current board license and is duly listed on a trainer's stable registration or badge list or is listed on a race track approved list maintained by the association. Such a list may include, but need not be limited to track officials, track employees, vendors and concessionaires.

(d) All other persons must obtain a guest identification badge before entering the stable area. Guest identification badges shall clearly identify the recipient and may be issued only upon the request of and after identification by a licensed trainer or owner. A log of all persons to whom a guest identification badge has been issued and their sponsors shall be maintained by the quarter horse racing association or corporation. Guests must be logged in and out.

(e) The quarter horse racing association or corporation shall also maintain a list of the individuals to whom identification badges have been issued, together with the date of issue and position of each recipient.

(f) The identification badge issued by the quarter horse racing association or corporation must contain a color photograph of the individual to whom issued, his name, address, occupation or position, date of birth and the signature of the person to whom it will be issued. The badge shall be laminated both front and back and contain a clasp so that the identification badge may be worn in plain view.

(g) The identification badges issued by the quarter horse racing association or corporation shall be color coded by category as follows: horsemen, green; grooms and other backstretch

employees, yellow; track officials and employees, red; vendors and concessionaires, blue; guests, brown.

(h) Persons failing to wear photographic identification badges or failing to obtain a visitor's pass before entering the stable area are subject to ejection from the grounds, and/or fine and/or license suspension and/or license revocation.

#### 4204.13 Disputes

Disputes between a regional corporation and a track with respect to the purposes or objectives set forth in section 518 of the Racing, Pari-Mutuel Wagering and Breeding Law shall be submitted in writing to the board for determination. The board may make its determination based on the submissions or may hold a hearing on the matter. The board's determination shall be final. Failure to comply with the board's determination by any party shall subject the person or persons responsible therefor to disciplinary action.

#### 4204.14 Internet posting to assist compulsive gamblers

Each quarter horse racing association or corporation, which maintains a website on the internet, shall post on its home page a message designed to assist compulsive gamblers. Such posting shall include, but not be limited to a notice of the availability of one or more organizations approved by the commissioner of mental health, pursuant to the provisions of subdivision (g) of section 7.09 of the Mental Hygiene Law, which offer assistance in dealing with the problem of compulsive gambling.

### **PART 4205. OCCUPATIONAL LICENSES**

#### 4205.1 License required

(a) No person shall participate in the affairs of any association or corporation licensed by the commission to conduct quarter horse race meetings at which pari-mutuel betting is permitted as director, officer, agent or employee of such track licensee, unless such person shall have received an occupational license from the commission.

(b) No person shall participate in or at any quarter horse race meet as owner, trainer, assistant trainer, jockey, groom, farrier, veterinarian, agent, goods supplier, salesman, jockeys' agents, stable employees, authorized agent, sub-agent, stable manager and any other employee of an owner associated with such owner's racing activities or be the holder or operator of any concession (if a corporation a license shall also be required of officers and directors and its employees) or perform any service, including but without limiting the generality thereof, the conduct of negotiations on behalf of any person or persons who engage in any racing activities or perform any services in connection with the conduct of any quarter horse race meeting, or

engage in any occupation or employment at any quarter horse race meet, unless such persons shall have received an occupational license from the commission with the following exceptions:

(1) public officers and public employees engaged in the performance of their official duties; or

(2) persons exempted by the commission from the occupational license requirement.

(c) It shall be the responsibility of each track licensee to prevent any person not holding an occupational license from doing or performing any act or acts at its track.

(d) No person requiring a license from the commission shall carry on any activities whatsoever upon the premises of a licensed racing association unless and until he has been so duly licensed, except that any such person may apply for and receive a temporary license pending action on his application for a license.

(e) The application for a license shall be in writing in such form as the commission may prescribe and contain such information as the commission may require and it shall be duly sworn to before a notary public or commissioner of deeds. It shall be accompanied by the amount of the license fee therefor in such form as may be acceptable to the commission. When so instructed by the commission or if it may be required by the commission, the applicant shall file with such application, fingerprints and photographs. The fingerprints so obtained shall be transmitted by the commission to any governmental agency, Federal or State, selected by the commission for the purposes of establishing identity and previous criminal record, if any, of the applicant.

(f) Upon the commission's request, an applicant for an occupational license shall furnish to the commission such records or information whether relating to service in the armed services, treatment for any physical or mental condition, confinement in any institution or any other information or records which may be deemed necessary by the commission. Failure to furnish such records and information, if available, and if not available to cooperate with and assist the commission in obtaining such records and information, shall be grounds for denial, suspension or revocation or fine by the commission.

(g) No license as an owner shall be granted to the lessee or lessees of any corporation, syndicate or partnership, unless such corporation, syndicate or partnership shall have no more than 35 stockholders or members, as the case may be, each of whom shall be the registered and beneficial owner of stock or membership in such corporation, syndicate or partnership; and every such stockholder or member is required to be licensed as an owner; provided, however, that the commission may waive this rule with respect to any one horse owned by any said corporation, syndicate or partnership, to enable it to participate in a race on a specified date. For the purposes of this rule, the stockholders or members who bear to each other the relationship of persons married to each other, parent and child, or any other blood relationship with either of such parents shall be regarded collectively as one stockholder or member, as the case may be.

(h) The stockholder or members of any corporation, syndicate or partnership which leases horses for racing purposes in the State of New York and also any such corporation, syndicate or partnership shall make and file with the commission, if and when requested by it, a report or

reports under oath containing such information as the commission may specify; and upon refusal or failure to file any such report or reports, the commission may refuse a license to any lessee or lessees of such corporation, syndicate or partnership or may revoke any such license which it may have granted.

(i) Each applicant shall pay an annual license fee at the time of filing of the application. The license fees to be paid shall be as follows: original owner--\$ 100; owner renewal, jockey--\$ 50; trainer, assistant trainer, veterinarian, jockey agent, farrier, track management--\$ 20; stable employees (grooms, etc.), cleaning and food service workers, exercise rider, authorized agent--\$ 5; all others--\$ 10. Such fees shall be multiplied by two for two-year terms and by three for three-year terms.

(j) Each such license, unless revoked for cause, shall be for the period of no more than one, two or three years, expiring on the applicant's birth date. Licenses current on the effective date of this rule shall not be reduced in duration by this provision. An applicant who applies for a license that, if issued, would take effect less than six months prior to the applicant's birth date may, by payment of a fifty percent higher fee, receive a license which shall not expire until the applicant's second succeeding birth date. A renewal license for owner, trainer, assistant trainer, jockey, jockey agent, racing official, mutuel employee, veterinarian, farrier, track management or track security employee shall be for three years unless an individual establishes good cause for a shorter term or the board in its discretion determines a shorter term.

(k) Should a licensee lose a license or should a license in some manner be destroyed, such licensee may apply for a duplicate license by filing an affidavit on a form supplied by the commission and the payment of a fee of \$ 5.

(l) If the commission shall find that the financial responsibility, experience, character, of the applicant are such that the participation of such person will be consistent with the public interest, convenience or necessity, and with the best interests of racing generally, in conformity with the purposes of the law, it shall thereupon grant a license. If the commission shall find that the applicant fails to meet any of said conditions, it shall not grant such license and it shall notify the applicant of the denial.

(m) The commission may refuse to issue or renew a license or may suspend or revoke a license issued pursuant to this Part if it shall find that the applicant or any person who is a partner, agent or employee or associate of the applicant has been convicted of a crime in any jurisdiction, or is or has been associating or consorting with any person who has, or persons who have been, convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with or has consorted or associated with bookmakers, touts, or persons of similar pursuits, or has himself engaged in similar pursuits or is financially irresponsible or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the commission or shall have violated any rule of racing which shall have been approved or adopted by the commission.

(n) It shall be the responsibility of the trainer to determine that every person employed by him at

a licensed track and every assistant trainer, groom, clerk, assistant or other person working regularly in his stable at a licensed track is licensed by the commission. Any participant at a licensed track under circumstances in which the trainer by the exercise of reasonable discretion has reason to believe that said participant has not been licensed by the commission, shall report such circumstances to the commission.

(o) No unlicensed person shall be in or be present in the stable area, paddock, racing strip, infield or mutuel area of a track without permission from the commission and each track shall use all practicable measures to enforce the above restrictions.

(p) In addition to its powers to suspend or revoke a license, the commission may impose such civil penalty as it deems advisable under the circumstances.

#### 4205.2 Procedure for revocation

No license shall be revoked unless such revocation is at a meeting of the commission on notice to the licensee, who shall be entitled to a hearing in respect of such revocation. In the conduct of such hearing, the commission or a commissioner or hearing officer shall not be bound by technical rules of evidence, but all evidence offered shall be reduced to writing, and such evidence, together with the exhibits, if any, and the findings of the commission shall be permanently reserved and shall constitute the record of the commission in such case. The action of the commission in refusing, suspending or in revoking a license shall be reviewable in the Supreme Court in the manner provided by and subject to the provisions of article 78 of the Civil Practice Law and Rules.

#### 4205.3 Fee refunds

Within one year from the date of payment and upon the audit of the State Comptroller, the Department of State may refund any fee paid for which no license is issued or refund that portion of the payment that is in excess of the amount prescribed therefor.

#### 4205.4 Minimum age--jockey

No jockey license shall be granted to anyone less than 16 years of age.

#### 4205.5 Ownership affidavit

An owner to be eligible for a license shall be required to submit an affidavit as to his ownership or lease of all horses in his possession.

#### 4205.6 Disqualification

(a) No person shall be eligible for an owners' or trainers' license if, during the term of such license, he would practice as farrier or veterinarian with horses racing under the jurisdiction of the commission; provided, however, that a duly licensed owner may personally shoe a horse

owned by him upon applying for and receiving a certificate of fitness therefor from the commission.

(b) Disqualification of a person from having a license shall apply in each instance to the spouse of the person.

#### 4205.7 Amateur jockeys

An amateur wishing to ride in races on even terms with jockeys must obtain a jockey license from the commission.

#### 4205.8 Emergency permit

In an emergency, the steward may permit owners, trainers, assistant trainers and jockeys to start, train or ride pending action on their applications.

#### 4205.9 Ineligible employees

All persons holding or applying for occupational licenses are forbidden to employ in any capacity in connection with their licensed operations, any person determined or adjudged by the commission to be ineligible for an occupational license.

#### 4205.10 Copy of rules

Copies of the New York State Quarter Horse Racing Commission rules and regulations shall be available at the commission office and copies thereof shall be available at the quarter horse race tracks duly licensed by the commission.

#### 4205.11 – 4205.15 Reserved

#### 4205.16 Financial responsibility

Any participant who shall accumulate unpaid obligations or default in obligations, or issue drafts or checks that are dishonored or payment refused, or otherwise display financial irresponsibility reflecting on his experience, character or general fitness, shall be subject to refusal, suspension or revocation of license.

#### 4205.17 Badge identification system

All licenses and participants shall comply with the requirements of section 4204.12(b) of this Part and shall be subject to the provisions of section 4204.12(h) of this Part for failure to so comply.

## **PART 4206. TRACK CHARGES AND NIGHT RACING**

### 4206.1 Admission or charges

Admission charges for each class of accommodation must be approved by the commission. The minimum charge shall not be less than 50 cents, exclusive of taxes; provided, however, that the charge for admission of members of the Armed Forces of the United States in uniform may be one half of the amount fixed by the commission for such admissions. Every admission shall be a paid admission except as provided in this Part.

### 4206.2 Passes

No track licensee shall issue any pass card or badge entitling any person to free admission to its track, except in accordance with section 83 of chapter 1023 of the Laws of 1970.

### 4206.3 Public telephones

All public telephones on the track grounds shall be locked 15 minutes prior to the sale of pari-mutuel tickets and remain closed until 15 minutes after the last race has been certified official.

### 4206.4 Racing hours

Each night's racing program shall be scheduled to be completed prior to midnight and in no event may betting be conducted after 11:57 p.m., and the steward shall cause the machines or other devices used for wagering to be locked at such time.

## **PART 4207. TRACK REQUIREMENTS**

### 4207.1 Track straightaway

Every track licensed by the commission shall have a straightaway of at least 440 yards in length, with a minimum width as may be fixed by the commission.

### 4207.2 Track length

Races at distances shorter than 440 yards in length may be run, and races at longer distances up to 870 yards may be run, without the prior written approval of the commission.

### 4207.3 Starting gate

All races must be started from a closed starting gate, set so that the horse's nose is exactly at the starting line.

#### 4207.4 Racing time

Time shall be reported by an electric timing device approved by the commission.

#### 4207.5 Track maintenance

Racing associations shall at all times maintain their race tracks in good condition and with special consideration for the comfort and safety of the public, of the horses stabled, exercising or entered to race thereat, and of all those whose business requires their attendance thereat; and to this end shall have available adequate and proper implements to maintain a uniform track weather conditions permitting.

#### 4207.6 Receiving barn

Every racing association shall provide at a convenient location at its race track, a receiving barn with adequate stable room and facilities including hot and cold water, and ample stall bedding, such barn shall be, at all times maintained in a clean and sanitary condition by an adequate force of attendants employed by the association, and each stall shall be thoroughly disinfected after each occupancy.

#### 4207.7 Flood lights

Racing associations shall install at their tracks and maintain flood lights to provide adequate illumination of the track and stable areas, and such patrol system as may be approved by the commission.

#### 4207.8 Photo finish

Racing associations shall install at the finish line at their tracks and shall adequately maintain two photo-finish cameras to be approved by the commission, holding one such camera in reserve for emergencies to automatically photograph the finish of races. The official photographer shall furnish promptly to the steward of the commission or the presiding judge two prints of every photo finish and a permanent file shall be kept of all such prints and the negative thereof.

#### 4207.9 Motion picture cameras or video equipment

Racing associations or corporations shall at all times during races furnish and maintain at their tracks the necessary cameras and equipment, as approved and directed by the v, to produce motion pictures of every race from start to finish thereof. The films or tapes of all such motion pictures shall be retained by the respective racing associations or corporations for a period of not less than 18 months, and shall at all times be available to the board.

#### 4207.10 Electric or mechanical annunciators

Racing associations shall install at their tracks and adequately maintain electric or mechanical annunciators for the purpose of displaying the numbers of the placed horses at the conclusion of each race.

#### 4207.11 Erection, removal of structures

The erection of buildings, seating stands or other structures on the grounds of any racing association and the alteration or the removal of any thereof shall be made only with the written approval of the commission and the issuance of a permit therefor, after the filing with the commission of a description thereof, with plans showing the detail of the same and a detailed statement of the cost thereof.

#### 4207.12 Man, horse, ambulances

Racing associations shall furnish and maintain at least one man ambulance and at least one horse ambulance each day that their tracks may be open for racing or exercising horses, equipped ready for immediate duty, and to be placed at an entrance to the racing strip so that no time may be lost in answering calls.

#### 4207.13 First aid

Each racing association shall have present an emergency medical technician in a designated place in the public area of the track for first aid and emergency needs during all times that the general public is admitted to the tracks. Each racing association shall also be equipped with an ambulance certified by the Department of Health and an attendant during all times that the general public is admitted to the track. Nothing in this section shall relieve any racing association of the duty to comply with 10 NYCRR Part 18 mandating emergency health care requirements at public functions.

#### 4207.14 Sanitary facilities for jockeys

Each racing association shall make such sanitary arrangements as baths, toilets, or other accommodations for the use of jockeys, as may be reasonably required by the commission, the same to be conveniently located on the grounds.

#### 4207.15 Removal of manure, refuse

Each racing association shall provide proper and well located boxes or pits for separately receiving stable manure and other refuse, situated well distant from any living quarters, and such

boxes and pits shall be emptied and their contents entirely removed from the premises of the association daily except Sundays.

#### 4207.16 Sanitary facilities for patrons

Each racing association shall on every racing day provide and maintain in a strictly sanitary condition such adequate toilets and facilities for furnishing drinking water for its patrons and persons having business at the track, as may be reasonably required by the commission.

#### 4207.17 Stall rental forbidden

Racing associations shall make no charge for stall rental during the conduct of a race meeting at their premises, except in the case of leases or other contracts relating to special facilities for stabling, and such leased or contracted facilities shall be made available to horsemen whenever they are not occupied by the tenant, upon reasonable notice to the tenant.

#### 4207.18 Horse identification

Racing associations under the direction of the American Quarter Horse Association shall institute and diligently maintain a system of horse identification and physical examination.

#### 4207.19 Exclusions from paddock

Racing associations shall exclude from the paddocks, in the interest of public safety and security all those persons who have no immediate business with the horses entered, except the members of the commission, its staff and special representatives and those having special permission from the association or the track steward.

#### 4207.20 Stands for race officials

Stands for judges, timers and stewards shall be maintained in positions commanding an uninterrupted view of the entire racing strip and shall be subject to approval by the commission.

#### 4207.21 Devices to be approved

All devices pertaining to racing which are used on race tracks must be approved in writing by the commission before installation and shall not be removed except with the written consent of the commission.

#### 4207.22 Approval of post time

Post time of the first race at each meeting must be approved in writing by the chairman.

#### 4207.23 Daily reports to commission

Each racing association conducting a race meeting shall supply daily to the commission a report of the following: purse distribution; and such other data as may be required by the commission. The blank forms for this purpose will be supplied by the commission.

#### 4207.24 Bookmakers barred

All persons found making book on the races at any track shall be barred therefrom by the association operating the same, for not less than the duration of the meeting, and a memorandum thereof forthwith transmitted to the commission and to the district attorney of the county in which the offense has been committed.

#### 4207.25 Undesirable persons to be ejected

No person who is known or reputed to be a bookmaker or a vagrant within the meaning of the statutes of the State of New York, or a fugitive from justice, or whose conduct at a race track in New York or elsewhere, is or has been improper, obnoxious, unbecoming or detrimental to the best interests of racing, shall enter or remain upon the premises of any licensed association conducting a race meeting under the jurisdiction of the commission; and all such persons shall upon discovery or recognition be forthwith ejected.

#### 4207.26 Information for commission, State Tax Department

Racing associations shall promptly give to the commission and to the State Tax Department such information in writing as either may request from time to time and shall freely and fully cooperate with them in every way.

#### 4207.27 Trespassers to be ejected

Any person going upon the racing strip or any part thereof or into the winners' enclosure, at any time between 15 minutes before post time of the first race and 15 minutes after the finish of the last race on the day's program without the permission of the judges or steward, shall be ejected promptly from the premises of the association.

#### 4207.28 Minors

Minors under 16 years of age shall not be admitted to the public area of a quarter horse race track where pari-mutuel betting is conducted unless accompanied by a parent or guardian. Minors 16 years of age or older may be admitted at all meetings whenever held.

#### 4207.29 Establishment of purse accounts

(a) Each racing association shall establish as a trust account for horsemen a Horsemen's Purse Account in which it shall deposit the purse money for each day's racing at least two days preceding such day. The trustee or trustees, who must be approved by the board, of said account shall be bonded in the amount of \$ 150,000.

(b) Each racing association shall establish separate trust accounts for each stakes race in which the horsemen's contribution shall be deposited as received. The added money pledged by the racing association shall be deposited in said account at least one week prior to the running of said stake race.

(c) Proof of each account shall be submitted on a monthly basis to the State racing and wagering board by bank letter or bank statement.

(d) Withdrawals from said accounts shall be made only by check drawn to the order of those licensed horsemen entitled to purses in the races for which the deposits were made and only after such races have been designated and cleared as official for purse purposes by the judges.

(e) Nothing herein shall constitute a bar to the recovery of purses paid out; if subsequent to payment thereof, the board shall order that the purse be redistributed.

(f) A violation of this rule may result in a fine not to exceed \$ 25,000, in a suspension, or in any other penalty as the board may impose.

## **PART 4208. OFFICIALS OF RACE MEETINGS**

### **4208.1 Appointment of officials**

(a) The commission shall appoint the following State officials to act at race meetings. The following are State racing officials designated by the commission: presiding judge, judges, recording judges, starters, patrol judges, paddock judges and State Veterinarians.

(b) The racing associations and corporations shall employ, and pay the following association racing officials and their assistants: race secretaries, program directors, announcers, marshals, timers, photo-finish operators, track superintendents and photo patrol operators.

### **4208.2 Track stewards and inspectors**

The commission shall assign a track steward and as many inspectors as it deems necessary to each race meeting. The track steward shall be the principal representative of the commission at such meeting. He shall have general supervision over all State and association racing officials, inspectors, licensees and appointees of the commission assigned or engaged at such meeting. He shall supervise the licensing procedure at such race track. He shall supervise the conduct of the

racing and of the pari-mutuel department. If necessary, he may act in place of an official, or as an additional official or may appoint a substitute official at such race meeting. He shall have the authority to conduct inquiries and in connection therewith to issue subpoenas to compel the attendance of witnesses, and the production of all relevant and material reports, books, papers, documents, correspondence and other evidence. He shall have the power to administer oaths and examine witnesses and shall submit a report of all proceedings thereon. The inspectors assigned to each meeting shall carry out such duties as are assigned by the track steward. The steward shall have the power to impose penalties for violations of this Subchapter.

#### 4208.3 Power of judges

The presiding judge and judges shall have authority to:

- (a) determine all questions of fact relating to the race;
- (b) impose fines and penalties for violations of this Subchapter;
- (c) decide any difference between parties to the race or any contingent matter which shall arise which is not otherwise provided for in this Subchapter;
- (d) declare pools and bets "off" in case of fraud, or declare any horse a nonstarter and direct the refund of all wagers made thereon, from which no appeal will be allowed. All pools and bets shall follow the decision of the judges. Such decisions in respect to pools and bets shall be made at the conclusion of the race upon the observations of the judges and upon such other facts as an immediate investigation will develop. A reversal or change of decision after the official placing at the conclusion of a race shall not affect the distribution of the betting pools made upon such official placing;
- (e) control the horses, and every person or machine engaged in any portion of the racing program;
- (f) investigate every apparent or possible interference or rule violation and examine all parties connected with a race under oath as to any such violation of rules or complaint;
- (g) make such decision in the public interest required by extraordinary circumstances not covered in this Subchapter.

#### 4208.4 Special duties of presiding judge

The presiding judge shall be responsible for the performance of the judges' duties by himself and other officials under his supervision. In addition he shall supervise:

- (a) the maintenance of the judges' book, the steward's list and the accident reports;
  - (b) the preparation, delivery and posting of all notices of penalty, rulings and decisions relative to racing;
  - (c) the procedures prescribed by this Part with respect to investigations;
  - (d) the handling of entries and declarations to start and the application of preferences to race;
  - (e) all announcements over the public address pertaining to the race program;
  - (f) the admittance of persons to the judges' stand subject to the direction of the commission; and
  - (g) the coupling of horses accepted for entry where it is necessary to protect the public interest.
- 4208.4 Special duties of presiding judge

The presiding judge shall be responsible for the performance of the judges' duties by himself and other officials under his supervision. In addition he shall supervise:

- (a) the maintenance of the judges' book, the steward's list and the accident reports;
- (b) the preparation, delivery and posting of all notices of penalty, rulings and decisions relative to racing;
- (c) the procedures prescribed by this Part with respect to investigations;
- (d) the handling of entries and declarations to start and the application of preferences to race;
- (e) all announcements over the public address pertaining to the race program;
- (f) the admittance of persons to the judges' stand subject to the direction of the commission; and
- (g) the coupling of horses accepted for entry where it is necessary to protect the public interest.

4208.5 Duties of judges

It shall be the duty of the judges to:

- (a) closely observe the performance of all horses and jockeys competing at the race meeting;

(b) determine the result of every race contested before them and to place the horses competing therein in the order of their finish;

(c) investigate any act of cruelty to a horse racing at a meeting whether seen by them or reported to them and punish any person guilty of such cruelty;

(d) investigate any accidents on the track to determine the cause thereof and promptly make a full report to the commission;

(e) exclude, from any race, a horse which is improperly equipped, dangerous, unmanageable, unfit to race, or liable to cause accident or injury to another horse or jockey in the race, or which has fallen upon the track during the program;

(f) where a violation of any rule is suspected, to conduct an inquiry promptly and to take such action as may be appropriate and render their report to the commission. Any action, as a result of such inquiry, must be concurred in by at least two of the three judges;

(g) be represented by at least two judges in the judges' stand before wagering opens. All judges shall be in position at least 15 minutes before the first race, at all times when horses are on the track thereafter, and for 10 minutes after the last race;

(h) observe the preliminary warming up of horses and the scoring, noting the behavior of the horses and the jockeys, the equipment of the horses and any lameness which might appear, as well as the changes of the betting odds shown on the totalizator boards and any other incidents relating to the racing;

(i) advise the paddock judge of the schedule of post times for the program as set by the presiding judge;

(j) be responsible for locking the pari-mutuel machines immediately upon the horses reaching the official starting point of the race;

(k) maintain communication with the patrol judges, by telephone, from the time the starter picks up the field of horses until all horses pass the finish line. A written record is to be made of every violation of rules or incident reported by the patrol judges. A mechanical recording shall be made and preserved of all communication between the patrol judges and the main judging stand at all pari-mutuel meetings;

(l) Cause the appropriate signs to be posted on the result board to indicate objection or inquiry in event of rule violation or complaint and notify the public address announcer of the horses

involved and the nature of the objection. When a decision is made, the judges shall cause the objection or inquiry sign to be removed, the correct placing of the horses to be shown, and the "official" sign to be shown;

(m) Display the "Photo" sign if there is less than one-half length between contending horses. They shall examine the photo of the finish before rendering a decision on the placing thereof and to cause copies of such photos to be posted and displayed to the public;

(n) Sign the judges' book after each race;

(o) Suspend payment of purse moneys on the positions affected by a protest or appeal until final decision is rendered.

#### 4208.6 Duties of paddock judge

It shall be the duty of the paddock judge to:

(a) Supervise the assembling of the fields of horses in the race on the track for post parades in accordance with the schedule given to him by the presiding judge.

(b) Supervise the identification of horses in the race.

(c) Supervise the inspection of equipment and shoes; and the saddle numbers of each horse before the parade.

(d) Supervise the paddock gate men.

(e) Supervise the checking in and out of horses, grooms, owners\* jockeys. \*So in original. ", " inadvertently omitted

(f) Supervise the activities of the paddock blacksmith.

(g) Notify the presiding judge of any change of racing equipment or shoes before the race.

(h) Notify the presiding judge of any incident that could in any way change, delay or effect the routine progress of the racing program.

(i) Keep out unauthorized people.

(j) Inspect and supervise the maintenance of all emergency equipment kept in the paddock.

(k) Notify judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race.

(l) Notify judges of all trainers and grooms who leave the paddock in an emergency.

#### 4208.7 Photo finish

(a) The judges shall determine the order of finish of every race contested at licensed quarter horse race tracks.

(b) Every licensed quarter horse race track shall provide photo finish service of a type and quality approved by the commission as an aid to the judges in determining the order of finish.

(c) Whenever the judges call for a photo-finish picture to determine the order of finish they shall cause the word "Photo" to be flashed on the infield board and to remain there until the order of finish is determined.

(d) Whenever a photo-finish picture is used to determine the order of finish such picture, or true copies thereof, or projections thereof, shall be posted or projected for public inspection.

(e) In the event of an electrical or mechanical failure of the photo finish camera, or if a distorted, deceptive or otherwise inadequate picture is developed, the judges shall decide the order of finish and such decision shall be final.

#### 4208.8 Duties of patrol judges

It shall be the duty of the patrol judges to:

(a) Observe all activity on the race track at all times during the racing program.

(b) Be in constant telephonic communication with the judges during the course of every race.

(c) Immediately report to the judges:

(1) any action on the track which could improperly affect the result of a race;

(2) every violation of the racing rules;

(3) every violation of the rules and decorum;

(4) the lameness or unfitness of any horse;

(5) any lack of proper racing equipment.

(d) Individually report in writing daily their observations of each race to the presiding judge.

(e) Attend investigations on violations and testify thereat under oath when so directed.

#### 4208.9 Duties of the recording judge

It shall be the duty of the recording judge to:

(a) Maintain all official race summaries, records, suspensions and fines; prepare and serve all notices relating thereto and provide daily copies thereof to the commission, the licensed quarter horse race track and to all stewards at licensed quarter horse race tracks in New York State.

(b) Check the eligibility of all horses entered in races as well as the ownership and management thereof.

(c) Check all jockeys' licenses and advise the program director and judges of fines and suspensions listed thereon and whether such license is a limited one.

(d) Assist the judges in drawing positions, at the request of the presiding judge.

(e) Maintain a list of all owners, trainers and jockeys at each race meeting together with their New York State Quarter Horse Racing Commission license numbers, and keep such list current.

(f) Keep the judges' book and record legibly therein:

(1) all horses entered and their eligibility certificate numbers;

(2) names of owners and jockeys and their license numbers;

(3) a record of each race, giving the position of horses at the finish and money won;

(4) note of drawn or ruled out horses, placing horses;

(5) record time in minutes, seconds and fifths of seconds.

(g) Check eligibility certificate before the race, and after the race enter all information provided for thereon, including the horse's position in the race as it was chartered. In the event a horse has been placed on the steward's list, such fact and the reason therefor shall be recorded thereon.

(h) See that the judges' book is properly signed.

(i) Forward daily a copy of judges' book to the commission.

(j) Notify owners and jockeys of any penalty assessed by the judges or starter and post a copy of such notice in the racing secretary's office.

#### 4208.10 State veterinarian

(a) The State veterinarian, unless otherwise directed by the commission, shall devote his full time to the performance of the duties of his office and shall not render his professional services to any horseman on the grounds to which he is assigned during the course of the meeting.

(b) It shall be the duty of the State veterinarian to:

(1) supervise the inspection and examination of every horse when first entered at the race meeting.

(2) examine such horse as the judges may request and report thereon.

(3) examine and approve for release from the steward's list all horses that have been placed thereon for being lame, sick or injured;

(4) observe the training of all horses performing at the track and examine any horse which may appear ill or infirm and report thereon to the presiding judge;

(5) observe the horses in the paddock and warming up for the racing program and investigate into and examine such horses which may appear ill or infirm and report thereon to the presiding judge;

(6) verify the tattoo number and supervise the taking of saliva, urine, blood or such other samples from the horses as may be required by the rules or directed by the presiding judge and be responsible for the proper storing and delivery thereof to the State laboratory and the maintenance of required records;

(7) examine horses to be scratched from any race because lame, ill or infirm and report thereon to the presiding judge; and

(8) approve for subsequent nomination all horses which have been scratched from a race for unfitness when such horse has become fit to race.

#### 4208.11 Wagering or interest by officials

No person employed or appointed by the commission or in any way representing the commission shall place wagers upon the outcome of any quarter horse race conducted at a track at which pari-mutuel betting is conducted by any licensee of the commission, or have or maintain any interest, direct or indirect in a horse participating at any licensed quarter horse meeting in the State of New York.

#### 4208.12 Wagering or interest by certain track employees

No employee of a licensed quarter horse race track shall place wagers upon the outcome of any horse race conducted at the track where he is employed nor shall he participate financially directly or indirectly, in the purchase or sale of any horse racing at such meeting.

#### 4208.13 When hearing held

Whenever a matter has been referred to the board by stewards which involves an alleged violation by any person of any law or of any section of the rules and regulations or an order or directive of the board, or whenever the board, on its own initiative, shall determine to take cognizance of any such alleged violation or any other matter within its jurisdiction.

### **PART 4209. IDENTIFICATION OF HORSES**

#### 4209.1 Records

No horse will be permitted to race unless a registration certification, in current form, is on file with the track conducting the race.

#### 4209.2 Misrepresentation

Any misrepresentation of a material fact concerning the record of those entered at a licensed quarter horse racing track shall be deemed a violation and subject the person or persons responsible therefor to penalties.

#### 4209.3 Examination of horse or records

Any racing official, track official, owner or jockey may call for information concerning the identity or eligibility of any horse competing at a licensed quarter horse race track, and may demand an opportunity to examine under proper supervision such horse with a view to establishing identity or eligibility. No owner or party controlling such horse may refuse to afford such information or to allow such examination. No person shall demand identification of a horse without cause or to embarrass a race.

#### 4209.4 Reports on ownership and control of horses

(a) Within 72 hours, or shorter period if so directed, after arrival of any horse at a race track, the person in charge of such horse shall file a statement with the commission steward, in form satisfactory to the commission, listing the following information:

(1) the owner or owners of each such horse with address, telephone number with commission license number;

(2) the trainer and, if any, the assistant trainer, with address, telephone number and commission license number;

(3) each groom or other employee employed for such horse with address and commission license number. If any such employee is thereafter discharged or leaves his employment such fact shall be reported to the commission steward within 24 hours;

(4) the name and policy number of the workers' compensation carrier if any;

(5) the tattoo number of each such horse; and

(6) such other information as may be required.

(b) Upon any change in ownership, training, or employment regarding such horse during the meeting, the person in charge of the horse shall promptly report that information to the commission steward.

(c) The trainer of a horse shall file a statement with the recording judge, designating an assistant to assume his responsibility when such trainer will not be available for a period exceeding one day.

(d) Copies of all such statements required above shall be filed with the presiding judge and race secretary.

#### 4209.5 Identification of horses

No horse shall be permitted to race which has not been registered and tattooed in a manner approved by the commission. Before each start such horse's tattoo number shall be read and verified.

#### 4209.6 Importation prohibited without document

(a) No horse shall enter the State of New York unless accompanied by a certificate of equine examination signed by a veterinarian accredited and licensed by the State in which the examination required by the certificate was made and further provided that no horse shall enter the State of New York until the original of said certificate has been placed in the mail for delivery first class to the State veterinarian.

(b) Form of certificate. (1) The information on the certificate shall include the name of the owner or trainer with address, the consignee or destination in New York with address, the date of examination, the number of horses examined, the establishment or premises at which the horses were examined, the name, registration number if any, tattoo if any, sex, age, rectal temperature and color and markings of each horse listed on the certificate.

(2) The certificate shall include the following statement signed by the examining veterinarian:

"I hereby certify that I am accredited and licensed in the State of \_\_\_\_\_ and that \_\_\_\_\_ horse or horses (State) (Number) described above was or were examined by me on the date indicated and found to be free from symptoms of any infectious or communicable disease. I further certify that the temperature of each horse was as recorded above.

Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ "

(Accredited Veterinarian)

(3) The certificate shall make provision for the recording of test results by the State veterinarian of the State of origin and shall include the following statement for subsequent counter-signature by such State veterinarian:

"This certifies that the issuing veterinarian is accredited and licensed to practice in the State of \_\_\_\_\_ and that the test results recorded above are correct to the best of my knowledge and belief. Signature: \_\_\_\_\_

(State Veterinarian)

Dated Countersigned \_\_\_\_\_ "

(c) Time limitation of certificate. A certificate of equine examination shall be valid for the purposes of this Part until the 10th day following the date of examination appearing on the certificate.

4209.7 Importation prohibited

(a) All persons, associations or corporations, their agents, officers and employees and any person acting by or at their behest, are hereby forbidden to bring into this State or cause to be brought into this State, any horse affected with or having been exposed to the disease known as equine infectious anemia (swamp fever). Every horse brought into this State or caused to be brought into this State shall be accompanied by a statement signed by a veterinarian of recognized standing in his state or country of residence certifying that such animal is not suffering from and has not been exposed to equine infectious anemia.

(b) Manure from any horse suffering from equine infectious anemia shall not be brought or caused to be brought into this State.

(c) Every person, association or corporation, and any agent, officer or employee thereof, failing to obey this section shall be subject to the fines and penalties provided by law.

## **PART 4210. TRANSMISSION OF INFORMATION**

### 4210.1 Information transmission regulated

Except as may be permitted by a licensed quarter horse track, no person shall transmit therefrom by telephone, telegraph, teletype, semaphore, signal device, radio, television or other method or means of electrical, mechanical, manual or visual communication the result of any race or any information whatsoever with respect to the odds or the wagering pools; or any information dealing with track conditions, jockey changes, changes of equipment, scratches or any other information whatsoever relating to a race.

### 4210.2 Reserved

### 4210.3 Transmission equipment to be reported

Each licensed quarter horse track shall, upon request from the board, furnish the board with a written description or blueprint, as requested by the board, showing the location of all equipment used or permitted to be used for the transmission of information within, to or from its premises, together with all telephone, teletype and telegraph or other electrical wires and radio and television equipment upon or entering its premises.

### 4210.4 Telephones restricted

(a) No telephone shall be installed in the stable area or elsewhere upon its grounds except with the permission of the licensed quarter horse track.

(b) The licensed association conducting the meeting shall be responsible for the enforcement of

this section. Violation of this section shall subject the offending person to the removal of the telephone and to action by the commission.

#### 4210.5 Radio, video contracts to be filed

Each licensed quarter horse track shall furnish to the board a full and complete copy of each and every proposed agreement for radio broadcasts or video telecast of any part of the program or any other incident at their respective racecourse during the racing season at least 10 days prior to the execution of any such agreement by such track.

#### 4210.6 Transmission of racing information

Except as otherwise provided in the rules or by statute, information concerning races conducted at all pari-mutuel thoroughbred tracks in New York shall not be transmitted from any such track unless approved by the board. The term racing information shall be deemed to include live, delayed or simulated descriptions of a race whether by audio or video transmission, the odds resulting from any betting registered before a race and other types of information, including but not limited to entries, program numbers, jockey changes, post positions, scratches, race results and pay-off prices.

(a) In making its determination, the board shall consider the following criteria, information concerning which must be submitted by the racing association or corporation:

- (1) the nature of racing information as defined herein to be transmitted;
- (2) the location to and from which such racing information is to be transmitted;
- (3) the means and method of transmission of racing information;
- (4) the terms of any contracts or agreements relating to the transmission of racing information; copies of all relevant contracts shall be submitted; and
- (5) any other relevant information which may be specifically requested by the board.

(b) In addition to the foregoing, if an application involves the transmission of racing information to a location other than an off-track betting corporation facility via a cable or closed circuit radio or television transmission, which location is either within a nonparticipating county or within the market area of a regional track then the racing association or corporation whose racing information is to be transmitted shall notify the clerk of such county or the head of such track in order that such county or track may submit written comments on such application to the board.

(c) The board, in its discretion, may order a hearing on any application seeking its approval for the transmission of racing information pursuant to this section.

(d) The board shall only approve an application submitted pursuant to this section if it finds that such application is consistent with the best interest of the racing industry in general.

(e) The board may suspend or revoke its prior approval of the transmission of racing information and may order the termination of any such transmission for a good cause.

#### 4210.7 Combination of New York wagers with wagers made in other states or foreign countries

Pursuant to section 907 of the Racing, Pari-Mutuel Wagering and Breeding Law, New York wagers may be combined with wagers made in other states or foreign countries if proposed pursuant to a written plan describing the method of operation under each of the criteria set forth under such law and evidence of compliance with each of the requirements of such law is furnished by the applicant. Such application shall be approved by the board if it is satisfied that the statutory criteria have been met and that such operation is consistent with the public interests and the best interests of racing generally.

### **PART 4211. ASSOCIATION EMPLOYEES**

#### 4211.1 Commission approval required

Before entering upon the discharge of their duties the following officials employed by an association shall be approved in writing by the commission, viz.: all racing secretaries, handicappers, clerks of the scales, timers, examining veterinarians and track veterinarians, and such other persons as the commission may designate from time to time because of their importance in the actual conduct of racing.

#### 4211.2 Minors not to be employed

No person under the age of 16 years shall be employed in or about the track by any association except as may be permitted by the applicable laws of the State of New York.

#### 4211.3 Eye tests for officials

Eye tests shall be given by competent opticians to all stewards, and placing and patrol judges, as and when directed by the commission, the test include particularly distance and colors, and the original reports thereof shall be kept on file at the office of the commission.

#### 4211.4 Veterinarians restricted

No veterinarian employed by the commission or by an association shall be permitted, during the period of his employment, to treat or prescribe for any horse for compensation or otherwise, except in case of emergency.

## **PART 4212. RACING EMPLOYEES**

### 4212.1 Information in daily program

(a) The names of jockeys and the post positions of their horses, scratches, etc. shall be printed on the daily programs. When such information is not available at the time the programs are printed, the same and all other changes in the official program shall be posted in a conspicuous place both in front of the clubhouse and in front of the grandstand, where the same may be easily read by the public, and also shall be announced over the public address system.

(b) Each program shall denote the use of furosemide for the programmed race and at least the six most recent purse races in the following manner:

(1) (L) horses running on furosemide;

(2) (L1) horses running the first time on furosemide.

### 4212.2 Physical examinations

All jockeys and exercise boys shall undergo examinations whenever directed by the steward to determine their fitness to ride and the reports of such examinations, duly signed by the examining physicians, shall be filed promptly with the commission.

### 4212.3 Workers' compensation

All jockeys and all stable employees shall be insured for workers' compensation by either the owner or trainer according to which one is the employer, as defined by the Workers' Compensation Law, and usual certificate of insurance shall be filed with the commission before license be issued to such owner or trainer, as the case may be. If the insurance underwriter should advise the commission that the insurance coverage is cancelled or suspended for nonpayment of premium or otherwise, the jockey shall not be permitted to ride nor the stable employees to act for the employer unless and until the insurance is fully reinstated.

### 4212.4 Minors not to be employed

No stable may have in its employment in any capacity any employee under 16 years of age, except as may be permitted by the applicable laws of the State of New York.

#### 4212.5 Registration of stable employees

The personnel of every stable and changes thereof shall be registered by horsemen with the association on whose tracks their horses are racing or stabled and shall be available at all times to representatives of the commission.

#### 4212.6 Identification card required

No stable employee shall be permitted to work without first filing application for commission license and obtaining track identification card; and no stable employee shall be paid off on discontinuance until he has surrendered his said identification card which shall be immediately delivered to the track office.

#### 4212.7 Safety helmet required

Every jockey, apprentice jockey and other rider, whether in a race or when exercising or ponying a quarter horse, shall wear a safety helmet of a type approved in writing by the stewards; and no change shall be made in any such helmet without the approval of the stewards.

#### 4212.8 Safety vests

No jockey or apprentice jockey shall participate in any race conducted by any association or corporation licensed or franchised by the board to conduct quarter horse race meetings unless he or she wears a safety vest. Such safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body, as evidenced by a label with at least a rating British Equestrian Trade Association (BETA).

### **PART 4213. HORSES**

#### 4213.1 Examination; report thereof

Every horse that is entered to race on any day shall be examined by an official veterinarian employed by the association conducting the meeting reasonably in advance of post time for the race in which the horse is entered to run, and if he shall report to the steward that any horse is, in his opinion, not in fit condition to race, said steward may exclude said horse therefrom whether or not it has already been brought into the paddock.

#### 4213.2 Exclusion; withdrawal

(a) When a horse, after entering the paddock, is excluded or withdrawn from the race for any reason satisfactory to the steward, notice shall be posted on the notice board and immediate announcement made over the public address system.

(b) Money paid for mutuel tickets on any horse so excluded or withdrawn shall be subject to refund pursuant to section 4215.19 of this Subchapter.

#### 4213.3 Records to be kept

Charts or records of every horse stabled at tracks during meetings thereat shall be kept by or under the direction of the racing secretaries of the associations. Said charts shall show the breeding, name, registration, age and sex of the horse; and such charts and records shall be available to the members and the steward of the commission.

#### 4213.4 Shoeing

Every horse entering the paddock to race shall be inspected as to its shoeing, and a notice forthwith posted in a conspicuous location in the grandstand, easily visible to the public, stating the type of shoes with which the horse is shod and whether with or without caulks and on which feet, or is shoeless as to any of its feet.

#### 4213.5 Qualifications to start

No horse shall be qualified to start in any race unless he be entered by a licensed owner and in charge of a licensed trainer.

#### 4213.6 Veterinarians to be licensed

No owner or trainer or his representative shall employ a veterinarian who is not duly licensed as such by the Education Department of the State of New York. Licensed associations shall use all reasonable efforts to prevent nonlicensed veterinarians from practicing on their premises.

#### 4213.7 Use of drugs

Every such veterinarian who shall prescribe or use any medication or treatment which contains a drug or drugs, which he has reason to believe are of such character as could affect the racing condition of a horse in a race, shall at the time of such prescribing or use deliver to the steward of the commission and the trainer of the horse under treatment a written statement setting forth the name of the horse and of the trainer, and the fact that such medication or treatment, as the case may be, contains a drug, stimulant or narcotic which, in the opinion of the veterinarian, is of such a character as could affect the racing condition of the horse in a race.

#### 4213.8 Coupled entries

(a) All horses owned wholly or in part by or under the control of the same person or trained by the same trainer must be coupled and run as an entry.

(b) The judges may require any horses entered in a race to be coupled for betting purposes prior to the commencement of wagering on-track and off-track, if they find it necessary in the public interest.

(c) Not more than two horses trained by the same person shall be drawn into any overnight race, or on the also-eligible list, to the exclusion of another horse.

(d) For the purposes of subdivision (a) of this section, a horse shall be deemed wholly owned or in part by a particular person if that person holds the entire property interest in the horse or if, by lease or ownership, he controls the racing qualities of the horse, or if he holds a proportionate interest of 25 percent or more in a partnership which either holds the property interest in the horse or, by lease or ownership, controls the racing qualities of the horse.

#### 4213.9 Death of a horse

(a) Upon the death of a horse on any part of the grounds of a quarter horse race track, the remains of the deceased horse shall not be removed without:

(1) the execution of a death certificate by a board -licensed veterinarian, in a form as the board may prescribe, and contain such information as the board may require;

(2) the filing of said death certificate with the presiding judge or his designee; and

(3) the written consent of the presiding judge or his designee, authorizing the removal of the remains.

(b) Upon the death of a horse on the grounds of a quarter horse track, the board at its discretion through its agents, may take control of the bodily remains of the deceased horse; and/or order, direct and cause an appropriate necropsy to be conducted on the remains of said horse, in order to determine the cause of death. The necropsy shall be conducted by a qualified veterinarian at a facility designated by the board.

(c) It shall be the responsibility of the race track at all times to prevent the unauthorized removal from the race track of the remains of a deceased horse.

## **PART 4214. RACING RESULTS**

### 4214.1 Posting order of finish

When a result is official, that word shall be flashed on the result board and shall signify that the placing of the horse is final insofar as the payoff is concerned. If any change be made in the order of finish of a race after the result is so declared official, it shall not affect the payoff. The posting on the result board of the order of winning, place and show horses or the prices to be paid shall not be deemed to signify that such result and prices are official until the official signal has been shown on the result board or announced by the public address system.

#### 4214.2 When foul is claimed

In the event of a foul being claimed, the word inquiry shall be flashed forthwith on the result board and announcement thereof made on the public address system.

#### 4214.3 Rulings after official declaration

Rulings of the judges with regard to the award of purse money made after the result has been declared official shall in no way affect the mutuel payoff.

#### 4214.4 Photo-finish pictures

(a) A photo-finish picture shall be taken of all races at every licensed race course and the use of all negatives, pictures, equipment and methods shall be subject to the approval of the commission.

(b) The commission shall maintain and have on file a permanent photographic negative and two prints therefrom of each race of which a photo-finish picture has been taken.

(c) All negatives and prints of the photo finish of a race shall be considered public records.

(d) All negatives and prints of the photo finishes of races shall be retained in the files of the association for a period not exceeding three years; and at the end of such time the said negatives and prints shall be destroyed.

### **PART 4215. PARI-MUTUEL OPERATION**

#### 4215.1 Rules printed in programs

Such rules for pari-mutuel betting as may be specified by the commission shall be printed in the daily racing programs sold to the public within the premises of racing association.

#### 4215.2 Result board, totalizators required

All race tracks under the jurisdiction of the commission are required to install and maintain mechanically operated totalizators and result boards in plain view of patrons.

#### 4215.3 Sale, exchange of tickets

No pari-mutuel tickets shall be sold except at regular ticket windows, properly designated by signs, except that tickets may be issued by automated ticket machines, or bets may be sold by designated couriers, according to procedures approved by the board. No such tickets shall be exchanged.

#### 4215.4 Presentation for payment

Payment on winning pari-mutuel tickets shall be made only upon presentation and surrender of such tickets. In the discretion of management or by direction of the board, payments may be made by cash or by check to the holder of a winning pari-mutuel ticket from whom identification may be required.

#### 4215.5 Presentation deadline

(a) All winning pari-mutuel tickets must be presented for payment or refund before April 1st of the year following the year of their purchase and failure to present any such ticket within the prescribed period of time shall constitute a waiver of the right to refund or to participate in the award or dividend.

(b) Each association or corporation shall cause the substance of this rule to be imprinted upon each pari-mutuel ticket, in words approved by the board.

#### 4215.6 Minimum payoff

Each association must in all cases of a pari-mutuel pool distribute not less than \$ 2.10 on each winning two-dollar wager. No part of any minus pools resulting from such payments shall be charged against the State's participation in the total pools or the breaks.

#### 4215.7 Mutilated tickets

Mutilated pari-mutuel tickets or those whose validity is questioned shall be submitted to the New York State Tax Commission for inspection, and the ruling of said commission thereon shall be final and conclusive.

#### 4215.8 Minors may not purchase

No person known to be under the age of 21 years shall be permitted to purchase a pari-mutuel ticket.

#### 4215.9 When sellers' windows open

Mutuel sellers' windows shall open at least 30 minutes before the first race and at least 15 minutes before each other race. Mutuel cashiers' windows shall open as soon as possible after the "official" notice has been posted.

#### 4215.10 Machines locked at off-time

The pari-mutuel machines will be locked by the judges immediately upon the opening of the stall doors of the starting gate on the signal of the starter.

#### 4215.11 Sales not completed

No association shall be responsible for ticket sales not completed before the machines are locked.

#### 4215.12 Reserved

#### 4215.13 Cashiers' windows

Mutuel cashiers' windows shall remain open until 30 minutes after the last race.

#### 4215.14 Bookmaking prohibited

Bookmaking or betting, other than through the pari-mutuel system conducted by a duly licensed association, is strictly prohibited. Bookmaking is a misdemeanor under the Penal Law and is punishable by a fine or imprisonment or both.

#### 4215.15 Record of unpaid tickets

An itemized record of all unpaid pari-mutuel tickets shall be prepared and a complete record thereof, including total, forwarded to the commission and the State Tax Department within 30 days after the last day of each race meeting.

#### 4215.16 Record of calculations

(a) The association, if operating a pari-mutuel system without the totalizator system, shall, in taking off total or mutuel ticket sales, prepare two additional carbon copies thereof at the time of making and furnish the same to the respective designated representatives of the commission and State Tax Commission before the calculations for mutuel prices to be paid shall have been made.

(b) At race meetings where the totalizator machine is operated, if any additional method of calculation is used or undertaken, full records thereof shall be furnished to the commission and the State Tax Commission.

#### 4215.17 Daily reports to commission

Complete and detailed records of each race, containing each change of readings of the odds and the actual possible payoff on each horse, shall be filed with the commission at the end of each racing day.

#### 4215.18 Daily examination of records of employment

A member of the staff, to be designated by the chairman, shall make examination daily of the records of employment of the pari-mutuel employees, and he shall make written reports to the commission with respect to the citizenship and place of residence of such employees.

#### 4215.19 Refund--horse excused

(a) If a horse be excused from racing for any reason whatsoever after the betting thereon has begun, the money bet on that horse shall be refunded. When the horse is part of an entry or the field, all betting upon such entry or field shall cease and all money theretofore wagered upon such entry or field shall be refunded. Notwithstanding the termination of betting upon all horses which are part of such coupled entry or field, the horse or horses in such coupled entry or field which are not scratched shall start in such race as nonbetting interests for the purse and the finish of such horses in the race shall be disregarded for pari-mutuel purposes. Such circumstances shall be announced by public address and explained to the public at the time such action is taken and thereafter as may be necessary to adequately inform the public.

(b) At a track equipped with a totalizator system with the capability to cancel and refund tickets prior to the running of a race, the time that "betting has begun" on a horse in an entry or the field shall be deemed to be the time that win odds are first displayed on the track's infield tote board on the race in which such horse is to compete (or on the first race of a multiple race pool of which such horse's race forms a part) and if tickets have been sold upon an affected entry or field prior to such time the tickets shall not be refunded unless the holders thereof present them for cancellation prior to the start of the race (or the first race of a multiple pool); tickets not presented for cancellation by such time, shall be considered as wagers upon the remaining horses in such entry or field.

#### 4215.20 Starters; refund--failure of starting gate

(a) When a horse starts. Every horse shall be considered a starter when the stall gates open on the signal of the starter.

(b) Refund--failure of starting gate. If it be determined by the steward that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open, the

money bet on the horse shall be refunded and such horse or horses shall be considered as scratched, notwithstanding the placing of any remaining part of an entry or field.

#### 4215.21 Pools dependent on entries

In all races except sweepstakes with five or more separate entries which start, racing associations shall provide win, place and show pools; in all races with four separate entries which start, they shall provide win and place pools; in races of three or two separate entries which start, they shall provide only a win pool; and pari-mutuel tickets shall be sold accordingly; provided, however, that in sweepstakes with less than four separate entries which start, racing associations may, at their option, provide that there shall be no betting; and in such cases an additional race with betting shall be added to the program, if feasible.

#### 4215.22 Refund only on presentation

No refunds of money paid for pari-mutuel tickets to be made as directed by this Part shall be made except upon the presentation and surrender of the ticket.

#### 4215.23 Announcing payoff error

If an error is made in posting payoff figures on the public board, prior to the cashing of any pari-mutuel tickets affected by such error, it shall be corrected promptly and a statement explaining the facts made over the public address system.

#### 4215.24 Adjustment of underpayments caused by error

(a) In the event of an error in calculations of payoff prices which results in underpayments to the public, the aggregate of such underpayments shall be paid into the corresponding pool of the next race or races in such amounts as may be determined by the steward of the commission and a designated representative of the association conducting the meeting.

(b) If any such error should occur in computing the daily double or the twin double pools, the underpayment shall be added to the corresponding pool of the following day.

(c) Immediately upon the discovery of such an error, the commission and the State Tax Commission shall be furnished a detailed statement thereof in writing, signed by the manager of the mutuel department.

#### 4215.25 Shortages

A track may deduct from the wages of a pari-mutuel employee monies owed as a result of such employee's going short on any particular racing day. The term short as used in this section shall

mean any loss to the quarter horse racing association arising from amounts missing from funds in the possession, custody or control or under the supervision of any pari-mutuel employee or employees in the course of the performance of his or their duties in the mutuel department of the quarter horse racing association.

#### 4215.26 Payments to the New York State Quarter Horse Breeding and Development Fund

Every corporation or association shall pay to the New York State Quarter Horse Breeding and Development Fund the percentage of the pari-mutuel pool as required by law when the payments of State taxes are due to the State Tax Commission.

### **PART 4216. POOL CALCULATIONS**

#### 4216.1 Pools--calculation and distribution

The pari-mutuel pools shall be calculated and distributed as follows:

- (a) Win, place, show, daily double or twin double wagers form separate wagering pools with payoffs calculated independently of each other.
- (b) From each pool there shall be deducted this percentage provided by statute, the remainder being the net pool for distribution, less the breaks, as provided by the Pari-Mutuel Revenue Law.
- (c) Win pool. (1) The net pool divided by the amount wagered on the horse finishing first determines the payoff per dollar, including profit and wager.  
  
(2) When two horses finish first in a dead heat, the money in the win pool is divided the same as in a place pool calculation.
- (d) Place pool. (1) The amounts wagered on horses finishing first and second are deducted from the net pool to determine the profit. This profit is divided in half, and the halves, in turn, divided by the two amounts mentioned above. This determines the profit per dollar, to which is added the wager.  
  
(2) When two horses finish second in a dead heat, one half of the profit is allocated to the tickets representing wagers on the horse finishing first, and the remaining half is allocated equally to the wagers on horses finishing in the dead heat for second.  
  
(3) When two horses in the field or coupled as an entry run first and second, the place pool shall be distributed the same as in a win pool.

(e) Show pool. (1) The amounts wagered on the horses finishing first, second and third are deducted from the net pool to determine the profit. This profit is divided into three equal parts, and each part, in turn, divided by the three amounts mentioned in subdivision (d) of this section. This determines the profit per dollar, to which is added the wager.

(2) When two horses finish third in a dead heat, one third of the profit is allocated to the tickets representing wagers on the horse finishing first, one third to the wagers finishing second and the remaining third equally to wagers on the horses finishing in the dead heat for third.

(3) When two horses in the field or coupled as an entry finish first and second, first and third or second and third, two thirds of the profit is allocated to the tickets representing wagers on the field or entry, and the remaining one third to the wagers on the other horse.

(4) When one horse in the field or coupled as an entry finished first or second, and the other part of the entry or field finished third in a dead heat with another horse, one half of the profit is allocated to the tickets representing wagers on the field or entry, one-third to the horse finishing first or second, and the remaining one-sixth to the wagers on the horse finishing third in the dead heat with the field or entry.

(5) When three horses in the field or coupled as an entry run first, second and third, the place and show pools shall be distributed the same as a win pool.

(f) When only two horses finish, the show pool, if any, shall be distributed the same as in a place pool.

(g) When only one horse finishes, the place and show pools, if any, shall be distributed the same as in a win pool.

(h) In any race in which no horse finishes, all money wagered on the race shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon.

(i) Payment where no wagering on a horse in the win, place or show pools. (1) In the event that there is no money wagered to win on a horse which has finished first, the pool will be refunded.

(2) In the event that there is no money wagered to place on a horse which finished first or second, the net pool will be distributed to wagers on the horse upon which money was wagered to place and which did so finish; if none, the pool will be refunded.

(3) In the event that there is no money wagered to show on a horse which has finished first,

second or third, the net pool will be distributed to wagers on the horses upon which money was wagered to show and which did so finish, as in a place pool; if only one, to wagers upon such horse as in a win pool, if none, the pool will be refunded. Should these circumstances be foreseeable when a pool closes, an immediate announcement shall be made to hold all tickets because all betting combinations are not covered.

4216.2 – 4216.5 Reserved

#### 4216.6 Parlay betting

(a) When consistent with the public interest and the best interests of racing generally, with permission of the board, the track operator may offer parlay betting as a service to the betting public.

(b) The parlay is not a pari-mutuel pool, but is a series of bets combining betting entries in win, place or show pools in each of two or more separate races in chronological order. The initial amount bet constitutes the bet on the first betting entry in the first parlay race (leg); if successful, the payoff from winning the first leg (to the lowest penny) is then bet on the betting entry designated in the second leg; if again successful, and if the parlay continues, the payoff from winning the second leg is then bet (to the lowest penny) in the third leg; etc.

(c) A parlay bet may combine any of the races on the program and must combine at least two and not over six races. Bets are limited to win, place or show pool types for which a corresponding pool is conducted on the race selected. The races in a parlay must be chronological but need not be consecutive nor combine the same type pool. The parlay shall be designated on one pari-mutuel ticket which may also evidence other parlay bets combining the same races.

(d) A parlay bet may not combine bets in the same race or earlier races (so-called reverse bets) nor on races on other programs.

(e) While payoffs inserted as bets in subsequent races are broken to the lowest penny (unlike regular payoffs), payoffs to the parlay bettor shall be broken to the lowest dime. Resulting parlay breakage shall be reported separately and added to regular breakage at the end of the program for the purpose of taxation and distribution.

(f) Parlay payoffs will be so inserted as bets in subsequent pools by the track operator that the amount of such bets, including their effect on the betting odds, will be displayed as soon as possible after the initial change of the morning line display. (Bet totals in such pools shall be displayed in truncated fashion, to the lowest dollar.)

(g) If any taxing authority requires the withholding of any portion of a winning parlay payoff

prior to the completion of all bets in the parlay, such parlay shall thereupon terminate at such point and be payable to the ticket holder without further completion, selections in future races being voided. Such consequence shall be publicly announced and prominently displayed by the track operator who shall inform the public by explanation and examples of the operation of this subdivision before the start of the racing program.

(h) Parlay wagers may be cancelled by the ticket holder, in accordance with track policy on cancellations, only prior to the start of the first parlay race in which a parlay selection starts. Thereafter, the parlay must either be completed or be terminated by operation of these rules in order to be entitled to a payoff. The holder of the parlay ticket shall not have the option to cash in such bet prior to completion after a designated parlay entry actually starts in a race.

(i) If a race, pool or betting entry in a parlay is scratched (which includes an entry being declared a nonstarter for betting purposes, or a race or pool being declared "off") the parlay shall be constituted by the remaining legs; if there are no remaining legs, the parlay terminates.

(j) A bet on a coupled entry or field is considered a bet on the remaining part of such coupled entry or field in the event any part of such entry or field starts for pari-mutuel purposes in accordance with section 4215.19 of this Title. Parlay tickets incorporating an entry or field in which a scratch occurs are refundable only in accordance with subdivision (h) of this section.

(k) Copies of this section shall be made available to the public by the track operator.

## **PART 4217. THE DAILY DOUBLE AND OTHER POOLS**

### **4217.1 Rules printed in program**

The rules for daily double betting shall be printed in the daily racing programs sold to the public within the premises of the racing associations.

### **4217.2 Not a parlay**

The daily double is not a parlay and has no connection with or relation to the pool shown on the totalizator board.

### **4217.3 Prerequisites**

In order to win a daily double, it is necessary for the purchaser of daily double ticket to select the winners of each of the two races specified for the daily double. If either of his selections fails to win, his contract is voided, except as provided in this Part.

#### 4217.4 Entries; fields

Entries and fields may be included in the first and second races of the daily double. In the event that part of an entry or field is scratched before the running of the first race of the daily double there shall be a refund, and the provisions of section 4215.19 of this Subchapter shall govern. In the event that part of an entry or field is scratched in the second race after the running of the first race thereof, there shall be a consolation payoff.

#### 4217.5 Posting the payoff

The payoff shall be posted after the result of the first race is declared "official" and before the second race is run, except in the event of a dead heat in the first race when the posting of the payoff may be deferred until the second race has been run.

#### 4217.6 Calculation, distribution of pools

The daily double pool shall be calculated and distributed as follows: the net pool divided by the amount wagered on the winning combination determines the payoff per dollar bet.

#### 4217.7 Failure to select a winner and race cancellations

(a) If no daily double ticket is sold designating the winner of the first race, or the first race is cancelled or declared "no race", the daily double shall be declared off and the gross pool refunded.

(b) If no daily double ticket is sold combining the winners of the first and second races, or the second race is cancelled or declared "no race", the net pool shall be distributed to holders of tickets designating the winner of the first race, as in a win pool and the daily double shall terminate.

#### 4217.8 Dead heats

(a) In the event of a dead heat either in the first race or second race of the daily double, two winning combinations result. The amounts wagered on both winning combinations are deducted from the net pool to determine the profit. This profit is divided in half, and the halves, in turn divided by the two amounts mentioned in this Part. This determines the profit per dollar, to which is added the amount of the wager.

(b) In the event of a dead heat in both races of the daily double, four winning combinations result. The amounts wagered on these four winning combinations are deducted from the net pool to determine the profit. This profit is divided into four equal parts, and each part, in turn, divided

by the four amounts mentioned in this Part. This determines the profit per dollar, to which is added the amount of the wager.

#### 4217.9 Effect--horse scratched, excused

(a) Should any horse in the first or the second race of the daily double be scratched or excused by the judges, before the running of the first race, all money wagered on combinations including such horse shall be deducted from the daily double pool and shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon. Horses coupled with a starter in a coupled entry or field shall be governed by the provisions of section 4215.19 of this Subchapter.

(b) Should any horse in the second race of the daily double be scratched or excused by the judges after the running of the first race of the daily double, a consolation pool will result. In such case, all tickets combining the scratched or excused horse with the actual winner of the first race shall become consolation tickets and shall be paid a price per dollar bet determined as follows: the net daily double pool shall be divided by the total purchase price of all daily double tickets designating the winner of the first race of the daily double and the result obtained shall constitute the consolation price per dollar bet. The amount set aside for these consolation payoffs will be deducted from the net daily double pool.

#### 4217.10 Quinella

(a) The quinella is a form of pari-mutuel wagering. Each bettor selects two horses to place first and second in the designated quinella race, the order of placing of the said two horses being immaterial. The quinella is not a parlay and this pool shall be held entirely separate from all other pools, and is in no way a part of the daily double, exacta, triple, superfecta, straight, place or show pools.

(b) (Reserved)

(c) Races in which quinella pools are to be conducted shall be approved by the board and shall be clearly designated in the racing program.

(d) The design of quinella tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) Scratch. If a horse is scratched or declared a nonstarter no further tickets may be issued designating such horse and all tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) Failure to select a winning combination. If no ticket is sold on a winning combination in a

quinella pool, the net pool shall be apportioned among those holding tickets designating the horse placing first with any other horse and those holding tickets designating the horse placing second with any other horse, in the same manner in which a place pool is calculated.

(g) Dead heat. In case of a dead heat between two horses for the first place, that combination shall be the winner of the quinella pool. In cases of a dead heat for first place involving more than two horses, the net pool shall be calculated and distributed to holders of tickets combining any two dead-heated horses as in a win pool dead heat.

(h) In case of a dead heat between two horses for second place, the pool shall be figured as a "place pool", the holders of tickets combining the winning horse and one of the two horses placing second participating in the payoff.

(i) In case of a dead heat for second place and no tickets are sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination.

(j) If no tickets combine the winning horse with either of the place horses in the dead heat the pool shall be apportioned among those holding tickets designating the first place horse and any other horse, and those holding tickets designating a second place horse with any other horse, as in a place pool in which a dead heat for place occurs.

(k) If no ticket is sold that would require distribution of a quinella pool to a winner as defined in this section, the track shall make a complete and full refund of the quinella pool.

(l) In the event fewer than four betting interests start, the quinella pool shall be declared off and the gross pool refunded.

(m) This section shall be prominently displayed throughout the betting area of each track conducting the quinella and printed copies of this section shall be distributed by the track to patrons upon request.

(n) Winning combination. The numbers of the first two horses as made official shall be the winning combination regardless of their respective order of finish, except that where more than one of such horses is part of a coupled entry or field with another of such horses, only the one best finisher of such horses shall be counted in the winning combination for payoff, and the horse or horses not in such coupled entry or field finishing the same, or, if applicable, next finishing, shall be the other part of the winning quinella combination. For example, if two horses in a coupled entry (or field):

(1) finish first and second, or in a dead heat for first, the winning combination will be the number of such entry or field and the number of the third finishing horse not part of such entry or field;

(2) finish first and in a dead heat for second, the winning combination will be the number of such entry or field and the number of the other horse dead-heated for second who is not part of such coupled entry or field;

(3) finish in a three-horse dead heat for win with another horse not part of such entry or field, the winning combination will be the number of such entry and the number of the horse not part of such entry.

4217.11 – 4217.12 Reserved

4217.13 Exacta

(a) The exacta is a form of pari-mutuel wagering. Each bettor selects in order the first and second place finisher in the designated exacta race. The exacta pool shall be held entirely separate from all other pools and is in no way a part of the daily double, twin double, or win, place or show pools.

(b) (Reserved)

(c) Races in which exacta pools shall be conducted shall be approved by the commission and shall be clearly designated in the racing program.

(d) The design of exacta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) Scratch. If a horse is scratched or declared a nonstarter, no further tickets may be issued designating such horse and all tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) Failure to select a winning combination. If no exacta ticket is sold combining the winner and second place horse in order, the net pool shall be distributed to holders of exacta tickets designating the winner to win. In the event one horse only finished and is declared winner, the net pool shall be distributed to holders of exacta tickets designating the winner to win.

(g) Dead heat. (1) In the event of a dead heat for win, the net pool shall be distributed to each combination of winners separately as in a win pool dead heat.

(2) In the event of a dead heat for second, the pool shall be divided as in a win pool dead heat

among exacta tickets combining the winner with each second place horse.

(h) In the event fewer than four betting interests start, the exacta shall be declared off and the gross pool refunded.

(i) This section shall be prominently displayed throughout the betting area of each track conducting the exacta and printed copies of this section shall be distributed to patrons upon request by the track.

(j) Winning combination. The numbers of the first two horses as made official shall be the winning combination except that where more than one of such horses is part of a coupled entry or field with another of such horses, only the best finisher of such horses shall be counted in the winning combination for payoff, and the horse or horses not in such coupled entry or field finishing the same, or, if applicable, next finishing, shall be the other part of the winning exacta combination. For example, if two horses in a coupled entry (or field):

(1) finish first and second, or in a dead heat for first, the winning combination will be the number of such entry or field and the number of the third finishing horse not part of such entry or field;

(2) finish first and in a dead heat for second, the winning combination will be the number of such entry or field and the number of the horse dead heated for second who is not part of such coupled entry or field;

(3) finish in a three-horse dead heat for win with another horse not part of such entry or field, the winning combination will be the number of such entry and the number of the horse not part of such entry.

#### 4217.14 Triple

(a) The triple (or other approved name) is a form of pari-mutuel wagering. Each bettor selects in order the first, second and third placed horses in the designated triple race. The triple pool shall be held entirely separate from all other pools and is not part of a daily double, exacta or other wagering pool.

(b) (Reserved)

(c) Races in which triple pools shall be conducted shall be approved by the board and shall be clearly designated in the program.

(d) The design of triple tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) Scratch. If a horse is scratched or declared a nonstarter, no further triple tickets may be issued designating such horse, and all triple tickets previously issued designating such horse shall be refunded and the money deducted from the gross pool.

(f) Failure to select a winning combination; short finishes. (1) Failure to select, in order, the first three horses shall result in a payoff on triple tickets selecting the first two horses in order; failure to select the first two horses shall result in a payoff on triple tickets selecting the winner; failure to select the winner to win shall cause a refund of all triple tickets.

(2) If less than three horses finish, payoff shall be made on tickets selecting the actual finishing horses, in order, ignoring the balance of the selection.

(g) Dead heats. In the event of a dead heat or dead heats, all triple tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead-heated, shall be winning tickets and distribution shall be made in accordance with established pari-mutuel practice relative to dead heats.

(h) Coupled entries and fields are permitted in trifecta races. In such races no wagers may be accepted or issued (including "wheel" or "box" type bets) which couple the same coupled entry or the same field in the same combination.

(i) No triple wagering shall be conducted on any race having fewer than 6 betting entries. If fewer than six betting interests start, the triple shall be declared off and the gross pool refunded. If time permits, with the approval of the judges, a track may schedule exacta wagering in place of triple wagering.

(j) This section shall be prominently displayed throughout the betting area of each track conducting the triple, and printed copies of this section shall be distributed by the track to patrons upon request.

#### 4217.15 Special betting races

Prior to permitting pari-mutuel betting on any other than the usual win, place and show pool in a race or the daily double pool on the first and second races, the licensee of a quarter horse race track shall apply for and receive the approval of the commission, and such special betting races shall only be conducted as provided for in the rules and regulations and by the order of the commission.

#### 4217.16 Additional authorized wagers

In addition to the types of wagers authorized by this part, an association or corporation may, with the prior permission of the board, offer any type of pari-mutuel wagering as defined by Chapter 9, Pari-Mutuel Wagering, Uniform Rules of Racing, as adopted and published in December, 1996, by the Association of Racing Commissioners, International at 2343 Alexandria Drive, Suite 200, Lexington, Kentucky 40504-3276. This is available for public inspection at the New York State Racing and Wagering Board located at #1 Empire State Plaza, Suite 1201, Albany, New York 12223 or 1 Penn Plaza, 7th Floor, New York, New York 10119, both addresses, and at the Department of State, 41 State Street, Albany, New York.

## **PART 4218. POSSESSION OF DRUGS AND DRUG TESTING**

### **4218.1 Possession of hypodermic equipment and controlled substances**

(a) No person other than a board veterinarian, track veterinarian or a practicing veterinarian licensed by the board shall have or possess in or upon the premises of a licensed quarter horse race track, including premises which he occupies or has a right to occupy, or shall have or possess in his personal property or effects upon such premises the following:

(1) any equipment which may be used for hypodermic injection or other infusion into a horse or any vial, bottle, or cartridge designed and usable for such purposes; or

(2) any controlled substance, listed in schedule I through IV of United States code, Title 21 (Food and Drugs) section 812, or any drug which has not been approved for use in the horse by the Federal Food and Drug Administration. Not included in this prohibition are liniments, antiseptics, ointments, leg paints, washes and other products commonly used in the daily care of horses.

(b) Subdivision (a) of this section shall not apply to any person who may have in his possession a controlled substance or hypodermic syringe for which he has obtained prior written permission from the judges to possess and use for his own personal health pursuant to prescription of a physician.

(c) All bottles and other containers kept in or about any tack room or elsewhere on the premises of a racing association shall bear a label stating plainly the contents thereof, including the name of each active ingredient; provided, however, that this section shall not apply if each container bears either a veterinarian's label or a regular prescription label with a pharmacist's name and address, prescription number and the name of the prescribing veterinarian.

(d) Each track is required to use all reasonable efforts to prevent and detect violations of this section. Each track, the board and the judges or their designees shall have the right to enter into or upon the buildings, stables, rooms, motor vehicles or other places within the grounds of such track to examine the same and to inspect and examine the personal property and effects of any person within such places; and every person who has been granted a license by the board, by accepting his license, does consent to such search including a personal search and to the seizure

of any drugs or hypodermic syringes, hypodermic needles or other devices and if the board shall find that any person has refused to permit any such search or seizure it may impose such punishment as may be appropriate.

(e) A report shall be made to the Bureau of Narcotics of the Department of the Treasury of the United States of all cases in which it is reported to the board that narcotics or other controlled substances have been detected in a specimen from any horse; and if any veterinarian or physician has been involved therein, a similar report shall be made to the New York State Education Department.

#### 4218.2 Drug detection facilities

(a) Each track operator shall provide such facilities, appurtenances and equipment for drug detection programs, or other related activities as the board may specify.

(b) No person shall enter or be present at any time in any enclosure set aside by direction of the board for the taking and examination of samples from horses except the staff immediately in charge of such work, the board, its chairman and members, its staff, the judges, the custodians of the horse, or such other persons as may be authorized by this Part.

#### 4218.3 Drug detection programs

Programs for the detection of the presence of drugs in horses programmed to race shall be conducted at each track unless otherwise ordered by the board.

(a) Pre-race testing. (1) Blood or other samples shall be taken from every horse programmed to race, prior to the race in which it is programmed, at a time and in a location specified by the board or its representative.

(2) The trainer or his representative shall accompany the horse at the prescribed time and to the prescribed locations, and shall manage the horse as directed. Willful failure to be present at, or a refusal to allow, the taking of any such sample, or any act or threat to impede or prevent or otherwise interfere therewith shall constitute a violation of this Part and shall subject the person or persons guilty thereof to punishment as may be appropriate.

(3) Blood samples will be taken by the State veterinarian or, under his supervision, by a graduate veterinarian.

(4) A horse shall not race if it has not been tested in accordance with the provisions of this section.

(5) Whenever a laboratory test indicates the presence of a drug, restricted substance, or a foreign substance the identity of which cannot be established in a sample taken from a horse, the judges

shall scratch the horse and take such further action as they deem necessary.

(6) Unless specifically permitted in writing by the presiding judge, a horse, once the pre-race test sample is taken, shall not be transported from the grounds except to be transported to the racecourse where it is scheduled to race if such racecourse is not part of the grounds where the test sample is taken.

(b) Post-race testing. (1) The winner and at least one other horse designated by the judges shall be sent to the testing facility immediately after each race.

(2) Blood, urine, and such other samples as may be required shall be attempted to be taken from the designated horse at a time and in an enclosure specified by the board or its representative, until such horse is released by the board veterinarian.

(3) The trainer or his representative shall accompany the horse at the prescribed time and to the prescribed location, and shall manage the horse as directed. Willful failure to be present at, or a refusal to cooperate in the taking of any such sample, or any act or threat to impede or prevent or otherwise interfere therewith shall subject the person or persons guilty thereof to such punishment as may be appropriate.

(4) Blood samples will be taken by the board veterinarian or, under his supervision, by a graduate veterinarian. Urine samples shall be gathered by a board inspector.

(5) Where deemed necessary to obtaining a urine sample by the board veterinarian, a horse may be permitted to return to its stable prior to release if accompanied by a board inspector.

(c) (1) The judges may require at any time that any horse be sent to the testing enclosure for the taking of such specimens of blood, urine or other materials as shall be directed, as well as for an examination for "sponging" and such other examination as shall be directed.

(2) The board veterinarian may also, when so directed by the judges, require the taking of any or all of the foregoing specimens from any horse stabled at a track during a meeting.

(d) The judges, board veterinarian or their designees may take, for analysis, samples of any medicine or other materials which may be found in stables or elsewhere on race tracks or in the possession of any person connected with racing.

#### 4218.4 Records of veterinarian

(a) Every licensed practicing veterinarian shall keep a written record of his practice concerning horses participating at pari-mutuel quarter horse race meets in this State whether performed at a

licensed quarter horse track or elsewhere which shall disclose:

- (1) the name of the horse treated;
- (2) the nature of the horse's ailment;
- (3) the type of treatment prescribed and performed for the horse; and
- (4) the date and time of such treatment.

(b) Every such veterinarian shall produce such written records when requested by an official of the board. In addition he shall instruct the trainer of the necessity to submit the report required by section 4236.2 of this Subchapter relating to joint aspiration.

(c) Before a licensed veterinarian administers or prescribes any drug or restricted substance for a horse, he shall ascertain by reasonable inquiry whether the horse has been entered to race at any track and if the horse has been entered he shall not administer or prescribe any drug or restricted substance within the time or in a manner restricted by this Part. If the horse has not been entered to race, but the administration is of a drug which is not permitted to be administered within 72 hours of a racing program, or longer, he shall so inform the trainer of the fact and of the time applicable. If, however, an emergency exists involving the life or health of the horse, he may proceed to treat or prescribe for the horse but shall report the matter as promptly as practicable to the board veterinarian or judges at the pertinent track.

(d) The attending veterinarian shall complete and submit daily a form prescribed by the board which will contain each horse entered to race on that day and treated by him with furosemide. The form shall also contain the following information:

- (1) Name of the track;
- (2) Name of the trainer;
- (3) Description of the horse;
- (4) Tattoo number; and
- (5) The dose, route and time of administration.

The form must be signed by the attending veterinarian and filed at a location designated by the board.

Part 4219 Reserved

## **PART 4220. PARTNERSHIPS AND STABLE NAMES**

### 4220.1 Limitation on partnership

A horse may be owned by an individual or by a partnership, provided such partnership complies with this Subchapter, but no horse shall be entered and run by an owning partnership if it contains more than four members or if the proportionate interest of any member is less than 25 percent.

### 4220.2 Limitations on lessee of partnership

A horse owned by a partnership in which the number of members or proportionate interest of any member does not meet the requirements of section 4220.1 may be entered and run only by a lessee of its racing qualities, which lessee shall be an individual or a partnership in which the number of members and the proportionate interest of every member meets the requirements of section 4220.1. In such a case, the lessee may be a member of or may include one or more members of the owning partnership.

### 4220.3 Filing with commission

All partnerships having any property, ownership or racing interest in a horse, and the name and address of every individual having any such interest in a horse, the relative proportions of such interest and the terms of any sale with contingencies, of any lease or of any arrangement must be signed by all the parties or by their authorized agents and be filed annually at the office of the commission or with the clerk of the course for transmission to that office and must be approved by the commission.

### 4220.4 Liability of partners

In the case of a partnership which, by ownership or lease, controls the racing qualities of a horse, all of the partners and each of them shall be jointly and severally liable for all stakes and obligations.

### 4220.5 Data to be declared

All statements of partnerships, of sales with contingencies, of leases or of arrangements shall declare to whom winnings are payable (which must be the name of the nominator), in whose name the horse will run and with whom rests the power of entry.

#### 4220.6 Interest in partnership

No statement of partnership which proposes by ownership or lease, to control the racing qualities of any horse will be accepted unless the proportionate interest of each such partner is at least 25 percent.

#### 4220.7 Assignments restricted

No member of a partnership which owns or leases the racing qualities of a horse shall assign his share or any part of or interest in it without the written consent of the other partners. No assignment of an interest in a partnership, which, by ownership or lease, controls the racing qualities of a horse, will be accepted if the effect of the assignment would be to create a partnership which would not be accepted under the terms of section 4220.1.

#### 4220.8 Registration of stable name

An individual or partnership may adopt a stable name under which to racehorses which does not conflict with another stable name. All stable names shall be filed with and be subject to the approval or disapproval of the commission.

#### 4220.9 Stable name--restrictions on individual

An individual cannot have more than one stable name at the same time and, so long as such individual has a stable name, he shall not use or permit the use of his real name to identify his ownership interest in the racing qualities of any horse.

#### 4220.10 Stable name--restriction on partnership

A partnership which, by ownership or lease, controls the racing qualities of a horse shall race such horse under the name, real or stable, of a member of the partnership whose proportionate interest in the horse meets the requirements of section 520.1. All horses, the racing qualities of which are controlled by a given partnership shall be raced under such name.

#### 4220.11 Changing stable name

A stable name may be changed at any time by filing a new stable name with the commission.

#### 4220.12 Limitation on use of stable names

An individual or partnership can not file as a stable name one which has been already filed or one which is the name of a race horse or one which is the real name of an owner of race horses.

#### 4220.13 Abandoning stable name

An individual or partnership who has filed a stable name may at any time abandon it by giving written notice to the commission.

#### 4220.14 Trainer not eligible for stable name

No licensed trainer of race horses shall register a stable name; but a partnership of which such a trainer is a member may use the stable name of another member provided that the use of such other member's stable name is authorized by this Part.

#### 4220.15 Incorrect descriptions in entry

Provided the identity of the horse is satisfactorily established, incorrect or imperfect description in the entry of a horse or failure to register a partnership may be corrected at any time before the horse is announced as a starter and his number exhibited in the race concerned, or in a handicap before the weights are announced; but this section shall not be construed so as to allow any horse to start in any race for which he is not otherwise completely qualified under this Part.

### **PART 4221. STAKES, SUBSCRIPTIONS**

#### 4221.1 Time for overnight entries

(a) In the absence of conditions or notice to the contrary, entries for overnight races are to be made at the office of the clerk of the course by 2 p.m. on the day before the race.

(b) All entries and declarations of horses eligible for administration of furosemide pursuant to 4236.2(b) of this Title are required to denote the use of furosemide on the entry form.

#### 4221.2 Start--when considered

Every horse shall be considered as having started and be liable for whatever is due for so doing, when its jockey has been weighed and its number displayed, unless the judges shall otherwise determine.

#### 4221.3 Start subject to payment of certain fees

No horse shall be allowed to start for any race and no jockey shall be weighed out for any horse until there have been paid or guaranteed to the clerk of the course:

(a) Any stake or entrance money due by the owner in respect to that race.

(b) The jockey's fee.

## **PART 4222. QUALIFICATIONS OF STARTERS**

### 4222.1 Qualifications to start

A horse shall not be qualified to start in any race unless, not less than 30 minutes before the time set for the race his presence on the grounds of the association be reported to the paddock judge, he be announced to the clerk of the scales as a starter, and the name of his jockey given to the latter official.

### 4222.2 Change of jockey

Any subsequent change of jockey must be sanctioned by the judges who, if no satisfactory reason is given for the change may suspend any person they may think culpable in the matter.

### 4222.3 Horses to be saddled in paddock

All horses must be saddled in the paddock.

### 4222.4 Duties of paddock judge

The paddock judge shall be in charge of the paddock and inspect all race horses and their equipment prior to each race and shall report forthwith to a steward or judge any violation observed by him.

### 4222.5 Horse in paddock not to be touched

No one not actually connected with its stable shall touch a horse while in the paddock preparatory to starting in a race, except for authorized inspection.

### 4222.6 Inspection of plating, bandaging

A representative of the association conducting a meeting shall inspect the plating and bandaging of each horse as it enters the paddock before the race and record the plating on a board provided for the purpose in the paddock.

### 4222.7 Withdrawal of horse

The judges may permit or direct the withdrawing of a horse after weighing out.

#### 4222.8 Time of race to be printed

The time fixed for the first race shall be printed in the program.

#### 4222.9 Post time

Post time is the time designated by the judges at which horses are to arrive at the post for each race; and such time shall be shown on the dial provided for that purpose.

### **PART 4223. RACING SECRETARY**

#### 4223.1 Conditions

The racing secretary shall write the conditions of all races and publish them sufficiently in advance of closing time of entries to allow them to be read by all owners and trainers. He shall conduct the drawing of all races and immediately post an overnight listing of the horses in each race. He shall keep the preferred list of all horses.

#### 4223.2 Official handicapper

The racing secretary shall act as the official handicapper in all races with handicap conditions and shall assign weight to each nominee according to his sole judgment in the matter.

#### 4223.3 Condition book

The racing secretary shall not include in the condition book the following types of races; optional claiming, combination allowance and claiming, or allowance races conditioned on the claiming price of horses.

#### 4223.4 Substitutes and extras

The character and conditions of substitute and extra races shall be determined by the racing secretary. No substitute or extra race which is used shall carry less guaranteed purse than the race which it replaced.

#### 4223.5 Unfilled races

The racing secretary may, in the event a stake or handicap does not fill, replace such race with an overnight race carrying a guaranteed purse consistent with the daily average purse.

#### 4223.6 Race declared off

If the racing secretary declares a race off, the names of entrants in that race shall be posted on the

official bulletin board that day, identifying the race by number as it appears in the condition book.

#### 4223.7 Records of all races

The racing secretary shall keep a complete record of all races run, and of all violations of the rules of racing and shall report such violations to the steward.

#### 4223.8 Responsibility of secretary

He shall discharge all duties expressed or implied required by the rules of racing.

#### 4223.9 Graded races

Any track where graded races are run the racing secretary shall post on the bulletin board prior to the time of entry a list of all eligible horses grouped under the grades in which they will be allowed to compete. No horse may be added to this list after entry has begun without the consent of those who enter eligible horses.

#### 4223.10 Official program

The racing secretary shall publish on the official program such information and notices to the public as the commission may direct; and shall be responsible for any error of commission or omission in the official program for each racing day.

#### 4223.11 Safe keeping of registration certificate

The racing secretary shall be responsible for the safe keeping of registration certificates and the safe return of same to owners at the conclusion of the meeting.

### **PART 4224. PENALTIES AND ALLOWANCES**

#### 4224.1 Extra weight; running second

No horse shall carry extra weight nor be barred from any race for having run second or in any lower place in a race.

#### 4224.2 Exemption from penalties

When winners of claiming races are exempted from penalties, the exemption does not apply to races in which any of the horses running are not to be claimed.

#### 4224.3 Penalties, allowances--not cumulative

Penalties and allowances are not cumulative unless so declared by the conditions of the race.

#### 4224.4 No allowance for beaten horse

No horse shall receive allowance of weight or be relieved from extra weight for having been beaten in one or more races; provided that this section shall not prohibit maiden allowances or allowances to horses that have not won within a specified time or that have not won races of specified value.

### **PART 4225. WEIGHING OUT**

#### 4225.1 Time for weighing out

Every jockey must be weighed for a specified horse not less than 30 minutes before the time fixed for the race and the number of the horse shall be exhibited officially as soon as possible.

#### 4225.2 Equipment weighed with jockey

If a horse runs in muzzle, martingale, breastplate or clothing, it must be put on the scale and included in the jockey's weight.

#### 4225.3 Equipment not weighed

No whip or substitute for a whip, blinkers or number cloth shall be allowed on the scales nor shall any bridle, safety vest or safety helmet approved by the stewards be weighed. A safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body, as evidenced by a label with at least a rating of five, by the British Equestrian Trade Association (BETA).

#### 4225.4 Declaration of overweight

If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to his proper weight, he may declare the weight he intends to carry.

#### 4225.5 Time for declaration of overweight

If a jockey intends to carry overweight exceeding by more than two pounds the weight which his horse is to carry, the owner or trainer consenting, he must declare the amount of overweight to the clerk of the scales at least 45 minutes before the time appointed for the race, and the clerk

shall cause the overweight to be stated on the notice board immediately. For failure on the part of a jockey to comply with this section, he may be punished.

#### 4225.6 Five pounds overweight limit

No horse shall carry more than five pounds overweight except in races confined exclusively to amateurs or to riders who are officers of the United States Army or Navy or of the National Guard.

#### 4225.7 Owner responsible for weight

The owner is responsible for the weight carried by his horse.

#### 4225.8 Equipment regulated

Only equipment specifically approved by the steward shall be worn or carried by a jockey or a horse in a race.

### **PART 4226. STARTING**

#### 4226.1 Duties of starter

(a) The starter shall give all orders necessary for securing a fair start.

(b) He shall report to the judges, by whom and by what cause any delay was occasioned and any cases of misconduct by assistant starters or by jockeys when under his orders.

#### 4226.2 Failure of horse to start

If a horse whose number has been exhibited or whose starting is obligatory does not start and run in the race, the steward or judges may suspend any person or persons responsible therefor.

#### 4226.3 Persons excluded from course

After the horses are ordered to the starting post and until the judges direct the gates to be reopened, all persons except the racing officials shall be excluded from the course to be run over.

#### 4226.4 Time signals

An announcer shall announce the time to saddle and the time to go to the post.

#### 4226.5 Parade to the post

All horses shall parade and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the finish line.

#### 4226.6 Horse led to the post

When, by permission of the paddock judge and upon payment to the association of \$ 10, a horse is led to the post, he is excused from parading with the other horses, but nevertheless he must, on his way to the post, past the judges' stand.

#### 4226.7 Determination of starting position

The position of horses when starting shall be determined by lot, i.e., a numbered ball shall be drawn from a bottle by the clerk of the scales.

#### 4226.8 Starting vicious horse

The starter may place vicious and unruly horses on the outside and behind the line.

#### 4226.9 Accident at the post

A horse in the hands of the starter shall receive no further care from anyone at the starting post except the assistant starters, provided that if any accident happens to a jockey, his horse or his equipment, the starter may permit any jockey or jockeys to dismount and the horse to be cared for during the delay; otherwise no jockey shall dismount.

#### 4226.10 Starting gate

(a) Except in cases provided for in subdivision (b) of this section, all races shall be started in a starting gate selected by the association conducting the meeting if approved by the commission. A standby starting gate shall be available for use.

(b) By permission of the steward or judges a race may be started without a gate.

#### 4226.11 Starting in front of the post

A start in front of the post is void, and the horses must be started again.

#### 4226.12 Horse to be schooled before starting

All horses shall be schooled properly before starting and, upon the report of the starter, the judges may suspend any trainer who, after being notified shall start an unruly horse.

#### 4226.13 Position at starting post

The horses shall be started as far as possible in a line, but may be started at such reasonable distance behind the starting post as the starter thinks necessary.

#### 4226.14 Matters to be referred to judges

For disobedience of his orders at the starting post or for attempting any unfair advantage, the starter may refer the matter to the judges for action; but any penalty shall not take effect until after the last race of the day.

#### 4226.15 Statements by starter conclusive

The concurrent statements of the starter and his assistant as to incidents of the start are conclusive.

### **PART 4227. RULES OF THE RACE**

#### 4227.1 Reserved

#### 4227.2 Foul riding penalized

(a) When clear, a horse may be taken to any part of the course provided that crossing or weaving in front of contenders may constitute interference or intimidation for which the offender may be disciplined.

(b) A horse crossing another so as actually to impede him is disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.

(c) If a horse or jockey jostles another horse, the aggressor may be disqualified, unless the impeding horse or his jockey was partly in fault or the jostle was wholly caused by the fault of some other horse or jockey.

(d) If a jockey willfully strikes another horse or jockey, or rides willfully or carelessly so as to injure another horse, which is no way in fault, or so as to cause other horses to do so, his horse is disqualified.

(e) If two or more horses are coupled in the betting as an entry, and one or more of them shall be disqualified for violation of the rules of racing, the balance of the entry shall also be disqualified

if in the judgment of the stewards such violation prevented any other horse or horses from finishing ahead of the other part of the entry. If said violation is without such effect upon the finish of the race, penalty therefor may be applied against the offender and the balance of the entry may go unpunished.

(f) Complaints under this section can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the judges before or immediately after his jockey has passed the scales. But nothing in this section shall prevent the judges taking cognizance of foul riding.

(g) Any jockey against whom a foul is claimed shall be given the opportunity to appear before the judges before any decision is made by them.

(h) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten his stride with a view to complaint, or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled, may be punished.

(i) The extent of disqualification shall be determined by the judges.

#### 4227.3 Results of intentional foul

If the judges at any time are satisfied that the riding of any race was intentionally foul or that any jockey was instructed or induced so to ride, all persons guilty of complicity shall be suspended and the case shall be reported to the commission for such additional action as it may consider necessary.

#### 4227.4 Instructions to jockeys

All horses are expected to give their best efforts in races in which they run, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden, and will subject all persons giving or following such instructions or advice to disciplinary action by the judges and the commission.

#### 4227.5 Judges may declare race void, order refund

The judges shall have the authority to declare a race void and to order all wagers made thereon refunded if they shall determine that any occurrence before or during the running of such race calls for such action by them.

#### 4227.6 Horse must return to course

If a horse leaves the course he must turn back and run the course from the point at which he left it.

#### 4227.7 Judge may dispense with walkover

In a sweepstakes, if only one horse remains to start, the judge may dispense with a walkover.

### **PART 4228. WEIGHING IN**

#### 4228.1 Time, manner of weighing in

Every jockey must immediately after pulling up ride his horse to the place of weighing, dismount only after obtaining permission from the official in charge and present himself to be weighed by the clerk of the scales; provided that if a jockey be prevented from riding to the place of weighing by reason of accident or illness by which he or his horse is disabled he may walk or be carried to the scales.

#### 4228.2 No one to touch horse equipment before weighing in

Except by special permission of the official in charge, every jockey must upon pulling up unsaddle his own horse, and no attendant shall touch the horse, except by his bridle. Upon the returning of a jockey to the winner's circle to dismount after a race has been run, no one may touch the equipment of the jockey until he has been weighed in, except upon the approval of the official in charge.

#### 4228.3 Jockey penalized for misconduct

If a jockey shall not present himself to weigh in or if he be more than one pound short of his weight or if he be guilty of any fraudulent practice with respect to weight or weighing or, except as provided in section 4228.1, if he dismount before reaching the scales or dismount without permission or if he touch (except accidentally) before weighing in any person or thing other than his own equipment, his horse may be disqualified and he himself may be punished as provided by this Subchapter.

#### 4228.4 Jockey penalized for excess weight

If a horse carry more than two pounds over his proper or declared weight, his jockey shall be punished unless the judges are satisfied that such excess of weight has been caused by rain or mud.

## **PART 4229. DEAD HEAT**

### 4229.1 Dead heat not run off

When a race results in a dead heat, the dead heat shall not be run off; owners shall divide except where division would conflict with the conditions of the race.

### 4229.2 Dead heat for first place

When two horses run a dead heat for first place, all prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run. Each horse shall be deemed a winner and liable to penalty for the amount he shall receive.

### 4229.3 Objection made to winner

When a dead heat is run for second place and an objection is made to the winner of the race and sustained, the horses which ran the dead heat shall be deemed to have run a dead heat for first place.

### 4229.4 Judges to settle disputes

If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the judges.

### 4229.5 Dead heat for a match

On a dead heat for a match, the match is off.

## **PART 4230. CLAIMING RACES**

### 4230.1 Who may make claim

In claiming races any horse may be claimed for its entered price by any owner presently registered in good faith for racing at that meeting, who has nominated a starter up to or including the race in which the claim is made or by his authorized agent, but for the account only of the owner making the claim, or for which the claim was made by the agent; provided, however, that no person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account.

### 4230.2 Minimum price for claim

The minimum price for which a horse may be entered in a claiming race shall be \$ 1,000 but in no case shall it be entered for less than the value of the purse to the winner.

#### 4230.3 Conditions for starting claimed horse

If a horse is claimed it shall not start in a claiming race for a period of 30 days from the date of claim for less than 25 percent more than the amount for which it was claimed.

#### 4230.4 Sale, transfer restricted

If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from date of claim, nor shall it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period, nor shall it race elsewhere until after the close of the meeting at which it was claimed.

#### 4230.5 Requirements for claim; determination by judges

(a) All claims shall be in writing, sealed and deposited in a locked box provided for this purpose by the clerk of the course, at least 15 minutes before post time. No money shall accompany the claim. Each person desiring to make a claim, unless he shall have such amount to his credit with the association, must first deposit with the association the whole amount of the claim in cash, for which a receipt will be given. All claims shall be passed upon by the judges, and the person determined at the closing time for claiming to have the right of claim shall become the owner of the horse when the start is effected, whether it be alive or dead, sound or unsound or injured before or during the race or after it, unless the age or sex of such horse has been misrepresented, and subject to the provisions of subdivision (b) of this section. If more than one person should enter a claim for the same horse, the disposition of the horse shall be decided by lot by the judges. An owner shall not be informed that a claim has been made until after the race has been run, and any horse so claimed shall then be taken to the paddock for delivery to the claimant.

(b) In the event a horse is claimed and the claimant has indicated on the claiming blank an election to have a test for equine infectious anemia performed and has paid the prescribed fee therefor, a blood sample shall be taken by the board veterinarian, and the sample identified as being from a claimed horse shall be forwarded within 24 hours to an approved laboratory to be tested for equine infectious anemia. Pending the receipt of a negative test for equine infectious anemia the monies paid for the claimed horse shall be held by the track. In the event of a positive test for equine infectious anemia the ownership of the claimed horse shall revert to the owner from whom the horse was claimed and the claiming monies shall be returned to the person or persons who claimed the horse. The cost of the test is to be borne by the claimant.

#### 4230.6 Limitation on claims

(a) No person shall claim more than one horse in a race.

(b) No authorized agent, although representing more than one owner, shall submit more than one claim in any one race.

(c) When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.

#### 4230.7 Person for whom horse runs

Each horse shall run for the account of the person in whose name it starts.

#### 4230.8 Claim irrevocable when lodged

When a claim has been lodged with the secretary or clerk of the course, it is irrevocable, and is at the risk of the claimant.

#### 4230.9 In case of dead heat

In case of a dead heat, each of the dividing horses is the winner for the purpose of this Part.

#### 4230.10 Collusive claiming punished

(a) Should the judges be of the opinion that any person is claiming a horse collusively for the benefit of another interest or in order to evade the provisions of this Part, they may require him to make an affidavit that he is not so doing, and if upon proof it is ascertained that he made a false affidavit, he shall be referred to the commission for further action.

(b) Should the judges within 24 hours after the running of a race be of the opinion that the lease or the entry of a horse was not made in good faith but was made for the purpose of obtaining the privilege of entering a claim, then in each case they may disallow or cancel any such claim and order the return of a horse that may have been delivered and refer the case to the commission for further action.

#### 4230.11 Effect of walking over

A horse's liability to be claimed is not affected by his walking over.

#### 4230.12 Delivery on written order

No horse shall be delivered except on a written order from the secretary or clerk of the course.

#### 4230.13 Refusal to deliver

Any person refusing to deliver a claimed horse shall be suspended and his case referred to the commission. The horse is disqualified until he is delivered to the purchaser.

#### 4230.14 Intimidation, collusion

Any person who shall attempt to prevent another person from claiming any horse in a claiming race, or any owners running in claiming races who may make any agreement for the claiming of each other's horses may be punished by the judges or they may refer the matter to the commission for further action.

#### 4230.15 Judges certificate to claim

When a stable has been eliminated by claiming, the owner so affected, if he has not replenished his stable before the close of the meeting, may obtain a certificate from the judges of the meeting; and on presentation thereof the owner shall be entitled to claim during the next 30 racing days at any recognized meeting in this State, until he has claimed a horse. Stables eliminated by fire or other hazards may also be permitted to claim under this section at the discretion of the judges.

### **PART 4231. DISPUTES, OBJECTIONS, APPEALS**

#### 4231.1 Disputes: penalties attach until dispute decided

When a race is in dispute both the horse that finished first and any horse claiming the race shall be liable to all the penalties attaching to the winner of that race until the matter is decided.

#### 4231.2 Appeals: appeal from judges decision

Every objection shall be decided by the judges, but their decision shall be subject to appeal in writing to the commission so far as relates to points involving the interpretation of this Part or to any question other than a question of fact.

#### 4231.3 Notice of appeal

Notice of appeal must be given in writing to the commission within 48 hours of the decision being made.

#### 4231.4 Objections; who may make objection

Every objection must be made by the owner, trainer or jockey of some horse engaged in the race

or by the officials of the course to the clerk of the scales or to one of the judges, or an objection may be made by any one of the judges.

#### 4231.5 Objections to be in writing

All objections except claims of interference during a race must be in writing signed by the objector. 4231.5 Objections to be in writing

All objections except claims of interference during a race must be in writing signed by the objector.

#### 4231.6 Leave required to withdraw objection

An objection cannot be withdrawn without leave of the judges.

#### 4231.7 Liability for cost of inquiry

All costs and expenses in relation to determining an objection or conducting an inquiry shall be paid by such person or persons and in such proportions as the judges shall direct.

#### 4231.8 Deposit may be forfeited

Before considering an objection the judges may require a deposit of \$ 25, which shall be forfeited if the objection is decided to be frivolous or vexatious.

#### 4231.9 Disqualification of horse before race

If an objection to a horse engaged in a race be made not less than 15 minutes before the time set for the race, the judges may require the qualification to be proved before the race, and in default of such proof being given to their satisfaction, they must declare the horse disqualified.

#### 4231.10 Objection to decision of clerk of scales

An objection to the decision of the clerk of the scales must be made at once.

#### 4231.11 Objection to distance of course

An objection to the distance of a course officially designated must be made not less than 15 minutes before the race.

#### 4231.12 Objection to matters occurring in race

An objection to a horse on the ground of his not having run the proper course or of the race

having been run on a wrong course or of any other matter occurring in the race must be made before the numbers of the horses placed in the race are confirmed officially.

#### 4231.13 Time for making other objections

(a) An objection on (any of the following) grounds may be received up to 48 hours exclusive of Sunday after the last race of the last day of the meeting:

(1) of misstatement, omission or error in the entry under which a horse has run; or

(2) that the horse which ran was not the horse nor of the age which he was represented to be at the time of entry; or

(3) that he was not qualified under the conditions of the race or by reason of default;

(4) that he has run in contravention of the sections relating to partnership or registration.

(b) In any other case an objection must be made within 48 hours of the race being run, exclusive of Sunday, save in the case of any fraud or willful misstatement, when there shall be no limit to the time of objection provided the judges are satisfied that there has been no unnecessary delay on the part of the objector.

#### 4231.14 Judges determine extent of disqualification

The judges are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as, in their judgment, it interfered with, or they may place it last, and they may disqualify it from participation in any part of the purse.

#### 4231.15 Recovery of money distributed

If by reason of an objection to a horse a race or place is awarded to another horse, the money for such race shall be distributed in accordance with the final placing, and the owner of a horse to which the race or place is finally awarded can recover the money from those who wrongfully received it.

#### 4231.16 Money held pending determination

Pending the determination of an objection any prize which the horse objected to may have won or may win in the race, or any money held by the association holding the meeting, as the price of a horse claimed (if affected by the determination of the objection), shall be withheld until the objection is determined.

## **PART 4232. RESTRICTIONS ON JOCKEYS AND STABLE EMPLOYEES**

### **4232.1 Prohibitions; betting, interest in horses**

(a) No jockey shall bet on any race except through the owner of and on the horse which he rides, and any jockey who shall be proved to the satisfaction of the judges to have any interest in any race horse or to have been engaged in any betting transaction except as permitted by this section or to have received presents from persons other than the owner may be punished as provided by this Subchapter.

(b) Any person knowingly acting in the capacity of part owner or trainer of any horse in which a jockey possesses an interest or making any bet with or on behalf of any jockey except as provided in subdivision (a) of this section or otherwise aiding or abetting in any breach of this Part may be punished as provided by this Subchapter.

### **4232.2 Owning race horse forbidden**

No jockey shall be the owner of any race horse.

### **4232.3 Riding against starter of contract employer**

A jockey may not ride in any race against a starter of his contract employer unless his mount and his contract employer's starter are both in the hands of the same trainer.

### **4232.4 No riding or training if suspended**

A jockey or trainer under suspension in any State or foreign country shall not be permitted to train or ride in a race for anyone during the period of his suspension. Any person who shall employ a jockey or trainer in contravention of this section may be punished as provided by this Subchapter.

### **4232.5 Contracts to be filed; salary stops on suspension**

The terms of all contracts between jockeys and their employers shall be filed with and approved by the commission, and such contracts shall contain a provision that in case a jockey's license be revoked or suspended, the salary of the jockey shall in the former case cease, and in the latter case cease during the time of his suspension.

### **4232.6 Penalty for refusal to ride**

If a jockey engaged for a race or for a specified time refuses to fulfill his engagement, he may be punished.

#### 4232.7 Retainers on priority basis

Employers retaining the same jockey have precedence according to the priority of the retainers as specified in the contracts.

#### 4232.8 Judges decide conflicting claims

When a jockey is engaged for a race, such engagement is binding on both parties, and any conflict in such a matter, including claims for the services of a jockey shall be decided by the judges.

#### 4232.9 Hiring stable employees

(a) No owner or trainer shall engage any person who has not a written discharge from his last employer, but any person prevented by this section from obtaining or retaining employment shall have the right of appeal to the commission against the person withholding his written discharge.

(b) Any owner or trainer employing a person in violation of subdivision (a) of this section may be punished as provided by this Subchapter.

### **PART 4233. CORRUPT PRACTICES AND DISQUALIFICATIONS OF PERSONS**

#### 4233.1 Prohibition of corrupt practices

Any person found by the judges to have violated any of the following subdivisions of this section shall have such punishment imposed upon him and the judges shall take such other action in the matter as they may deem proper under this Part, including reference to the commission.

(a) Bribe, offer to bribe. If any person gives, offers or promises, directly or indirectly, any bribe in any form to any person having official duties in relation to any race or race horse, or if any trainer, jockey, agent or other person having charge of or access to any race horse.

(b) Accept, offer to accept bribe. If any person having official duties in relation to any race track, race or race horse, or if any trainer, jockey, agent or other person having charge of or access to any race horse, solicits, accepts or offers to accept any bribe in any form.

(c) Fail to report offer of bribe. If any person licensed by the commission shall be approached with an offer or promise of a bribe or with a request or a suggestion for a bribe or for any improper, corrupt or fraudulent act or practice in relation to a race or racing or that any race shall be conducted otherwise than fairly and in accordance with this Part, and if such licensed person shall, not immediately report the matter to the judges.

(d) Enter disqualified horse. If any person willfully enters or causes or permits to be entered or to

start in any race a horse which he knows or has reason to believe to be disqualified.

(e) Use illegal appliances. If any person shall have in his possession in or about any race track or shall use, appliances-mechanical, electrical, or otherwise-other than the ordinary equipment, of such nature as could affect the speed or racing condition of a horse.

(f) Fraudulent, corrupt act. If any person be guilty of any improper, corrupt or fraudulent act or practice in relation to racing, or shall conspire with any other person to commit or shall assist in the commission of any such act or practice.

4233.2 – 4233.3 Reserved

#### 4233.4 Results of disqualification

(a) Persons denied admission to track. Anyone who has been ruled off or who has been suspended, whether temporarily for investigation or otherwise, and anyone penalized as provided in this Part by the highest official regulatory racing body having jurisdiction where the offense occurred, shall be denied admission to all race tracks licensed by the commission until duly reinstated, unless otherwise determined by the commission.

(b) Persons barred from racing. A person whose license has been revoked or has been suspended, whether temporarily for investigation or otherwise, and so long as his exclusion or suspension continues shall not be qualified, whether acting as agent or otherwise to subscribe for or to enter or to run any horse for any race either in his own name or in that of any other person.

(c) Horse suspended. All horses in the charge of a trainer whose license has been revoked or has been suspended, whether temporarily for investigation or otherwise, shall be automatically suspended from racing during the period of the trainer's exclusion or suspension. Permission may be given by the judges for the transfer of such horses to another trainer during such period, and upon such approval such horses shall again be eligible to race.

(d) Track records voided. In the event that a horse establishes a track or other record in a race and it should be determined by competent authority that the chemical analysis of any specimen taken from such horse shows the presence of a drug which is of such a character as could affect the racing condition of the horse in such race, then such record shall be null and void.

#### 4233.5 Use of drugs

(a) No person while on the grounds of a licensed track, who is licensed as trainer, assistant trainer, jockey, apprentice jockey, nor anyone who is riding a horse in a race, a warm-up for a race or riding on a horse anywhere on the grounds, nor anyone who aids or participates in the preparation of a race, or the horse for a race, or is licensed by the board, shall have present within the body of such person any controlled substance listed in schedules I through V of section 3306

of the Public Health Law, unless advance permission to ride a horse or participate in any manner in a race while using such substance, pursuant to prescription by a licensed physician, has been granted in writing by the board.

(b) Every such person, which includes all licensees, shall, upon the request of a presiding judge, associate judge or paddock judge, deliver a specimen of urine or subject himself to the taking of a blood sample by a licensed physician, as directed by such official. Failure by such person to provide such sample as so directed shall be a violation of these rules and subject such person to fine and license suspension. In addition, in no event shall any person ride or participate in any manner in the administration of or in any race, or the preparation of a horse for a race, on the day such sample is requested until such specimen has been taken as directed.

(c) In the event that analysis of a urine or blood sample, by the testing facility designated by the board, discloses the presence of a prohibited controlled substance, such fact shall be reported to the board, which shall schedule an immediate interview with such person, pending which such person shall not be permitted to ride and/or participate in any manner in any race. As a result of such interview, the board may restore full riding and/or license privileges to such person after such person has delivered a current sample for analysis, continue such temporary suspension of riding and/or license privileges pending receipt of the result of analysis of any sample directed to be taken at such interview, or take such other action as the board may deem appropriate, including fine, revocation, suspension or the conditioning of continued licensing upon the satisfactory enrollment in and completion of a drug treatment program or drug educational program designated by the board.

(d) Disclosure of the results of analysis and other reports made in the course of enforcement of this section shall be treated as confidential insofar as is consistent with law.

## **PART 4234. CANCELLATION OF PROGRAM**

### **4234.1 Program cancellation**

No racing program or any part of a racing program may be cancelled without the consent of the track steward. In the event any race of a program is cancelled for any reason, the remainder of such program may be cancelled by the track steward, if in his judgment such action is warranted.

### **4234.2 Rain checks**

In the event of the cancellation of any program after the completion of a numerical majority of the races to be scheduled to be run on such program, no rain checks or other similar forms of deferred admissions shall be issued on admittance, no rain checks will be validated. In the event of a cancellation of any program before the completion of a numerical majority of the races

scheduled to run on such program, rain checks or other similar forms of deferred free admission shall be issued but no rain check or other form of deferred free admission shall be valid beyond the close of the meeting at which it is issued.

#### 4234.3 Postponement of races

When a racing program is cancelled, the races scheduled shall be postponed as follows:

(a) Early closing races, stakes and futurities shall be postponed to a definite hour the next fair day and good track unless:

(1) there is not time remaining in the scheduled race meeting and it cannot be extended to permit the race to be programmed. In such case the entrance money and forfeits shall be divided equally among the nominators who have horses on the grounds declared in to start; or

(2) the race has been started and remains unfinished on the last day of the scheduled meeting and the meeting cannot be extended to permit the race to be completed. In such case the race shall be declared ended and the full purse divided.

#### 4234.4 Transfer of races

(a) Stakes and futurities. Unless conditions prescribed to the contrary, stakes and futurities should be raced when advertised and the meeting extended to accomplish this. No stake or futurity may be transferred to another meeting without the unanimous consent of both meetings and of all those having horses eligible to the event.

(b) Overnight races. (1) At meetings of more than five days duration, at the option of the licensed racing association, overnight races may be cancelled or may be postponed and carried over not more than 48 hours.

(2) At meetings of five days duration or less, at the option of the licensed racing association, overnight races may be cancelled and starting fees refunded or may be added to the racing program advertised for subsequent days of the meeting.

### **PART 4235. RACING COLORS**

#### 4235.1 Registration of colors

Racing colors must be registered and authority for their use sanctioned.

#### 4235.2 Annual registration; advertising symbols prohibited

Registration of colors, together with application for owner's license to the board, must be made annually. Colors bearing symbols or markings for advertising purposes shall not be accepted.

#### 4235.3 Temporary change of colors

Any temporary change from the recorded colors of the owner must be approved by the judges; posted by the clerk of the scales and notice given to the public, while or before the horses are parading, over the public address system.

#### 4235.4 Lapse of time after use by another

The registered colors of an owner may not be registered by another, except after five years of nonuse.

#### 4235.5 Decision upon right to colors

Any difference between claimants as to the right to particular colors shall be decided by the judges.

### **PART 4236. DRUGS PROHIBITED AND OTHER PROHIBITIONS**

#### 4236.1 Definitions

The terms and words used in this Part shall mean:

- (a) Administer. Cause the introduction of a substance into the body of a horse.
- (b) Laboratory. The official racing chemical detection laboratory designated by the board.
- (c) Drug. Any substance or its metabolites which does not exist naturally in the untreated horse and which can have a pharmacological effect on a horse.
- (d) Sample. Any body substance, including but not limited to, blood or urine taken from a horse at the direction of the board or its officials for the purposes of analysis. A sample is a "pre-race" sample when it is taken before a race pursuant to the rules governing the pre-race testing program. A sample is a "post-race" sample when it is taken after a horse races pursuant to the rules governing the post-race testing program.
- (e) Post-race positive test. A finding by the laboratory that a drug or other substance, the use of which is restricted by section 4236.2 of this Part, was present in the sample and was administered at a time and in a manner prohibited by this Part.
- (f) Pre-race positive test. A finding by the laboratory that a drug could be present in the sample.

(g) Practicing veterinarian. A veterinarian who treats any race horse.

(h) The start of a racing program. The scheduled post-time of the first race of a program containing a race in which the horse is to compete.

#### 4236.2 Restricted use of drugs, medication and other substances

Drugs and medications are permitted to be used only in accordance with the following provisions:

(a) The following substances are permitted to be used at any time up to race time:

(1) topical applications (such as antiseptics, ointments, salves, DMSO, leg rubs, leg paints and liniments) which may contain antibiotics but do not contain benzocaine, steroids or other drugs; and

(2) antibiotics, vitamins, electrolytes, and other food supplements as long as they are administered orally and as long as they do not contain any other drug.

(b) Eligibility for the administration of furosemide.

(1) The administration of furosemide is permissible to a horse which has qualified for its use by any of the following means:

(i) The horse has bled visibly during a race or a workout, as determined by the association veterinarian; or

(ii) The horse has bled during a race or workout, as determined by endoscopic examination after the race or workout by an attending veterinarian; or

(iii) The horse has been qualified by the state veterinarian or a veterinarian employed by the racetrack for the administration of furosemide in another racing jurisdiction; or

(iv) The horse has raced on furosemide in its last race in a jurisdiction with rules substantially similar to New York State.

(2) If it is determined that a horse has qualified pursuant to paragraph (1) of this subdivision, and the owner or trainer elects to make the horse eligible for the administration of furosemide, the horse shall be placed on a list of horses that have bled, to be maintained by the association veterinarian and shall not be permitted to race for the following periods of time:

- (i) 1st Time - 10 days after such episode of bleeding;
- (ii) 2nd Time - 30 days after such episode of bleeding;
- (iii) 3rd Time - 90 days after such episode of bleeding; and
- (iv) 4th Time - 1 year after such episode of bleeding;

Such list shall be made available to the public for inspection.

(3) Eligibility to race on furosemide. For a horse to be eligible to race on furosemide, the trainer of that horse must file satisfactory documentation of eligibility pursuant to this rule with the association veterinarian on or before time of entry.

(4) Removal from the furosemide list. A horse which has been eligible for the administration of furosemide may be removed from the list, upon authorization from the stewards.

(5) Reinstatement to furosemide list. After removal from the furosemide list, a horse may be reinstated for the administration of furosemide if the horse again meets the requirements as set forth in paragraph (1) of this subdivision and such horse shall not be permitted to race for the specific time period as set forth in subparagraph 2 (i) through (iv) of this subdivision.

(6) Administration of furosemide. For the purposes of this rule, furosemide shall be administered only in the following manner: A single intravenous (IV) injection of no less than 250 milligrams (5cc) and no more than 500 milligrams (10cc) on the grounds of a licensed racing association or corporation during the time period from 4 to 4 1/2 hours before the scheduled post time of the race in which the horse is to compete.

(7) Ineligibility to start. Any horse which is eligible for the administration of furosemide must be present on the grounds of the racing association or corporation no less than 4 hours prior to scheduled post time of the race in which the horse is scheduled to compete. A horse which is not present at least 4 hours prior to post time or which has not received the administration of furosemide pursuant to this rule shall be ineligible to start.

(c) The following substances may be administered by injection until 24 hours before the start of a racing program: antibiotics, tetanus antitoxin, electrolytes, vitamins, and other food supplements and body nutrients not containing procaine or other drugs. They may not be administered by injection (including intravenous injection known as jugging) within 24 hours of the start of a racing program.

(d) The following substances are permitted to be administered by any means until 48 hours before the start of a racing program:

(1) aminophylline or theophylline;

(2) arsenic solution (e.g., Fowlers Solution);

(3) aspirin or sodium thiosalicylate;

(4) chymotrypsin (e.g., Kymar);

(5) diuretics (e.g., furosemide (Lasix) except as otherwise provided pursuant to subdivision (b) of this section, thiazide derivatives (e.g., Diuril), trichlormethiazide and dexamethasone (e.g., Naquazone bolets));

(6) epinephrine (adrena-line);

(7) selenium/vitamin E (e.g., E-Se);

(8) griseofulvin (e.g., Fulvicin);

(9) guaiacol derivatives (e.g., Guaifenesin, Ripercol-L);

(10) hormones and steroids (e.g., testosterone, progesterone, estrogens, chorionic gonadatropin, glucocorticoids (e.g., Prednisolone, Depomedrol), and anabolic steroids (e.g., Equipoise)), except in conjunction with joint aspiration as restricted in subdivision (f) of this section;

(11) iodine injection (e.g., Hypodermin, Harvey's Injectable Blister);

(12) methenamine (e.g., Urotropin);

(13) the following nonsteroidal anti-inflammatory drugs (NSAID's): Phenylbutazone (e.g., Butazolidin), Flunixin (e.g., Banamine), meclufenamic acid (Arquel), naproxen (e.g., Naprosyn, Equiproxen);

(14) orgotein (e.g., Palosein);

(15) hydroxychloroquine sulfate (e.g., Rheaform);

(16) sarapin;

(17) sulfonamide drugs (e.g., Sulfa); and

(18) biologics (e.g., bacterins, antitoxins except tetanus antitoxin). They may not be administered within 48 hours of the start of a racing program. In this regard, substances ingested by a horse shall be deemed administered at the time of eating and drinking. It shall be part of the trainer's responsibility to prevent such ingestion within such 48 hours.

(e) The following substances may be administered by any means until 72 hours before the start of a racing program:

(1) antihistamines;

(2) ketamine hydrochloride;

(3) methocarbamol (e.g., Robaxin);

(4) pentazocine (e.g., Talwin);

(5) vermifuges (worm medicines), except phenothiazine; and

(6) xylazine (e.g., Rompun). They may not be administered by any means within 72 hours of the start of a racing program. In this regard, substances ingested by a horse shall be deemed administered at the time of eating and drinking. It shall be part of the trainer's responsibility to prevent such ingestion within such 72 hours.

(f) No other drugs or medications (including procaine) may be administered by any means within one week of the start of a racing program. In addition, a horse which has had a joint aspirated (in conjunction with a steroid injection) may not race for at least five days following such procedure and whenever such procedure is performed, the trainer shall notify the judges of such fact, in writing, before the horse is entered to race.

(g) The listing, reference to, or denomination herein of any drug or other substance does not constitute endorsement, or recommendation by the board for its use.

#### 4236.3 Other prohibitions

No person shall, attempt to, or cause, solicit, request, or conspire with another or others to:

(a) use or possess any electrical device, "joint", "battery", electric prod, or any other electrical

equipment or any mechanical or other appliance not generally accepted as regular racing equipment which can be used to stimulate, depress, goad, spur, retard or condition a horse during a race or during training. The use of ultrasonic, diathermy or other electro/medical equipment is permissible until 24 hours before the start of a racing program, and whirlpool until racetime. However, the judges may bar the possession or use of any specific equipment;

(b) freeze or ice or apply medicated packs to a horse's leg or legs within the paddock area;

(c) after a race administer any substance except water to a horse designated for testing before the horse has been released by the board veterinarian; or

(d) administer a mixture of bicarbonate of soda and sugar in any of their forms in any manner to a horse within 24 hours of a racing program at which such horse is programmed to race. It shall be the trainer's responsibility to prevent such administration.

#### 4236.4 Trainer's responsibility

A trainer shall be responsible at all times for the condition of all horses trained by him. No trainer shall start or permit a horse in his custody, care or control to be started if he knows, or he might have known or have cause to believe, that the horse has received any drug or other restricted substance that could result in a positive test. The trainer shall be held responsible for any positive test unless he can show by substantial evidence that neither he nor any employee nor agent was responsible for the administration of the drug or other restricted substance. Every trainer must guard each horse trained by him in such manner and for such period of time prior to racing the horse so as to prevent any person whether or not employed by or connected with the owner or trainer from administering any drug or other restricted substance to such horse contrary to this Part.

#### 4236.5 Disqualification

A horse, in respect to which there has been any violation of the prohibitions contained in this Part or Part 4218 of this Subchapter, or from which a sample has resulted in a positive test, may be disqualified from the race and from any share of the purse in the race and such share shall be redistributed among the remaining horses in the race entitled to same. Nothing contained herein shall in any way affect the pari-mutuel distribution which shall be deemed final and unappealable upon the declaring of the race "official" by the judges at the conclusion of the race.

### **PART 4237. VOLUNTARY EXCLUSION FROM RACETRACKS AND RESTRICTION ON TELEPHONE ACCOUNT WAGERING**

#### 4237.1 General requirements

- (a) Each racing association or corporation shall establish a system by which a person may voluntarily exclude himself or herself from entering the premises of the racetrack.
- (b) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall establish procedures that are designed to permit an account holder to voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.
- (c) A self-excluded person or an account holder who has placed restrictions on his or her account may remove such exclusion or restrictions upon request made to the racing association or corporation, however no request from a person to remove any self-exclusion or limit placed on account wagers shall be effective until seven days after it has been received by the racing association or corporation.

#### 4237.2 Self-exclusion from racetrack

- (a) Each racing association or corporation shall create a list of self-excluded persons and shall post information explaining how an individual may add his or her name to the list.
- (b) An individual's name may be added to the list of self-excluded persons if the individual has notified the racing association or corporation in writing or in person of his or her pledge not to visit a racetrack by filing an application for placement on the racing association's or corporation's list of self-excluded persons. The application shall be designed to include a removable label or "tear-off" with information concerning the availability of services to assist compulsive gamblers.
- (c) An application for self-exclusion shall include all of the following information about the individual who is applying:
  - (1) Full name and all aliases;
  - (2) Physical description including height, weight, hair and eye color, skin color, and any other noticeable physical characteristics;
  - (3) Current home address;
  - (4) Social security number;
  - (5) Date of birth;
  - (6) Statement that the individual is seeking self-exclusion;

(7) A photograph suitable for the racing association or corporation to use to identify the individual.

(d) An individual's name shall be placed on the list of self-excluded persons after all of the following have occurred:

(1) The individual has submitted an application to be placed on the racing association's or corporation's list of self-excluded persons;

(2) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her identification credentials and that any photograph or physical description of the person appears to agree with his or her actual appearance or identification credentials;

(3) The individual has signed an affirmation in which he or she affirms that he or she wishes to be placed on the list of self-excluded persons; and

(4) The individual signs a form releasing the State of New York and the racing association or corporation from any injury the individual suffers as a consequence of placing his or her name on the list of self-excluded persons.

(e) Each racing association or corporation shall file with the board no later than thirty days after the effective date of this Part a plan for implementing this section and for disseminating the information contained in the applications for placement on the list of self-excluded persons. The plan shall be designed to safeguard the confidentiality of the information but shall include dissemination to all of the following:

(1) The racing association or corporation managerial employee who has responsibility over the entire wagering operations; and

(2) All security and surveillance personnel.

(f) A racing association or corporation shall not offer coupons, market its services, or send advertisements to, or otherwise solicit the patronage of, those persons whose names are on the list of self-excluded persons.

(g) The racing association or corporation shall keep a record of each individual whose name is on the list of self-excluded persons. If a racing association or corporation identifies a person on the premises of their racetrack, the racing association or corporation shall, after confirming that the

individual has filed an affidavit under this section, immediately remove the individual from the racetrack.

(h) A request for removal from the self-exclusion list shall include:

(1) The identifying information specified in paragraphs (c)(1)-(5) of this section;

(2) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement: "I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the racing association or corporation to reinstate my wagering privileges at their racetrack.";

(3) The signature of a racing association or corporation employee authorized to accept such request, indicating that the signature of the person on the request for removal from the self-exclusion list appears to agree with that contained on his or her previously filed identification credentials and that any photograph or physical description of the person appears to agree with that information filed previously or actual appearance if the request for removal is made in person; and

(4) No request from a person to remove himself or herself from any self-exclusion list shall be effective until seven days after it has been received by the racing association or corporation.

(i) This rule does not create any right or cause of action on behalf of the individual whose name is placed on the list of self-excluded persons against the State of New York, the board or a racing association or corporation.

#### 4237.3 Voluntary restrictions on telephone account wagering

(a) Any holder of an account authorized pursuant to section one thousand twelve of the Racing, Pari-Mutuel Wagering and Breeding Law may voluntarily place limits on the amount of his or her wagers. This restriction may be calculated on a daily or weekly basis.

(1) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall establish procedures that are designed to deny wagering privileges beyond a daily or weekly threshold set by the account holder.

(2) Any holder of an account voluntarily restricted may have such restrictions removed or modified upon written or in person request to the racing association or corporation. No request from a person to remove any limit placed on account wagers shall be effective until seven days after it has been received by the racing association or corporation.

(b) Each racing association or corporation which maintains telephone betting accounts for wagering on races shall file with the board no later than thirty days after the effective date of this Part a copy of its procedures established pursuant to this section.