

## Chapter 1 - DEFINITIONS

**1.001** The following definitions and interpretations apply to the rules unless the text otherwise requires:

**1.001.01** ADDED MONEY is the money an association adds to fees paid by the horsemen.

**1.001.02** AGE OF HORSES is determined as beginning on the first day of January in the year in which the horse is foaled.

**1.002.03** APPEAL is a request for the Commission or its designee to investigate, consider and review any decisions or rulings of stewards of a meeting.

**1.002.04** ASSISTANT STARTER is a racing official licensed by the Commission to assist with the fulfillment of the duties of the Starter.

**1.001.04** ASSOCIATION is any person or persons, associations or corporations licensed by the Commission to conduct horse racing within the State of Nebraska for any stake, purse or reward.

**1.001.05** AUTHORIZED AGENT is a person appointed by a written instrument, signed and acknowledged before a notary public by the owner and filed with the Commission in accordance with the rules.

**1.001.06** BREAKAGE is the net pool minus payout.

**1.001.07** BREEDER of a horse is the owner of its dam at the time of foaling.

**1.001.08** "BRED" - A horse is "bred" at the place of its birth.

**1.001.09** CALENDAR DAY is twenty-four (24) hours ending at midnight.

**1.001.10** CLAIMING RACE is a race in which any horse entered may be claimed in conformity with the rules.

**1.001.11** CONTROLLED THERAPEUTIC MEDICATION is any medication that appears on the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses and for which the regulatory analytic concentration in the sample(s) may not exceed specified regulatory limits published therein.

**1.001.12** COMMISSION means the Nebraska Racing and Gaming Commission.

**1.001.13** COMPLAINT is a written allegation of a violation of these rules submitted to either the Board of Stewards or the Commission.

**1.001.14** COUPLED ENTRY - two or more contestants in a contest that are treated as a single betting interest due to common ties involving ownership, financial interests, or training for pari-mutuel wagering purposes.

**1.001.15** DECLARATION means the act of withdrawing an entered horse from a race before the closing of overnight entries.

**1.001.16** ENTRY is: (a) a horse eligible for and entered in a race: or  
(b) Two or more horses, entered in the same race, which have common ties of ownership, lease or training.

**1.001.17** EQUIPMENT, as applied to a horse, means, but is not limited to, riding crops, blinkers, tongue straps, muzzles, hoods, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots, and plates.

**1.001.18** FIELD means:

**1.001.18A** The entire group of horses within a race; or

**1.01.18B** The highest numbered horse within the capacity of the tote, when the individual horses competing in a race exceed the numbering capacity of the tote. All horses of a higher number shall be grouped together in the wagering and called the field.

**1.001.19** FORFEIT means money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

**1.001.20** FRAUDULENT AND/OR CORRUPT PRACTICE means any attempt of a person to enrich themselves or others, or gain any advantage, through unfair, unlawful, or dishonest behavior in connection with the racing of horses.

**1.001.21** HANDICAP is a race in which the weights to be carried by the entered horses are adjusted by a Handicapper.

**1.001.22** HORSE includes colt, filly, gelding, mare and ridgling. For racing purposes and programming, a horse shall be designated as follows:

**1.001.22 A:** MALE: Horse, Colt, Gelding or Ridgling. (A horse is an entire male five (5) years old or older.)

**1.001.22 B:** FEMALE: Filly or Mare. (A filly becomes a mare when five (5) years old.)

**1.001.23** HORSE HEALTH AND HUSBANDRY PRODUCTS means controlled therapeutic medication, vaccine, equine anthelmintic, antibiotic, equine feed supplement, or vitamins and minerals.

**1.001.24** HORSERACING INDUSTRY PARTICIPANT means an individual who currently holds a valid license from the Commission and who owns, trains, cares for, or rides horses stabled at a licensed racetrack enclosure for the purpose of horseracing at the live race meeting.

**1.001.25** JOCKEY is a person riding a horse in a race and must be licensed as a jockey or an apprentice.

**1.001.26** LABORATORY is the facility designated by the commission for testing samples.

1.001.27 LICENSED RACETRACK ENCLOSURE means all real property licensed and utilized for the conduct of a race meeting, including the racetrack and any grandstand, concession stand, office, barn, barn area, employee housing facility, parking lot, and additional area designated by the commission in accordance with the Constitution of Nebraska and applicable Nebraska law;

1.001.28 LESSEE: A person and/or persons who have leased a horse for racing purposes. A lessee must be licensed as an owner.

1.001.29: LICENSEE may mean an Association licensed by the Commission to conduct a race meeting or those licensed to participate in any other capacity on the grounds of an Association during the race meeting.

1.001.30 MAIDEN is a horse that has never won an official or recognized race as defined in breed registry rules. A maiden which has been disqualified after finishing first is still to be considered a maiden.

#### **A. The Jockey Club**

A "Maiden" is a horse, which, at the time of starting, has never won a race on the flat in any country.

A "Race" includes a stake, a purse, a sweepstakes, a private sweepstakes, a match or an overnight event, but does not include a steeplechase or hurdle race.

#### **B. American Quarter Horse Association**

MAIDEN is a horse, which at time of starting has never won a race recognized by the AQHA. A maiden which has been disqualified after finishing first is still a maiden.

1.001.31 MATCH is a Private Sweepstakes between two (2) horses, which are the property of two (2) different owners. If prior to the running of the race either of the horses entered in the match dies, or if either owner dies, the match is void. It remains a match even if money or any other award is added to the stakes. A match meeting this definition is not allowed in Nebraska unless special permission is given by the Commission.

1.001.32 MEETING - Entire consecutive period for which license to race has been granted to any one Association licensed by the Commission.

1.001.33 MINUS POOL occurs when the payout is in excess of the net pool. A minus pool exists when the profit per dollar calculation is less than ten cents. When a minus pool occurs, the Association may distribute \$1.10 for each dollar wagered, and will not distribute less than \$1.05 for each dollar wagered.

1.001.34 MONTH is a calendar month.

1.001.35 A MUTUEL FIELD is a common betting interest that is established when the number of contestants in an event exceeds the capacity of the totalizator system. A wager on one is a wager on all.

1.001.36 NET POOL is the amount of gross ticket sales less refundable wagers and statutory commissions.

1.001.37 NO CONTEST is a race cancelled for any reason by the stewards.

1.001.38 NOMINATOR means the person in whose name a horse is entered for a stakes or handicap race.

1.001.39 NSAID means non-steroidal anti-inflammatory drugs.

1.001.40 NSAID Stacking is deemed to occur when a post-race sample is found to contain the presence of multiple Non-Steroidal Anti-Inflammatory Drugs

1.001.41 OFFICIAL ORDER OF FINISH is the order of finish of the contestants in a contest as declared official by the stewards.

1.001.42 OFF-TIME is the instant the stall doors of the starting gate open in front of the horses at the start of a race.

1.001.43 OPTIONAL CLAIMING RACE is a race restricted to horses entered to be claimed for a stated claiming price and to those, which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purpose of these rules, a claiming race.

1.001.44 OVERNIGHT RACE is one for which entries close seventy-two (72) hours, or fewer, before the time set for the first race of the day on which such race is to be run.

1.001.45 OWNER includes sole owner, part owner or lessee (lessee cannot claim unless he or she is sole owner of another horse which qualifies him or her to claim). An interest in the winnings of a horse does not constitute any level of ownership.

1.001.46 PATRON is a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

1.001.47 PAYOUT is the amount of money payable to winning wagers.

1.001.48 PLACE in racing means first, second, third, or fourth, and in that order is called "Win", "Place", "Show", and "Fourth".

1.001.49 POST POSITION is the position in the starting gate assigned to a horse for a race.

1.001.50 POST TIME is the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device provided for that purpose, prominently displayed and clearly readable from the grandstand.

1.001.51 PRODUCE RACE is one in which the produce of horses named or described at the time of entry are contestants.

1.001.52 PROHIBITED SUBSTANCE is any substance, other than controlled therapeutic medication, or vaccine, equine anthelmintic, antibiotic, equine feed supplement, vitamins and minerals (collectively, "horse health and husbandry products"), for which the regulatory analyte concentration in samples may not exceed specified regulatory limits published herein.

1.001.53 PURSE RACE is a race for money or any other prize to which the owners of the horses engaged do not contribute.

1.001.54 RECOGNIZED MEETING means any meeting wherever held under the sanction of a turf authority having reciprocal relations with the Commission and other turf authorities, approved by said Commission, for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

1.001.55 RULES mean the Rules and Regulations included in this title.

1.001.56 STATE STEWARD means a racing official, duly appointed by the Commission, with powers and duties prescribed by Commission regulations, who is responsible for regulating racing and licensees to ensure that racing is conducted in compliance with the laws of Nebraska and this title.

1.001.56 STEWARDS means the racing officials specified by the Commission to be in control of the meeting or their duly appointed deputies.

1.001.57 RACE - A contest between horses for purse, stakes, premium, wager for money or entrance fees on any licensed course and in the presence of a judge or judges.

1.001.58 RACE DAY means any period of twenty-four (24) hours beginning at midnight and included in the period of a racing meeting - and in the matter of penalties the word "Day" means a "Race Day".

1.001.59 SCRATCH means the act of withdrawing an entered horse from the race after the closing of overnight entries.

1.001.60 SCRATCH TIME means the time set by the association for the closing of applications for permission to withdraw from races of that day.

1.001.61 SAMPLE means a portion of any bodily substance or fluid, including but not limited to, tissue, hair, blood or urine obtained from a horse or greyhound at the direction of the commission for the purposes of determining the presence and/or concentration of regulatory analytes

1.001.62 SPLIT SAMPLE means splitting the sample taken into two different samples for purposes of additional testing from the original sample taken.

1.001.63 SPLIT SAMPLE LABORATORY is a facility approved by the Commission to test split samples.

1.001.64 STAKES RACE OR SWEEPSTAKES is a race to which nominators of the engaged entries contribute to a purse; to which money or any other award may be added. No overnight race, regardless of its conditions, shall be deemed a stakes race.

**1.001.65**\_STARTER - A horse is a "Starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses. STARTER is also the name used to designate the official whose duty it is to give the starting signal at the beginning of the race.

**1.001.66** SUBSCRIPTION means the act of nominating to a stakes race.

**1.001.67**\_TOTE or TOTE BOARD means the totalisator or totalisator odds board.

**1.001.68**\_UNTRIED HORSE is one whose produce are maidens.

**1.001.69** WALK OVER means a race in which only one horse starts or in which all the starters are owned by the same interest. To claim the purse the horse(s) must start and go the distance of the race.

**1.001.70** WEIGHT FOR AGE - Standard weight assigned by these rules to horses according to their ages.

**1.001.71**\_YEAR means a calendar year.

## Chapter 2 - GENERAL RULES

### 2.001 ADMINISTRATIVE

**2.001.01** The Rules of Racing herein prescribed, and any amendments or additions thereto apply to all persons, associations, partnerships or corporations holding, conducting or participating in and/or patrons of a meeting within the State of Nebraska, licensed by the Commission.

**2.001.04** The laws of the State of Nebraska and the rules duly promulgated by the Commission supersede the conditions of a race, or the regulations of a race meeting; such laws and rules also supersede any contracts, agreements, or arrangements that are in conflict with these laws or rules. (See Statutes 2-1201 and 2-1202)

**2.001.05** Members of the Commission and their designated representatives shall have the right of complete entry to all parts of the grounds and buildings within the licensed racetrack enclosure.

**2.001.06 (1)** To affect the performance of its statutory duty to ensure the security, safety, and health conditions at racing meetings including the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, the Commission or the Stewards of any licensed meeting have the unconditional right to permit and direct any person(s) authorized by them to achieve full and complete entry in or upon:

(a) all areas and buildings of the Licensed Racetrack Enclosure, including stables, rooms, stalls, tack rooms, feed rooms, storage rooms or other places. Such right of the Commission, their designated representatives, or the Stewards is an overriding obligation that shall apply and condition any act of an association or manager of a licensed racetrack enclosure to allocate its property to any person during the course of any licensed meeting at that association; and each association or management of a licensed racetrack enclosure, in accepting a license, does thereby consent that any such allocation includes the right of entry here consented to, subject to rule 3.001.16.

(b) all areas and buildings on the grounds of licensed racetracks enclosures, farms, or other places where horses are kept that are entered or eligible to race at a race meeting, including stables, rooms, stalls, tack rooms, feed rooms, storage rooms or other places; and each licensed racetrack enclosure or person who owns or leases any such property in accepting a license does thereby consent thereto. Such right of the Commission or the stewards is an overriding obligation that shall apply and condition any act of such racetrack or property owner or lessor of the property to allocate property to any person during the course of any licensed meeting when horses with which that person is associated are kept at the racetrack or place and are entered or eligible to run at such meeting; and each racetrack or property owner in accepting a license does thereby consent that any such allocation includes the right of entry here consented to. A property owner or lessor under this paragraph includes a horseracing industry participant (see rule 2.001.06A).

(2) To affect the performance of its statutory duty to ensure the security, safety, and health conditions at racing meetings as well as to ensure the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, the Commission, their designated representatives, or the Stewards of any licensed meeting have the unconditional right to seize any object which they have reasonable suspicion to believe is contraband or evidence indicating a rule violation that is in plain view or to engage in any investigative or enforcement activity based upon observations made of persons, objects, or effects that are in plain view.

**2.001.06 (3)**

(1) No licensee, employee, or agent of an association, or member of the Commission or its staff shall willfully violate any protection provided to licensees and horseracing industry participants. Each license is granted upon the condition that the licensee shall accept the jurisdiction of the Commission or its authorized designee to conduct hearings and impose sanctions pursuant to Rule 7.002.

(2) No association, employee, or agent of an association, or member of the Commission or its staff shall willfully and unlawfully seize, destroy, or damage private property. Each license granted by the Commission to an association or an employee or agent of an association is granted upon the condition that the licensee shall accept the jurisdiction of the Commission or its authorized designee to conduct hearings and impose sanctions pursuant to Rule 7.002.

(1) No association, employee, or agent of an association may exclude a horseracing industry participant except pursuant to Rule 6.004.

**2.001.07** Every person participating in, and every patron attending a licensed race meeting shall abide by the laws and rules of Nebraska and accept the stewards' decision on any and all questions, subject to the right of appeal to the Commission.

**2.001.07A**

(2) Every license granted by the Commission, is granted upon the condition that the licensee shall cooperate with the stewards and Commission investigators or enforcement officers in rules investigations conducted by them.

(3) Except that a licensee charged with a rule violation may not be compelled to provide information at his hearing, every license granted by the Commission is granted upon the condition that the licensee shall cooperate with the Board of Stewards and the Commission and testify in hearings conducted by either or both when in possession of relevant information.

**2.001.08** No person shall use improper, profane or indecent language to a racing official, an Association employee, or any employee or representative of the Commission.

**2.001.09** No person shall in any manner, or at any time, disturb the peace or be disruptive on the grounds of an association.

**2.001.10** Firearms shall not be kept in the tack rooms or barn area, or brought into the barn area at any time, except in the possession and control of authorized and certified law enforcement personnel or security personnel.

**2.001.11** Any person ejected from the licensed racetrack enclosure shall be denied admission to said grounds until permission for re-entering has been obtained from the association or from the ~~Racing~~ Commission.

**2.001.12** No person shall be part owner or trainer of any horse in which a jockey has an ownership interest.

**2.001.13** The State Stewards shall close the pari-mutuel wagering pools, and sound the bell to alert the wagering public within the Licensed Racetrack Enclosure that the pools have closed.

**2.001.14** Any owner, trainer or employee of any owner, trainer or anyone having an interest directly or indirectly in any horse or horses registered for racing at a Race Meeting shall not be employed or used in any official, management or security capacity unless special permission has been granted by the Stewards or Commission. This does not prohibit employment of persons otherwise licensed as Mutuel clerks.

**2.001.15** The holder of a claim, whether it be a mortgage, bill of sale, or lien of any kind against a horse, shall be required to file the same with the racing secretary prior to the time the horse runs. Failure to do so forfeits said persons rights of any winnings of the horse prior to the time the claim is properly filed.

**2.001.16** All licensees are required to either wear or carry on their person their Commission issued license while on the grounds of a licensed racetrack enclosure or association. Licensees needing a clip or clip hole punched in their license may contact the license office at the licensed racetrack enclosure.

## **2.002 FINANCIAL RESPONSIBILITY**

**2.002.01** Any official, owner, trainer, or any person licensed by the Commission who obtains food, shelter, drugs, transportation, veterinary services, or supplies for his or her personal use or for others, whether they be licensees or not, and fails to pay the person or persons from whom said services or supplies are obtained shall be guilty of conduct detrimental to the best interests of racing and may be suspended at the discretion of the stewards or the Commission. However, neither the association nor the Commission is obligated to collect debts from horsemen or other personnel licensed by the Commission.

## **2.003 INSURER OF THE RACE MEETING**

**2.003.01** Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.

**2.003.02** Upon licensing and race meeting approval, an association granted a license shall agree to indemnify, save, and hold harmless the Commission from any liability, if any, arising from unsafe conditions of a licensed racetrack enclosure and default in payment of purses.

**2.003.03** An association shall provide the Commission with a certificate of liability insurance annually.

**2.003.04** An association shall maintain those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in Nebraska Revised Statutes and Commission rules in an approved manner in accordance with best business practices.

**2.003.05** An association and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to Nebraska Revised Statutes and/or Commission rules.

**2.003.06** An association and its managing officers shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with the Act, Commission rules, association rules, and race conditions.

## **2.004 ASSOCIATION BOND REQUIREMENTS**

**2.004.01** An association shall file a bond payable to the Commission for pari-mutuel racing. Bond amounts will be determined by the Commission using the previous completed year's parimutuel handle. The commission will notify an association of the bond amount by October 1<sup>st</sup> and the bond must be paid to the commission on or before December 15<sup>th</sup>.

### **For example:**

<b><u>Parimutuel Handles</u></b>		<b><u>Bond Amount</u></b>
<b><u>Over \$100,000,000</u></b>		<b><u>\$50,000</u></b>
<b><u>50,000,000 to \$99,999,999</u></b>		<b><u>\$40,000</u></b>
<b><u>\$25,000,000 to \$49,999,999</u></b>		<b><u>\$30,000</u></b>
<b><u>\$10,000,000 to \$24,999,999</u></b>		<b><u>\$20,000</u></b>

<u>\$5,000,000 to \$9,999,999</u>		<u>\$10,000</u>
<u>\$0-\$4,999,999</u>		<u>\$5,000</u>

## **2.005 FINANCIAL REPORTS**

2.005.01 The Commission may perform periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Nebraska Revised Statutes and Commission rules, the conditions and nomination race program of the race meeting and the obligations incurred in the daily operation of the race meeting.

2.005.02 An association shall file audited financial statements and a copy of annual federal and state tax returns to the commission each year by July 1.

## **2.006 AGE REQUIREMENTS**

**2.006.01** Persons under twenty-one (21) years of age shall not purchase pari-mutuel tickets.

**2.006.02** Any licensee who employs any person under the age of sixteen must at all times be in compliance with all statutory requirements concerning such employment. No one under the age of 16 shall be employed on the backside of the racetrack or in the barns.

2.006.03 No cell phone use is allowed in the test barns, unless approved by the State Veterinarian or the Stewards.

## **2.007 COMMUNICATIONS EQUIPMENT**

**2.007.01** Associations may allow telephones for the benefit of the public for transacting ordinary business within the licensed racetrack enclosure. The use may be restricted by the Stewards.

**2.007.02** At least one telephone on a private line, and additional telephones and service that the Commission deems necessary, shall be installed in the quarters assigned to and occupied by the Commission. All costs of such telephone service will be borne by the Association, and the service shall not be interrupted at any time during said period.

**2.007.03** The association shall install and maintain in good working condition a communications system including the:

- Stewards' stand;
- Racing office;
- Pari-mutuel manager and totaligator systems room;
- Jockey room; paddock; test barn;
- Starting gate;
- Weigh-in scale;

Patrol judge or gate judge;  
Official veterinarian;  
Video camera sites;  
Clocker's stand;  
Ambulances;  
Outriders;  
Commission office; and  
other locations designated by the Commission.

**2.007.04** An association shall provide and maintain a public address system capable of transmitting announcements to the patrons and stable area.

## **2.008 CRITERIA IN DETERMINING RACE DATE ALLOCATIONS TO THE SPONSORING ASSOCIATIONS:**

### **2.008.01 STATE OF NEBRASKA:**

**2.008.01A** To maximize revenue to the State through pari-mutuel tax, sales tax, and tourism.

### **2.008.02 RACING FANS AND PATRONS:**

**2.008.02A** To provide high quality racing for the fan.

**2.008.02B** To provide the best facilities to accommodate the fan.

**2.008.02C** To provide the opportunity for the fan to see nationally known horses compete.

### **2.008.03 NEBRASKA BREEDERS:**

**2.008.03A** To consider the tracks' programs and cooperation with the Nebraska breeders.

**2.008.03B** To consider the association's historic contributions to the breeding industry in Nebraska.

### **2.008.04 RACING ASSOCIATIONS:**

**2.008.04A** To provide stability in racing dates and the racing circuit from year to year.

**2.008.04B** To seek changes in situations where tracks are being subsidized by the horsemen.

**2.008.04C** Weigh the benefit of more dates for the larger tracks and thus more revenue generated versus the detriment to the smaller tracks if allocated fewer dates.

**2.008.04D** Consider which dates the tracks had in the past and their performance with those dates.

**2.008.04E** To consider all geographic sections of the State.

**2.008.04F** To realize that larger tracks must remain strong, or the smaller tracks will be jeopardized.

**2.008.04G** To recognize that overlapping dates within the same breed are undesirable and except in rare instances should not be approved unless both associations are in agreement.

**2.008.04H** To grant dates in blocks of weeks.

**2.008.04I** To not require any track to race on Sunday, but allow any track to do so if it desires.

**2.008.04J** To consider the facilities provided for horsemen including the size, type, and quality of the racing surface and the entire backstretch area.

**2.008.04K** To approve the security plans at each licensed racetrack enclosure.

#### **2.008.05 HORSE OWNERS:**

**2.008.05A** To maximize the purse structure.

**2.008.05B** To seek dates and provide a racing circuit that does not force Nebraska horse owners to race elsewhere.

#### **2.008.06 WORK FORCE:**

**2.008.06A** To consider the number and quality of jobs for Nebraskans created by a race meeting: trainers, jockeys, racing officials, backstretch employees, pari-mutuel employees, concession employees, feed and tack sales personnel, etc.

## Chapter 3 - ASSOCIATIONS

### 3.001 ASSOCIATIONS

**3.001.01** Each Association seeking dates for a race meeting must submit an application specifying each day of live racing it schedules to run to the Commission no later than the date set for such by the Commission but no fewer than sixty (60) days prior to the date of the proposed meeting, unless an exception has been granted by the executive director.

**3.001.02** Each license to hold a meeting is granted upon the condition that the licensee accept, observe, and enforce the rules. Furthermore, **it is** the duty of every officer, director, and every official and employee of said licensee to observe and enforce the rules.

**3.001.03** Each Association holding a meeting shall submit a complete list of racing officials, heads of departments, valets, and all others that may be requested by the Commission. The Commission reserves the right to demand a change of personnel of officials and employees designated therein for what it deems good and sufficient reason. The successor to an official or employee so replaced to be subject to the approval of the Commission.

**3.001.04** The maximum number of live races per day shall be approved by the Commission.

**3.001.05** The maximum number of starters on a five-eighth (5/8) mile track **is** ten (10). The maximum number of starters on a one-half (1/2) mile track **is** eight (8). The Commission may establish other maximum numbers of starters for tracks or races at specified distances.

**3.001.06** Post time of the first race at each meeting must be approved by the Commission.

**3.001.07** Each Association shall provide an office and parking spaces for the use of the Commission and its representatives. The office will offer sufficient space for private consultation, shall be equipped with a telephone, and will be available only to the Executive Director, Commission staff, or the Stewards representing the Commission.

**3.001.08** Each Association shall have a bookkeeper, approved by the Commission, whose duty it is to keep and preserve books that will reflect the deposits or other credits and withdrawals or other charges that may be made by an owner or other licensee. Said bookkeeper shall have an office at the track and said office shall be open on each racing day during the hours specified by the Commission. The bookkeeper must also furnish such reports and information as may be required by the Commission or its representatives.

**3.001.09** All distance poles/markers will be painted as follows:

**3.001.09A** 1/4 - red and white

**3.001.09B** 1/8 - green and white

### 3.001.09C 1/16 - black and white

**3.001.10** Stands for judges, timers, and stewards will be maintained and protected from the elements, in positions commanding an uninterrupted view of the entire racing strip, which is subject to approval by the Commission, with input from the State Steward.

**3.001.11** Each barn shall be numbered, every stall therein shall be numbered, and a record of each designation filed with the racing secretary.

**3.001.12** Each Association licensed by the Commission will offer the Daily Racing Form or another publication of equal merit to the public that reveals the past performance records of the horses racing at their meeting.

**3.001.13** Racing Associations will make written acknowledgement of stakes nominations and subscriptions within 24 hours of the closing of nominations.

**3.001.14** Any significant structural changes to buildings, stands, or other structures used for racing operations within the licensed racetrack enclosure must be submitted to the Commission for approval prior to any changes being made.

**3.001.15** No association is permitted to prohibit any horse from entering any race for which it is eligible once it has been granted a stall at the association's meeting, nor enter into any agreement that would have the same outcome of prohibiting the horse from entering any race for which it is eligible, unless the association has obtained prior approval to do so from the Commission. Modifications and improvements on the interior of the building shall be reported to the Commission, but do not require approval by the Commission.

**3.001.16** Any Association agreement allocating areas and buildings within the licensed racetrack enclosure shall specify as part of that agreement that the allocation is subject to right of entry with probable cause by the Commission. Privately owned trailers used for housing, occupying space assigned by the association for temporary housing will be free from unreasonable search and seizure.

**3.001.17** Each Association must maintain an insurance policy to cover specific activities associated with racing and training and must provide coverage for Jockeys. The association shall file a copy of the insurance policy with the Commission. A summary of the policy must also be posted in the jockey's quarters. The association must also provide a copy of the policy of such insurance to any licensed jockey participating in that race meet upon request.

- (1) In the event that the insurance policy is changed during the race meeting, the association shall promptly notify the commission and post notice of any such changes in the jockey's quarters.

**3.001.18** An association shall ensure that the public areas of the licensed racetrack enclosure are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

3.001.19 The Commission's period of authority to require licensure for all persons employed for a race meet shall commence 10 days prior to the beginning of each meeting and terminate with the completion of their business pertaining to the race meeting.

### **3.002 REPEALED**

### **3.003 AUDIO AND VISUAL EQUIPMENT**

**3.003.01** An association shall provide and maintain in good working order a communication system between the:

Stewards' stand  
Racing office  
Tote room  
Jockeys' room  
Paddock  
Test barn  
Starting gate  
Weigh in scale  
Video camera locations  
Clocker's stand  
Racing veterinarian  
Track announcer  
Location of the ambulances (equine and human); and  
other locations and persons designated by the Commission.

**3.003.02** An association shall provide two electronic photo finish devices with mirror image to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the Commission before its first use in a race. The association shall promptly post a photograph of each photo finish for win, place or show in an area accessible to the public. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the Commission. On request by the Commission, the association will provide, without cost, a print of a photo finish to the Commission. Photo finish negatives or digital images of each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the Commission.

**3.003.04 .03** An association shall provide a recording system approved by the Commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the stewards' stand. The location and construction of video towers must be approved by the Commission.

**3.003.04** One camera, designated by the Commission, will video record the pre-race loading of all horses into the starting gate and continue to record them until the starter dispatches the field.

**3.003.05** One camera, designated by the Commission, will record the apparent winner of each race from the finish line until the horse has returned, the jockey has dismounted, and the equipment has been removed from the horse.

**3.003.06** The stewards may, at their discretion, direct the video camera operators to record the activities of any horses or persons handling horses prior to, during or following a race.

**3.003.07** Races run on an oval track must be recorded by at least three video cameras. Races run on a straight course must be recorded by at least two video cameras. The associations must provide the commission with a written plan covering what will take place in the event of camera failure.

**3.003.08** An association upon request shall provide to the Commission, without cost, a copy of a recording of a race.

**3.003.09** A Video recording, recorded prior to, during, and following each race shall be maintained by the association for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the Commission.

**3.003.10** An association shall provide a viewing room in which, on approval by the stewards, an owner, trainer, jockey, or other interested individual may view a video recording of a race.

**3.003.11** Following any race in which there is an inquiry or objection, the association will display to the public on designated monitors the video recording replays of the incident in question that were utilized by the stewards in making their decision.

**3.003.12** The operator of the camera taking photographs of horses approaching the finish line and in the winner's circle shall be licensed and approved by the commission. Such pictures are to be taken from a location and at a point on the track subject to approval of the Board of Stewards.

Persons taking photographs or video prior to, during, or following the running of a race are not permitted on the track or near the inside rail, or in a restricted area, without the permission of the Board of Stewards, and then only for such pictures as are specifically approved by the Board of Stewards.

### **3.004 SECURITY**

**3.004.01** Each Association will submit a security plan for the licensed racetrack enclosure to the Commission prior to each race meet. Each association will also furnish persons able to handle security and assist in rules investigation or enforcement as may be needed or requested by the Commission. Each association will assure by contract or otherwise that a responsibility of persons handling security, whether these persons are employees or

agents of an association, is to cooperate in the investigation or enforcement of the rules as authorized by the Commission or the Stewards.

**3.004.02** Each Association will provide security on the grounds of the licensed racetrack enclosure to include prohibiting admission in and around the stables to any person except those having bona-fide business or licensed by the Commission.

**3.004.03** The head of security will make a written report to the Stewards and Commission each day that includes persons picked up for drunkenness, touting, disorderly conduct, fraudulent use of licenses, or other rule violations that take place within the licensed racetrack enclosure. If the incident involves an arrest by local law enforcement, the report shall include names and addresses of each individual involved and a detailed description of the circumstances of the incident. Reports shall be submitted within 24 hours in a manner proscribed by the Commission.

**3.004.04** Information or evidence uncovered or developed by licensees, employees, or agents of an association about conduct by a licensee that constitutes a violation of a ~~Racing~~ Commission rules will be promptly reported to the Stewards and the Commission. It is the responsibility of the Executive Director of the Commission to coordinate investigative activity.

### **3.005 SAFETY**

3.005.01 An association shall develop and implement a program for fire prevention and training at the licensed racetrack enclosure. An association shall provide approved training to employees working at the licensed racetrack enclosure on the procedures for fire prevention. Programs and training plans shall be submitted to the Commission for approval.

3.005.02 A copy of the state or local fire marshal's certification regarding the association's compliance with fire safety regulations or the fire marshal's plan of corrections shall be filed with the Commission no fewer than ninety (90) days prior to the first race meeting at that licensed racetrack enclosure for that calendar year. The certification or plan must be based on an inspection of the licensed racetrack enclosure conducted by the fire marshal not more than 30 days before the first day of a race meeting.

3.005.03 No person is permitted to:

- (a) smoke in stalls, feed rooms or under shed rows;
- (b) burn open fires or oil and gas lamps in the stable area;
- (c) leave any electrical appliance that is plugged-in to an electrical outlet unattended.
- (d) permit horses to come within reach of electrical outlets or cords;
- (e) store flammable materials such as cleaning fluids or solvents in the stable area; or

(f) lock a stall which is occupied by a horse.

An association shall post a notice in the stable area which lists the prohibitions outlined in 3.005.03 a-f above.

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

**3.005.05** Racing Associations shall furnish an equine 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 which is at no time obstructed by people, vehicles or equipment so that no time may be lost in answering calls.

**3.005.06** A licensed outrider must be on duty and suitably mounted, each day during the hours when the track is open for exercising horses.

**3.005.07** There shall be two (2) licensed outriders suitably mounted, on duty during racing hours and they will be approved by and work at the direction of the Stewards.

**3.005.08** Pony people, exercise riders, assistant starters, and outriders must wear an approved safety helmet with the chinstrap properly fastened, as well as an approved safety vest, while there is a racehorse on the track or about to enter the track.

3.005.09 An association shall provide a properly equipped transport Advanced Life Support (ALS) ambulance for humans, staffed with at least one certified paramedic and one EMT-A or EMT-I during training and two during live racing. This ambulance shall be on the property of the licensed racetrack enclosure.

3.005.10 If the ambulance is being used to transport an individual person, the association may not conduct a race, or allow horses with riders on the racetrack, until the ambulance returns or is replaced.

3.005.11 An association shall create policies and provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned because of a contract to the association grounds. A copy of these policies and orientation procedures shall be submitted to the Commission 30 days prior to any scheduled live race meet.

3.005.12 Unless otherwise approved by the Commission or the stewards, an ambulance shall follow the field at a safe distance during the running of races.

3.005.13 The ambulance for people must be parked within the licensed racetrack enclosure at an entrance to the racing strip except when the ambulance is being used to transport an individual or when it is following the field during the running of a race.

**3.005.14** No one under the age of sixteen (16) will be permitted to reside in any tack rooms, storage rooms, feed rooms, rest rooms, stable or barn area, except trailer parks, on the grounds of a licensed racetrack enclosure.

**3.005.15** Stewards may establish policies or decide matters involving safety of racing participants that do not conflict with existing rules and state and local building codes with the permission of the Executive Director.

### **3.006 SANITATION**

**3.006.01** Each racing Association will make such sanitary arrangements as baths, toilets, etc., for the use of jockeys, Mutuel employees, horsemen, patrons, and other employees, as is required by the Commission and state and local building codes.

**3.006.02** All used bedding and manure will be removed from the stalls daily and ~~shall~~ be deposited at a place designated by the Association.

**3.006.03** Each trainer shall keep all hay, grain and other feed in a sanitary manner and covered.

**3.006.04** No dogs will be permitted on the grounds of a licensed racetrack enclosure except in accordance with a written policy adopted by the association and approved by the Commission. In no case will dogs be permitted in the barns or immediate vicinity or allowed to run loose.

3.006.05 An association shall provide an adequate supply of free drinking water for horses within the licensed racetrack enclosure.

3.006.06 An association shall maintain all facilities within the licensed racetrack enclosure to ensure the safety and cleanliness of the facilities at all times, and to be in full compliance with current state and local building codes.

3.006.07 An association and the licensees occupying the association's barn area shall cooperate in procedures to control insects, rodents or other hazards to horses or licensees.

### **3.007 ALCOHOL AND DRUGS**

**3.007.01** Any licensee, employee of any association, or member of the Commission or its staff shall not have a blood alcohol level of .05% while in the restricted areas of the Licensed Racetrack Enclosure.

**3.007.01A** Acting with reasonable suspicion, the stewards or a designated Commission representative may direct any licensee, employee of an association,

or member of the Commission or its staff while within the licensed racetrack enclosure to submit to a test to determine the blood alcohol content of the person.

**3.007.02 Drug prohibition/body fluid test or other non-invasive tests.** No licensee, employee of an association, or member of the Commission or its staff, shall have present within his/her system any controlled substance as listed in schedule I-V of the U.S. Code, Title 21 (Food and Drugs Section 812), or any prescription drug unless such prescription drug was obtained directly or pursuant to a valid prescription or order from a duly licensed physician who is acting in the course of his/her professional practice while within the licensed racetrack enclosure.

**3.007.02A** Acting with reasonable suspicion, the stewards or a designated Commission representative may direct any licensee, employee of an association, or member of the Commission or its staff while within the licensed racetrack enclosure to submit to a body fluid test or other noninvasive test to determine the presence of controlled substances.

### **3.007.03 PROCEDURES FOLLOWING POSITIVE CHEMICAL ANALYSIS:**

**3.007.03A** For a first violation of rule 3.007.01 a person shall be fined not less than \$300. For a first violation of 3.007.02, the person's license shall be suspended for not less than 30 days and the person shall not be allowed to participate in racing until his/her condition has been professionally evaluated as directed by the Commission and/or stewards. The Commission and/or stewards may also impose any other penalty it deems appropriate.

**3.007.03B** After a professional evaluation, if the person's condition proves non-addictive and not detrimental to the best interests of racing, he/she may be allowed to participate in racing provided he/she produces a negative test result and agrees to further testing at the discretion of the stewards or designated Commission representative to insure his/her continued sobriety. The Commission and/or stewards may further direct his/her continued participation in any rehabilitation program as a condition to restoring his/her license to good standing. The Commission and/or stewards may also impose any other penalty it deems appropriate.

**3.007.03C** After a professional evaluation, if the person's condition proves addictive or detrimental to the best interests of racing, said individual shall not be allowed to participate in racing until such time as he/she can produce a negative test result and show documented proof that he/she has successfully completed a certified alcohol/drug rehabilitation program approved in advance by the Commission and/or stewards. Said individual must agree to further testing at the discretion of the stewards or the Commission to insure his/her sobriety.

**3.007.03D** For a second violation of rule 3.007.01 within three years, a person shall be fined not less than \$500 and required to be professionally evaluated as outlined in rules 3.007.03A,B,C. The person's license shall be suspended for not less than one (1) year and required to enroll, at his/her expense, into a certified

alcohol/drug rehabilitation program approved in advance by the Commission. The person will be restored to good standing only at the discretion of the Commission and only on condition that he/she agrees to further testing at the discretion of the stewards or designated Commission representative to insure his/her continued sobriety. The Commission may also impose any other penalty it deems appropriate.

**3.007.04** Refusal by any individual to provide these samples when directed shall be in violation of these rules and subject such individual to any penalty deemed appropriate by the stewards or the Commission. Prior violations for refusal by an individual to provide samples when directed will be considered the same as a positive test for purposes of determining a second violation of 3.007.01 or 3.007.02. All testing will be at the expense of the Association or as directed otherwise by the Commission.

### **3.008 Dangerous Weather Conditions**

**3.008.01** The association shall develop a hazardous weather and lightning protocol to be approved by the Commission

**3.008.02** The association shall designate the personnel responsible for immediately investigating any known impending threat of dangerous weather conditions to determine if conditions exist which warrant delay and/or cancellation of a performance and/or the notification to the public of such threatening weather conditions.

**3.008.03** The first priority of all decisions made will be the well-being and safety of all people and animals.

**3.008.04** The stewards shall commence a race delay and/or cancellation when lightning is detected within an 8-mile radius of the racetrack, which will remain in effect until a minimum of 30 minutes has passed since the last strike is observed within an 8-mile radius.

**3.008.05** A written report of any such incident shall be filed within five (5) business days to the commission by the highest-ranking association official.

### **3.009 RACETRACK SURFACE**

**3.009.01** The surface of a racetrack, including the cushion, subsurface, and base, must be designed, constructed, and maintained to provide for the safety of the jockeys and horses.

**3.009.02** Prior to the first race meeting at a new racetrack within licensed racetrack enclosure, a licensed surveyor shall provide a certified report of the grade and measurement of the distances to be run to the Commission. If any structural changes are made to any racetrack within a licensed racetrack enclosure, this same report must be provided to the Commission on all changes made before any races can be run on the track.

**3.009.03** Distances to be run shall be measured from the starting line at a distance three feet out from the inside rail.

**3.009.04** The surveyor's report must be approved by the Commission prior to the first race day of the meeting.

**3.009.05** Each racetrack shall have an adequate drainage system.

**3.009.06** An association shall provide adequate equipment and personnel to maintain the track surface in a safe condition for training and racing. The association shall provide back-up equipment for maintaining the track surface. An association that conducts races on a turf track shall:

- (a) maintain an adequate stockpile of growing medium; and
- (b) provide a system capable of adequately watering the entire turf course evenly.

### **3.010 RAILS**

**3.010.01** All racetracks, including turf tracks, shall have inside and outside rails, including gap rails, designed, constructed, and maintained to provide for the safety of jockeys and horses. They shall have structural integrity, be free of cracks, breaks, splinters, and contain no exposed sharp edges, pins, or joint protrusions. Wood rail systems are not permitted. Existing race rail shall be inspected by the Commission each year. Race rail deemed unsafe by the Commission shall be corrected or replaced. Commission approval is required prior to the installation of a new rail system.

**3.010.02** The top of the rail on dirt and turf courses must be at least 38 inches, but not more than 50 inches, above the top of the cushion. The inside rail posts shall have a gooseneck shape of no less than 15 inches, with a maximum of 24 inches, measured horizontally from the trackside of the gooseneck post to a

point directly below the front edge of the trackside rail. The inside rail overhang shall have a continuous, smooth cover.

3.010.03 All rails for dirt and turf courses must be constructed of materials designed to withstand the impact of a horse running at a gallop.

### **3.011 LIGHTING**

3.011.01 An association shall provide lighting for the licensed racetrack enclosure that is adequate to ensure the safety and security of the patrons, licensees, and horses. Lighting to ensure the proper operation of the video recording and photo finish equipment must be submitted to the Commission, and the commission reserves the right to require changes be made to lighting at existing tracks.

3.011.02 Additional lighting in the stable area may be required by the Commission.

3.011.03 If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

### **3.012 STARTING GATE**

3.013.01. During race hours, association shall provide at least one operable padded starting gate which has been approved by the Commission.

3.013.02 There shall be at least one starting gate and one qualified starting gate personnel available for schooling during designated training hours.

3.013.03 An assistant starter must be available for each horse in an official race. One assistant starter may be allowed to assist with two horses if prior approval is given by the State Steward.

3.013.04 If a race is started at a place other than in a chute, the association shall provide backup equipment for moving the starting gate. The backup equipment must be maintained in good working order. The backup equipment also must be immediately available to replace the primary moving equipment in the event of failure.

### **3.013 BARNES**

**3.014.01** A licensed racetrack enclosure shall contain barns with a sufficient number of stalls to accommodate all horses approved to race and all other horses approved to be on the grounds. All stable area configurations and facilities at the licensed racetrack enclosure must be approved by the Commission.

**3.014.02** Barns must be kept clean and in good repair. Each barn, including the receiving barn, must have adequate water supply available, be well ventilated, have proper drainage, and be constructed to be comfortable during racing season.

**3.014.03** An association shall ensure that each horse is stabled in an individual box stall with minimum dimensions of 12 by 10 feet in all barns built after 2023. Barns built prior to 2023 must upgrade their stall size to 12 by 10 feet as major repairs, additions, and upgrades are made to these barns.

**3.014.04** An area large enough for the placement of all manure removed from the stalls must be provided. All manure must be removed from the stable area daily. The association shall ensure that waste material from the stalls is separate from any other type of refuse.

### **3.015 ISOLATION AREA**

**3.015.01** Each licensed racetrack enclosure shall include an isolation area for the care and treatment of a horse that is ordered isolated by the racing veterinarian or the official veterinarian.

**3.015.02** The isolation area must be approved by the commission.

## Chapter 4 - COLORS AND EQUIPMENT

**4.001** All racing colors shall be registered with the racing secretary's office.

**4.001.01** Registered racing colors may be used. A temporary change from registered racing colors or standard colors may be approved by the stewards.

**4.001.02** Any disputes as to the right to use racing colors will be decided by the stewards.

**4.001.03** The Commission will not permit the use of colors that are, in its opinion, not neat, clean, and proper.

**4.002** The Commission may declare certain colors or parts of same to be standard for specific postpositions and in such situations require the Association to supply it. A reasonable rental may be collected by the Association from the owners if approved by the Commission.

**4.003** Permission for any change of equipment from that, which a horse carried in his previous race, during the current meeting, may be obtained only from the stewards.

**4.004** Permission to add blinkers to a horse's equipment or to discontinue the use of them must be approved by the starter before being granted by the stewards. Permission to use or discontinue bar plate shoes must be approved by the stewards.

**4.005** A trainer shall not change equipment used on a horse in its last race including front bandages, tongue-tie, nasal strip or other equipment specified by the Board of Stewards without approval of the paddock judge.

### 4.006 HORSE SHOES

**4.006.01** A horse starting in a race must be shod with shoes or "racing plates" that are generally recognized and used for racing purposes.

**4.006.02** A horse may not run without shoes or with a type of shoes not generally used for racing unless by special permission of the stewards.

**4.006.03** A horse may not run in what are known as "turn down" shoes. A "turn down" shoe is a shoe that is turned down more than one half inch at the ends.

**4.006.04** The stewards, upon request by the owner or trainer, may authorize a horse to run with "experimental" shoes.

**4.007** Riding Crops and/or blinkers may be used on two-year-olds and other first starters if schooled before the starter with such equipment. Use of riding crops and blinkers must be approved by the starter and the stewards before the time of entry.

**4.008** The use of plastic bridles and/or reins is prohibited unless they are steel reinforced.

**4.009** No bridle shall exceed two (2) pounds in weight.

**4.010** Jockeys riding in Quarter Horse races will not be permitted to use the riding crop during the first twenty (20) yards of the race.

**4.011** No jockey shall use spurs.

**4.012** All riding crops are subject to inspection and approval by the stewards and the clerk of scales.

(1) Riding crops shall have a shaft and a flap. The use of the riding crop will only be allowed in flat racing and training, and only when in compliance with the following:

- (a) Maximum weight of eight ounces.
- (b) Maximum length including flap of 30 inches.
- (c) Minimum diameter of the shaft of three-eighths inch; and
- (d) The shaft contact area must be smooth, with no protrusions or raised surfaces, and covered by shock absorbent material that has a compression factor of at least one millimeter throughout its circumference.

(2) The flap is the only allowable attachment to the shaft and must meet these specifications:

- (a) Length beyond the end of the shaft is a maximum length of one inch.
- (b) Width is a minimum of 0.8 inch and a maximum of 1.6 inches.
- (c) No reinforcements or additions are permitted beyond the end of the shaft.
- (d) No binding within seven inches of the end of the shaft; and
- (e) Shock absorbing characteristics similar to those the contact area of the shaft.

## **Chapter 5 - DECLARATIONS AND SCRATCHES**

**5.001** No horse will be considered scratched or declared out of an engagement until the owner or authorized agent or some person deputized by the owner shall have given due notice in writing to the racing secretary before the time stipulated by the regulations of the Association.

**5.002** For stakes races, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

**5.003** The declaration or scratch of a horse out of an engagement is irrevocable.

**5.004** Scratches from stakes races will close forty-five (45) minutes before post time.

**5.005** If the miscarriage of any declaration or scratch by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant. Otherwise, the declaration shall not be accepted as of the time alleged.

**5.006** No horse in an overnight race will be scratched without the approval of the stewards. However, any horse appearing on the "also eligible" list may be scratched and shall not be forced to participate in a race provided all proper scratching procedures as set forth herein and adopted by the Association are followed.

**5.007** A report from the veterinarian may be requested by the stewards and will be used only as an aid in determining the final decision of a request to scratch.

**5.008** All horses appearing on the overnight sheet are considered available for the race until official scratches are announced.

## Chapter 6 - DISCIPLINARY ACTION AND HEARINGS BEFORE THE STEWARDS

### 6.001 HEARING PROCEDURES IN GENERAL

- (1) The hearing procedures set forth in chapter 6 apply to hearings heard by the stewards on a charge of a violation of a rule, except that any claim charging a violation arising out of investigative or enforcement activity committed by a steward, a Commission investigative officer, or an employee or agent of an association engaged in investigative or security work may be heard only in a sanctions enforcement hearing pursuant to Chapter 7.002.
- (2) The hearing procedures set forth in Rule 6.001 apply to all stewards' hearings.
- (3) An accusation of a rule violation may be made by a steward, a Commission investigative officer, a person designated by the Commission, or any other person who has information regarding a rule violation. An accusation of a rule violation shall be made to a steward or to a Commission investigative officer who shall report such charge to a steward.
- (4) The person presenting the case against a person charged with a rule violation shall be known as the case presenter and may be a Commission investigative officer or other a Commission staff member. A case presenter may testify at a stewards hearing.

#### 6.001.01 PRE-HEARING REQUIREMENTS

- (1) When the stewards receive a report of a rule violation, they shall notify the charged person of the substance of the charge and the time and place of the hearing in writing. The stewards shall mail written notice by registered or certified mail ~~or~~ to the local and/or permanent address on the charged person's license application. Verbal notification is permitted and must include a written notice of the charges and the hearing to be given to the person charged at the time of the verbal warning.
- (2) Written notice of a charge shall give the time and place of the hearing, contain a statement of the nature of the charges, and cite by number the statutes or rules alleged to have been violated.
- (3) The stewards may immediately subject a person charged with a rule violation to intermediate penalty not involving exclusion from association grounds or license suspension. The stewards may immediately exclude a person from the grounds of an association or suspend his license when they have reasonable suspicion that the person poses a physical danger to themselves, other persons, or animals or otherwise poses a substantial danger to the security, safety, and health conditions at racing meetings or to the integrity of horseracing. The decision to suspend a license under this paragraph may be made by the starter and affirmed by the stewards. The decision to suspend shall be promptly reported in writing to the Commission and the Racing Secretary by the official who originally imposed the suspension. The decision to exclude may be made in the first instance by the stewards or they may affirm a decision made by the starter, a Commission investigative officer, or other person designated by the Commission.

(4) When an intermediate penalty is imposed, a hearing must be held within 72 hours unless the charged person requests a continuance. An intermediate penalty is not stayed by a continuance. A hearing must be held within 72 hours unless either the charged person or the case presenter requests a continuance, unless the case is covered under Rule 6.005. The stewards shall grant a continuance unless they find that there is no good cause for the request or that serious and undue prejudice will result from the delay.

(5) The presence of all the stewards or their appointed deputies is required at steward's hearings.

#### **6.001.02 PROCEDURES AT THE HEARING**

(1) All stewards hearings will not be in a closed session, unless the charged person requests a private hearing and this request is approved by the stewards. This means that no person may be excluded by the stewards unless they are a prospective witness, create a disturbance at the hearing, or there is reason to believe they will create a disturbance at the hearing.

The fact that a hearing is generally open to the public does not obligate the stewards to announce in advance that a hearing is being held or the time, place, and subject matter of the hearing.

(2) Each person called to testify at a hearing may retain a lawyer or invite an advisor-observer of their choosing to be present at the hearing. An advisor-observer may testify at the hearing.

(3) A charged person has the following rights at a hearing before the stewards:

(a) **To** have any prospective witness except the case presenter excluded from the hearing until after **has** the witness has testified;

(b) Subject to paragraph (4) they may call witnesses to testify on their behalf and may present evidence at the hearing, except that the stewards are not required to permit cross examination of witnesses or to issue subpoenas for the attendance of witnesses.

(4) The stewards shall hear all testimony and evidence bearing on the charge that is not unduly repetitious. They shall give effect to all non-repetitious evidence or testimony except where they decide that it would not be commonly accepted by reasonably prudent persons in the conduct of their affairs.

(5) Upon a decision that a charge was proved, the stewards may choose to uphold, decrease, or increase any intermediate penalty that was imposed.

### **6.001.03 FAILURE TO APPEAR**

Where notice of the hearing was provided, a failure of the person charged to appear at a hearing shall be treated as a waiver of their right to appear, and the stewards may proceed to hear the charge against the person and to impose an appropriate penalty.

### **6.001.04 POST-HEARING REQUIREMENTS**

After a hearing, the stewards shall transmit a signed written statement to the Commission, ~~to~~ the case presenter, and ~~to~~ the charged person. The statement will contain the decision and findings of the stewards, and the penalty imposed.

## **6.002 ADDITIONAL HEARING PROCEDURES WHERE CHARGE IS UNRELATED TO RUNNING OF RACE AND PENALTY IMPOSED IS SUSPENSION OR REVOCATION OF LICENSE**

(1) Unless paragraph (2) applies, the following additional procedures are required under this rule in cases in which license suspension or revocation is imposed for a rule violation unrelated to the running of a race:

- (a) The hearing shall be recorded or transcribed;
- (b) All witnesses shall be placed under oath or required to affirm that their testimony is truthful;
- (c) A steward with direct knowledge of the events leading to the charge from their own personal observation shall provide any such information as a witness;
- (d) A charged person may not be compelled to give evidence or provide information, but their silence may be used to draw inferences adverse to them regarding whether they committed the rule violation with which they are charged;
- (e) A charged person may cross-examine any witness who testifies against them. Their right of cross-examination does not prevent hearsay testimony and evidence that is otherwise admissible under Rule 6.001.02 (4).

(2) A charged person may waive any one or more of the hearing rights provided except the requirement in paragraph (a) that the hearing be recorded or transcribed. In the event of malfunction of recording equipment, an appeal by a charged person of an adverse decision will be de novo.

(3) After a hearing, the stewards shall transmit a signed written statement to the Commission, ~~to~~ the case presenter, and ~~to~~ the person charged. The statement will contain the decision and findings of the stewards, the penalty imposed, a record of the vote with regard to decision and penalty, and any explanation of the decision the Stewards choose to include. The record does not need to identify the vote of any particular steward.

- (4) At the election of the stewards, any and all of the procedures set forth in paragraphs (1) and (3) may be followed at any stewards hearing.

### **6.003 ADDITIONAL HEARING PROCEDURES WHERE CHARGE IS RELATED TO RUNNING OF RACE AND PENALTY IMPOSED IS SUSPENSION OR REVOCATION OF LICENSE**

In a hearing directly related to the running of a race where a license suspension or revocation is imposed, the hearing rights set forth in Rule 6.002 are applicable, except a steward with direct knowledge of the events leading to the charge from their own personal observation of the running of the race may participate as one of the hearing officers.

### **6.004 EXCLUSIONS BY EMPLOYEES OR AGENTS OF AN ASSOCIATION**

(1) An employee or agent of an association may exclude a person from the grounds of the licensed racetrack enclosure for reasons of business judgment unrelated to the rules of racing. Unless paragraph (2) applies, an association decision to exclude a horseracing industry or licensee participant shall be preceded by a hearing before the state steward or independent hearing officer. The steward or hearing officer will review the association decision to assure that it was made for business judgment reasons that did not involve bias against the person or discrimination based on the person's race, religion, or ethnic group.

(2) In advance of hearing, an employee or agent of an association may immediately exclude a person from the grounds of an association when there is reasonable suspicion that the person poses a physical danger to themselves, other persons, or to animals or otherwise poses a substantial danger to the security, safety, and health conditions at racing meetings or to the integrity of horseracing.

(3) If an association or licensee elects to have an exclusion hearing proceed in front of an independent hearing officer, the hearing officer will be selected by the Commission but the association or licensee so choosing will bear all costs and fees of the hearing officer.

#### **6.004.01 PRE-HEARING PROCEDURES AT STEWARDS EXCLUSION HEARING**

(1) An association decision to exclude a horseracing industry or licensee participant must be made in writing and signed by a person designated by the association to bring the decision to the stewards for review. The association shall also provide a copy of this report to the horseracing industry or licensee participant subject to exclusion.

(2) Unless a hearing officer is to conduct the hearing, the state steward shall, set a time and place for the hearing and provide two copies to the representative of the association, once they have received a written report from the association. It is the responsibility of the association to provide notice to the person subject to exclusion and to verify for the state steward that notice was provided. If a hearing officer is designated

to conduct the hearing, it **is** the responsibility of such hearing officer to set a time and place for the hearing and to provide copies to the representative of the association.

(3) If the horseracing industry or licensee participant has been excluded from association grounds pursuant to Rule 6.004 (2), a hearing must be held within 72 hours unless the excluded person requests a continuance. **T**he decision to exclude is not stayed by a continuance. In all other cases, a hearing must be held within 72 hours unless the excluded either person or association representative requests a continuance. The state steward or hearing officer shall grant a continuance unless they find that there is no good cause for the request or that serious and undue prejudice will result from the delay.

(4) The person presenting the case against a horseracing industry or licensee participant shall be an employee or agent of an association. Such person may testify at an exclusion hearing.

#### **6.004.02 HEARING PROCEDURES**

(1) Unless the association and person subject to exclusion agree otherwise, an exclusion hearing will be held in public. A public hearing means that no person may be excluded by the stewards unless they are a prospective witness, creates a disturbance at the hearing, or there is reason to believe they will create a disturbance at the hearing. The fact that a hearing is public does not obligate the state steward or hearing officer to announce in advance that a hearing is being held or the time, place, and subject matter of the hearing.

(2) Each person called to testify at a hearing may retain a lawyer or invite an advisor-observer of their choosing to be present at the hearing. An advisor-observer may testify at the hearing.

(3) A person subject to exclusion has the following rights at an exclusion hearing:

(a) **T**o retain a lawyer to represent them at the hearing or invite a person of their choosing to assist or advise them at the hearing;

(b) **T**o have any prospective witness except the employee or agent of the association who is presenting the case excluded from the hearing until after the witness has testified;

(c) Subject to paragraph (b), they may call witnesses to testify on their behalf and may present evidence at the hearing. **T**he stewards are not required to permit cross-examination of witnesses or to issue subpoenas for the attendance of witnesses.

(4) The state steward or hearing officer shall hear all testimony and evidence bearing on the charge that is not unduly repetitious. The state steward or hearing officer shall give effect to all non repetitious evidence or testimony **u**nless they decide that it would not be commonly accepted by reasonably prudent persons in the conduct of their affairs.

## 6.005 REPORT OF POSSIBLE FELONY AND STAY OF STEWARDS HEARING

The stewards, a Commission investigator officer, or other employee of the Commission shall report any evidence showing probable cause of the commission of a felony or other criminal activity by a licensee to the law enforcement agency with jurisdiction or the State Patrol. The Commission may also refer to the County Attorney for appropriate action. If the conduct so reported also constitutes a possible rule violation unless an emergency or other good cause exists, the stewards may stay any hearing pending the outcome of the criminal referral. Where appropriate, the Executive Director or the Stewards may suspend the license of the person or exclude them from the grounds of an association accessible only to licensees until the criminal investigation is resolved.

The Executive Director has the authority to suspend a license due to any criminal charges, whether they be pending or otherwise.

## CHAPTER 7 PRACTICE AND PROCEDURE BEFORE THE COMMISSION

### 7.001 DISCIPLINARY HEARINGS

**7.001.01** A person or persons may request review by the Commission when penalized or disciplined under the law or under these rules:

**7.001.01A** A final appeal in the case of any person penalized or disciplined by the stewards of an association racing under a license issued by the Commission, may be taken to the Commission.

**7.001.01B** Such appeal must be filed on a form approved by the Commission and filed in the office of the Commission within five (5) days of the date of said penalty or imposition of said discipline.

**7.001.01C** The request shall be signed by the person making it and must set forth reasons why said hearing should be granted.

**7.001.01D** Any applicant for a hearing will be heard in person or by counsel or the case may be submitted in writing.

**7.001.01E** All complaints and requests to the Commission must be in writing and all papers filed with the Commission shall become the property of the Commission.

**7.001.01F** An appeal from a decision of a racing official to the Commission shall not affect such decision until the appeal has been acted upon by the Commission unless otherwise ordered by a court of competent jurisdiction.

**7.001.02** The following types of hearings are to be governed by this chapter:

**7.001.02A** Any hearing initiated by the Commission upon its own motion pursuant to any matter within its jurisdiction.

**7.001.02B** Any hearing initiated by any person upon written request received by the Commission pertaining to revocation of any license required by Statute or by this title.

**7.001.02C** Written request for the promulgation, amendment, or repeal of any Rule of Racing, or a request for a declaratory ruling that any of the Rules of Racing do or do not apply to any person, property or state of facts.

**7.001.03** Before any hearing, reasonable notice will be given to all interested parties as required by Neb. Rev. Stat. Section 84-901 et seq. Notice will be in writing and shall state the time, place and nature of such hearing and the issues and subject matter to be covered and discussed.

**7.001.03A** In all contested cases, written notice shall be given in person or sent to such parties by certified or registered mail to the local and/or permanent address appearing on said party's license application and shall contain a statement of the

nature of the charges against such person. The notice shall cite the Statutes or Rules allegedly violated.

**7.001.03B** In Rule 7.001.08, appeals from contested cases heard by the stewards pursuant to Rules 6.001 and 6.002. Notice shall be given in person or sent to the involved parties by mail to the local and/or permanent address appearing on the party's license application and must include a statement of the nature of the charges against them and cite the statute or rule they are accused of violating.

**7.001.04** If such notice is required to be given to any entity other than an individual, such notice shall be sent to the principal place of business or to the registered agent of such entity.

**7.001.05** A contested case means any proceedings before the Commission in which the legal rights, duties, or privileges of a specific party are required by law or are a constitutional right that must be determined by a hearing.

**7.001.06** All matters that are to come before the Commission will be submitted in writing unless otherwise provided in Chapter 7.001 through 7.002.05 and where appropriate, may be supported by affidavit, documents, data, or similar evidence.

**7.001.07 (1)** Unless paragraph (4) applies, any appeal taken from a stewards' hearing in which Rule 6.002 procedures were provided will not be treated as a contested case requiring de novo hearing by the Commission so long as:

- (a) The penalty imposed was neither a license suspension or revocation;
- (b) The state steward was one of the stewards who presided at the hearing; and
- (c) The decision of the stewards was unanimous both as to deciding that the charged person committed a rule violation, and ~~on~~ the penalty to be imposed.

(2) The Commission will confine its review to the record and exhibits from the stewards hearing, the written steward's statement, and any briefs that were submitted when considering an appeal of a steward's decision. The Commission will permit the filing of briefs and shall allow a reasonable time before hearing an appeal to permit such filing.

- (a) Opportunity will be provided to the charged person and the case presenter to review the recording or transcript of the stewards hearing, but it is not required to produce a written transcript of the recording or a copy of transcribed stenographic notes unless requested by the charged party. Requests must be made in writing within five (5) calendar days of the decision of the stewards and be accompanied by payment of the costs of preparation. A requested transcript will be provided within
- (b) Opportunity to present oral argument will be afforded to the case presenter either in person or through counsel appointed by the Commission, and to the charged person either in person or through retained counsel or other personal

representative. The Commission will not appoint counsel for the case presenter in any case in which the charged person is unrepresented by counsel.

- (c) The Commission will reverse or modify a decision of or penalty imposed by the stewards only if it decides that such decision was unsupported by substantial evidence in the record or was clearly erroneous or arbitrary and capricious. The Commission will prepare and sign a written statement of its findings, including a record of the vote.

(3) If an appeal is filed from a decision of the Commission rendered pursuant to this rule, the Commission will prepare an official record that shall include the record of the stewards hearing and any exhibits that were introduced as well as the written statement of the stewards and the written decision of the Commission. The commission will not provide a written transcript of any recording of the stewards hearing or additional copies of the transcribed stenographic notes unless requested by the charged party. These requests must be in writing and must be submitted not more than five (5) calendar days after the final decision of the Commission and will be accompanied by payment of the costs of preparation.

(4) Notwithstanding paragraphs (1), (2), and (3), a Commission review hearing may be held de novo when:

- (a) The Commission decides that the record is inadequate to permit reasoned review after an independent review of the record;
- (b) A charged person makes a substantiated claim of bias against one or more of the stewards presiding at the hearing;
- (c) A charged person makes a credible claim that a witness did not testify because their presence was available only through Commission subpoena and makes a substantiated case regarding the necessity of the witness;
- (d) A charged person makes a credible claim that a witness who testified against him at the stewards hearing was one whose testimony should have been excluded under a claim of privilege recognized under the Nebraska Rules of Evidence as vesting a right to demand such exclusion in a party to a hearing.
- (e) New evidence is available that was not reasonably available at the time the stewards hearing was held.

**7.001.07** Any person, except persons other than the charged person and case presenter described in Rule 7.001.07, appearing at any hearing held pursuant to these rules has the right to appear personally and to be represented by counsel or may, in the alternative, appear by and through such counsel or other personal representative.

**7.001.08** Except for appeals of steward's decisions covered by Rule 7.001.07, at any hearing held pursuant to these rules, opportunity will be afforded all parties to present evidence and argument with respect to the issues and subject matter of the hearing. The

Commission will prepare an official record which includes testimony and exhibits in a contested case, but it is not required to transcribe shorthand notes unless requested for the purpose of appeal. Such transcript shall be requested in writing and not more than five (5) calendar days after the final decision of the Commission and such request shall be accompanied by payment of the costs of preparation. Informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order or default.

**7.001.08A (1)** At hearings held pursuant to Rule 7.001.10 the Commission may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. It will give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial, and duly repetitious evidence, PROVIDED, that any party to a formal hearing, from which a decision may be appealed to the courts of this state, may request that the Commission be bound by the rules of evidence applicable in District Court by delivering to the Commission at least three (3) days prior to the holding of such hearing a written request therefore. Such request must include the requesting party's agreement to be liable for the payment of costs incurred thereby and upon any appeal or review thereof, including the cost of court reporting services which the requesting party shall procure for the hearing. All costs of a formal hearing shall be paid by the party or parties against whom a final decision is rendered.

**(2)** A person charged with a rule violation may not be compelled to provide information at a de novo hearing conducted by the Commission but silence by such licensee may be used to draw inferences adverse to the charged person regarding whether he committed the rule violation with which he is charged.

**7.001.08B** At hearings held pursuant to Rule 7.001.08 the Commission may administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents, and the testimony and cause the depositions of witnesses residing either within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in the District Court. Any depositions so taken may be used as in civil cases in the District Court. Any party in a contested case shall have the right to obtain a subpoena for any witnesses that may be desired at such hearing from the Commission.

**7.001.08C** At hearings held pursuant to Rule 7.001.08, the evidence, including records, documents, and the like, used by Commission will be offered and made a part of the record in the case. No other factual information or evidence will be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

**7.001.08D** At hearings held pursuant to Rule 7.001.08 every party may cross-examine any witness who testifies against him, except that their right of cross-examination does not prevent hearsay testimony and evidence that is otherwise admissible under Rule 7.001.08A. Every party will have the right to cross-examine witnesses who testify and to submit rebuttal evidence.

**7.001.08E** At hearings held pursuant to Rule 7.001.10 the Commission may take notice of judicially cognizable facts, and may take notice of general, technical, or scientific facts within its specialized knowledge. Parties will be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed. There will be afforded an opportunity to contest the facts so noticed. The Commission may utilize its experience, technical competence and specialized knowledge in the evaluation of the evidence presented to it.

**7.001.08F** At hearings held pursuant to Rule 7.001.08 the Commission may require the submission of briefs to aid it in the determination of any issue at a hearing. Any party desiring to submit such a brief may do so by indicating to the Commission before or during such a hearing and obtaining leave to file such a brief. The time in which such briefs may be filed shall be fixed at the time of the Commission's request for such briefs, or upon the granting of a party's request to file.

**7.001.08G** At hearings held pursuant to Rule 7.001.08C the Commission shall render its final decision stating its findings of fact and conclusions of law pursuant to Chapter 7.001.11A not later than ten (10) days after the hearing in any contested case.

**7.001.09** Every decision and order adverse to a party to the proceeding rendered by the Commission in a contested case will be in writing or stated in the records and will be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. Parties to the proceeding will be notified of the decision and order in writing, in person or by registered or certified mail, return receipt requested. A copy of the decision and order and accompanying findings and conclusions of law will be delivered or mailed upon request to each party or the attorney of record. The date of notification shall be the date such party is notified in person or the date mailed notice so received, as evidenced by the return receipt, whichever is applicable. PROVIDED THAT such mailed notice will be effective from the date of mailing if sent to the last known address of such party in the possession of the Commission if such mailed notice were returned undelivered for any reason.

In Rule 7.001.08, appeals from contested cases heard by the stewards pursuant to Rules 6.001 and 6.002, notice of the decision and order and the effect of such notice shall be handled in the same fashion prescribed for contested cases under this rule.

**7.001.10** Any party desiring a continuance shall notify the Commission in writing upon receipt of the notice or within 14 days of receiving said notice. Notification will set forth the reasons why such a continuance should be granted. The discretion to grant a continuance lies solely with the Commission and will be granted only for good cause shown. The Commission may also order a continuance on its own motion at any time.

**7.001.11** The Commission may designate any person or persons to make such investigations, as they deem necessary to assist with the determination of any matter within its jurisdiction. In a contested case, all parties shall receive written notice that such investigation has been ordered by the Commission. Such notice will state the name

or names of the person or persons designated to conduct such investigation, and a general statement of the nature and purpose of such investigation. Any findings or exhibits resulting from such an investigation may be included and become a part of the evidence on record of any hearing pursuant to Chapter 7.001.08 and 7.001.15. The results will be made available to any party upon written request.

**7.001.11A** The Commission will render its final decision in an appeal under Rule 7.001.08 not later than ten (10) calendar days after hearing oral argument in the appeal, not later than fifteen (15) calendar days after submission of briefs in the event there is no oral argument, and not later than twenty (20) calendar days after receiving written request for an appeal in the event no briefs are to be filed.

**7.001.12** Any party aggrieved by the final decision of the Commission may request a rehearing within six (6) business days after such party has been notified of the decision of the Commission pursuant to Chapter 7.001.09. Granting of the motion for rehearing is at the sole discretion of the Commission, and the Commission will notify such requesting party within six (6) calendar days of the decision on such motion, PROVIDED THAT the granting of a motion for rehearing will not stay the enforcement of the decision of the Commission.

**7.001.13** Any party aggrieved by the decision of the Commission after the hearing, rehearing, or denial of a rehearing may appeal to a District Court of the State pursuant to Chapter 84, Article IX, R.R.S., Nebraska 1943, PROVIDED THAT such appeal shall not stay the enforcement of the Commission.

**7.001.14** In any hearing pursuant to these rules, the Commission may appoint a hearing examiner to conduct such hearing. Such examiner shall make recommendations in writing to the Commission and such recommendations become a part of the record of the case pursuant to Chapter 7.001.08C and Chapter 7.001.22.

For purposes of stewards hearings heard on appeal pursuant to Rule 7.001.08, the stewards are designated herein as hearing examiners in the original stewards hearing.

**7.001.15** Any party aggrieved by an action of the stewards pursuant to Chapter 6 of these rules may submit an appeal to the Commission pursuant to Chapter 7.001.02B. Any appeal must be filed within five (5) calendar days of the date that the penalty was imposed pursuant to Chapter 7. Stewards hearings conducted to consider a decision by an association to exclude a horseracing industry or licensee participant for business judgment reasons pursuant to Rule 6.004 do not constitute hearings in which a party is aggrieved by an action of the stewards; decisions in such hearing are not appealable to the Commission.

**7.001.16** Such an appeal from an action of the stewards must be signed by the party requesting such appeal and shall set forth such party's reasons for believing they are entitled to relief.

**7.001.17** Unless a charged person requests more time to file a brief in an appeal held pursuant to Rule 7.001.08, the Commission will set a date for an appeal from a stewards hearing before the commission not more than thirty (30) calendar days from the time the

request for appeal was received. Notice of such hearing will be given in accordance with Chapter 7.001.03.

**7.001.18** An appeal to the Commission from a penalty imposed by the stewards shall not stay the enforcement or effect of the decision of the stewards, unless otherwise ordered by a court of competent jurisdiction or the Commission.

**7.001.19** Except for appeals held pursuant to Rule 7.001.08, the hearings of all contested cases before the Commission will be de novo.

**7.001.20** Any interested party may petition the Commission at any time to request promulgation, amendment, or repeal of any rule of the Commission, including those procedural rules set forth in this chapter. Such petition will set forth a proposed draft of the rules or amendment the petitioner seeks to promulgate or state the exact section of the rules the petitioner desires repealed. In addition, the petitioner will set forth reasons for requesting the desired action. The Commission will set such petition for hearing and shall give notice pursuant to Chapter 7.001.03 and Chapter 7.001.06.

**7.001.21** Except for appeals held pursuant to Rule 7.001.08, in any hearing before the Commission, any interested person or persons may appear personally or by representative to submit their views orally or in writing. Such written presentations may be forwarded to the Commission prior to the date of hearing.

**7.001.22** Any and all writings, testimony, data, exhibits, records, documents, or the like presented to or filed with the Commission shall become the property of the Commission and made a part of its record if the Commission chooses to avail itself of the same. If such material is so used or forms any basis of the final decision of the Commission, it will be made a part of the record of the case pursuant to Chapter 7.001.08C.

**7.001.25** Any interested person may petition the Commission and request a declaratory ruling with respect to the applicability to any person, property, state of facts, or any rule or statute enforceable by the Commission. Said petition shall be in writing, signed by the petitioner, and set forth the person, property, state of facts, or any rule or statute enforceable by the Commission upon which the petitioner desires a ruling. The Commission will set a time and a place for such hearing and ~~shall~~ give notice pursuant to Chapter 7.001.03.

## **7.002 SANCTIONS ENFORCEMENT HEARINGS**

### **7.002.01 JURISDICTION**

- (1) The Commission or a person designated by the Commission under Rule 7.001.14 will hear claims alleging willful, unlawful, and uncompensated seizures of the private property of another or of willful, unlawful, and uncompensated damage or destruction to the private property of another.
- (2) A claim of violation may be made by any licensee, by a steward, or by a member of the Commission or its staff.

- (3) A claim of violation may be made against any licensee, steward, or a member of the Commission or its staff.
- (4) A claim otherwise cognizable by the Commission may be heard only if the violation was committed within the licensed racetrack enclosure during the course of a meeting, at a racetrack or place where horses are kept that are eligible, or entered to run at such meeting.

#### **7.002.02 PROCEDURES BEFORE COMMISSION**

- (1) A claim of violation must be made in writing, signed by the person alleging the violation, and filed with the Commission within five (5) calendar days, excluding Sundays and state and national holidays, after the alleged violation. The claim must state the time and place of the alleged violation, the name and licensee status of the person who committed the alleged violation, the names of any witnesses to the circumstances constituting the alleged violation, and the particular rule alleged to have been breached. The filed statement must also include sufficient discussion of the alleged violation for the Commission to understand the nature of the claim that the rule willfully was breached.
- a. Except for any specific provision to the contrary in this chapter, the Commission shall treat any claims brought under this chapter as though the claim were a contested case heard de novo by the Commission under Chapter 7.
  - b. In hearings under this chapter, a person claiming to be injured by an alleged violation is not a party. Such person is also not an aggrieved person for purposes of Chapter 7, and the Commission will not provide a remedy to such person.

#### **7.002.03 DEFENSE TO CLAIM**

In any hearing under this rule, it shall be a defense to a claim that the person charged acted in good faith and in the exercise of due care in applying a Commission rule. No fine, suspension, dismissal or any other such penalty may be imposed absent a decision that the person acted with gross negligence or in deliberate disregard of a clearly established rule, statutory, or constitutional right of which a reasonable person would have been aware.

#### **7.002.04 SCOPE OF REVIEW**

- (1) With regard to the performance of any discretionary act under the rules, the Commission shall not substitute its judgment for that of the official directly involved.
- (2) In a claim based on a search, entry, or frisk, the fact that no contraband or evidence of rule violation was uncovered is not a sufficient showing that a rule was

violated. Any claim that alleges only the failure to find contraband or evidence shall be dismissed without hearing.

(3) If the Commission concludes that as a matter of law an interpretation of a rule was in error or that there was clear error in the application of a rule, the Commission may issue a ruling providing the interpretation of the rule that is to be followed or proscribing certain conduct undertaken pursuant to that rule.

(4) In any hearing under this rule, the Commission shall also consider whether a claim was made in willful bad faith or was so frivolous as to demonstrate a claimant's grossly negligent disregard for proper procedure. If the Commission so finds, it may impose against the claimant a fine, license suspension or revocation, or any other penalty it decides is appropriate.

#### **7.002.05 PENALTIES**

(1) The Commission under this chapter has the authority to impose any penalty or disciplinary sanction it deems appropriate, including a fine, dismissal or suspension from employment of a Commission employee, and license suspension or revocation.

## Chapter 8 - ENGAGEMENTS AND TRANSFER

**8.001** If a horse is sold privately or at public auction, the written acknowledgement of both parties is necessary to prove the fact that it was sold with its engagements. When a horse is claimed out of a claiming race, the horse's engagements are included. Any sale to a person ruled off or to a disqualified person, will not give such person the privilege of racing the horse.

**8.002** No horse entered in a race may be sold or transferred until after the race in which it is entered has been run, unless permission has been granted to do so by of the stewards. A horse so entered may not be transferred to another trainer until after the race in which it is entered has been run, unless permission of to do so has been granted by the stewards.

**8.003** When a horse is sold or transferred, the transfer authorization will be filled out in duplicate by the stewards and filed with the racing secretary and the Commission. The form will be furnished by the Commission.

**8.004** Subscriptions and all entries or rights of entry are valid when a horse is sold with its engagements duly transferred, in duly registered partnerships when subscriptions, entries and rights of entries survive in the remaining partners, and when entries under the decedent's subjection have been made before the decedent's death by the transfer of the right of entry.

**8.005** Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in the case of duly registered partnerships, or if subject to a sanction from the stewards., ~~when~~ The personal representative of an estate request in writing that the benefits of the subscriptions and entries or rights of entry accrue to the estate of the decedent subscribed for the privilege of transfer and will agree to assume any and all obligations incident to the original entries.

**8.006** In case of any transfer of a horse with its engagements, such horse will not be eligible to start in any stakes, unless at the usual time of the running of the stakes, or prior thereto, the transfer of the horse and its engagements be exhibited when demanded to the racing secretary.

**8.007** No person will make or receive the transfer of a horse or engagement for avoiding disqualification.

**8.008** When a vendor fails to strike a horse out of an engagement, not sold or transferred with the horse, the purchaser is not entitled to start the horse, or to the stakes, if the horse wins.

**8.009** If a horse is sold with its engagements, or any part of them, the seller cannot strike the horse out of any such engagements.

## Chapter 9 ENTRIES AND SUBSCRIPTIONS

### 9.001 ENTRIES AND SUBSCRIPTIONS

**9.001.01** When a person is ruled off a course or suspended, every horse owned in whole or in part by said person or under said person's care and control shall be ineligible to be entered or start in any race until said horse has been reinstated, either by the rescinding of its owner's penalty or by its transfer through a bona-fide sale to an ownership acceptable to, and approved by, the stewards or the Commission.

**9.001.01A** When a person is ruled off a course or suspended, said person shall not be qualified, whether acting as agent or otherwise, to subscribe for or to enter or run any horse in any race either in said person's own name or in that of any other person until the rescinding of such penalty.

**9.001.02** Horses will keep preference when shipping back and forth from off the grounds, unless it starts at a track outside the State of Nebraska.

**9.001.03** No person shall willfully enter, cause to be entered, or start a horse that said person knows or believes to be ineligible or disqualified.

**9.001.04** A horse is not qualified to start in any race unless it has been and continues to be properly entered therein.

**9.001.05** For all races, the racing secretary is authorized to receive entries, declarations, and scratches.

**9.001.06** Entries, declarations, and scratches shall be made in writing and signed by the owner of the horse, the trainer, the owner's authorized agent, or a licensed person authorized by the owner or trainer. Each association will provide blank forms on which entries, declarations, and scratches are to be made.

**9.001.07** A signed entry blank shall be prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

**9.001.08** An entry must be in writing, by telephone, facsimile, or other approved communication device to the racing secretary. The entry must be confirmed in writing if the stewards or the racing secretary so requests. The racing secretary or stewards will refuse an entry if not satisfied that it reflects the intent of the owner.

**9.001.09** Any person who does not have an interest in a horse, equal at least to the interest or property of any other one person, is not entitled to enter the horse in a race as the owner.

**9.001.10** Joint subscriptions and entries may be made by any one or more of the owners. However, all of the partners are jointly and separately liable for all fees and forfeits.

**9.001.11** In entering a horse, it must be clearly identified.

**9.001.12** The racing officials have the power to call on any person who has entered a horse in their name to produce proof that the horse they entered is not the property of any person who is disqualified, either in whole or in part. The racing officials may also

require proof of the extent of any person's interest or property rights in the horse. If such proof is not given to their satisfaction, the racing officials have the authority to declare the horse out of the race.

**9.001.13** No horse shall be allowed to start in any race unless duly registered and named with the Registry Office of the Jockey Club, and the certificate of registration properly endorsed to the current owner is on file with the racing secretary. (Exceptions may be made if a horse had been shipped to a track for a special race and said horse has been currently racing at another recognized meeting, but only after positive identification had been made.) Quarter Horses must be registered and named with the Registration Office of the American Quarter Horse Association, and the last recorded owner on the registration papers is considered the legal owner. Transfer forms will not be considered when determining ownership, except as specified for claiming under Chapter 13.009.10.

**9.001.14** If a horse's name is changed, the new name shall be registered with the Jockey Club, and no entry will be accepted until such time as the new certificate of registration has been issued by the Jockey Club.

**9.001.15** No horse will be allowed at a track, and no horse shall be entered or permitted to start, unless a current, valid health certificate showing that said horse has been examined and found to be free from symptoms of any infections or communicable disease; is on file with the racing secretary.

The health certificate is valid when it is made by an accredited veterinarian licensed by the state authority that governs licensing veterinarians in the state where the examination and certificates were made. It is current if it is dated not more than thirty days (30) prior to the date the horse described in the certificate arrives at a Nebraska racetrack for the first time in a calendar year. The health certificate will remain valid if a horse is shipped from one Nebraska track to another Nebraska track during the calendar year. Any track may impose a more restrictive requirement with respect to the time in which a health certificate remains valid. A new health certificate is required each time a horse is shipped into Nebraska from outside of the state and each time a horse remains off a Nebraska track for a period exceeding 30 days. The certificate shall include the temperature of the horse at the time it was examined. The association conducting the racing meeting is responsible for compliance with this rule.

9.001.15A The Commission directs all officials and practicing veterinarians licensed in the State of Nebraska to report all horse injuries and deaths that occur within a licensed racetrack enclosure to the Commission within 24 hours of the death, using the Jockey Club Equine Injury Database form which is available in the Commission and Stewards' office. If neither office is open, the form must be submitted the next available day.

**9.001.16** No Thoroughbred or Quarterhorse maiden over eight (8) years old will be allowed to start in Nebraska.

**9.001.16A** A maiden eight (8) years of age must have a record of one or more prior starts at a recognized meet to be eligible to enter or start.

**9.001.17** No horse shall be permitted to enter or to start in any race unless it is in the care of, and the saddling is supervised by, a trainer currently licensed in Nebraska.

**9.001.18** No horse shall be permitted to start whose name and true ownership is not registered with the racing secretary.

**9.001.19** The entry of a horse must be in the name of its true owner.

**9.001.20** A horse must be eligible to start at the time of starting.

**9.001.21** No horse involved in a partnership is permitted to enter or start until the rules of the registration of partnerships have been complied with.

**9.001.22** A horse will not be qualified to be entered, or to start in any race, if owned in completely or in part, or is directly or indirectly under the management of a disqualified person.

**9.001.23** If an entry from any disqualified person or a disqualified horse is received, such entry will be void and any money paid for such entry shall be returned if the disqualification is disclosed forty-five (45) minutes before post-time for the race. Otherwise, any such money will be paid to the winner.

**9.001.24** No disqualified horse will be allowed to start in any race.

**9.001.25** No entry in any race shall be accepted for a horse owned or trained by a person whose husband or wife is under license suspension at time of such entry, whether owned wholly or in part. If the license of a jockey has been suspended for a routine riding offense, the stewards may waive this rule.

**9.001.26** No owner or trainer or other licensee shall enter or start a horse that:

- (1) Is not in sound racing condition.
- (2) Has a trachea-tube in place as a result of a tracheostomy.
- (3) Has been given internally or externally, any narcotic, stimulant, depressant, analgesic, local anesthetic, or drug of any kind or description within twenty-four (24) hours prior to the running of a horse in a race except the permitted use of furosemide in accordance with rule 9.001.30.
- (4) Is blind or has substantially impaired vision in both eyes. A horse that is blind or has substantially impaired vision in one eye must be reported to the racing secretary and the official veterinarian at the meet.

**9.001.27** No owner or trainer shall register any horse for racing that has been surgically de-nerved or permanently blocked above the ankle.

**9.001.28** No owner or trainer shall enter or start a horse on which a posterior digital (heel nerve) neurectomy has been performed unless all of the following requirements have been met:

- (1) The condition is reported to the racing secretary at the time of registration, or if the procedure is performed after the horse is registered for racing it is so reported to the racing secretary immediately thereafter, and

- (2) The Certificate of Foal Registration has been stamped to clearly and permanently indicate such procedure, and
- (3) The horse has been examined by the official veterinarian and approved to race at the meet, and
- (4) The horse is identified on a list of "HEEL NERVED HORSES" that is maintained by the racing secretary and prominently posted on a bulletin board that is readily accessible to other licensees and the public.

**9.001.29** A horse is permitted to race with **one of three non-steroidal anti-inflammatory drugs (NSAIDs) in its system. Phenylbutazone, Flunixin, or Ketoprofen are approved for use pursuant to rule 14.002 and subsections thereafter and must be declared on the entry card at the time of entry. An NSAID** shall not be administered in any form or be available for any horse through feed or other substances, within the twenty-four hours prior to the running of a horse in a race. **The presence of more than one NSAID is not permitted in a horse's system on race day.**

**9.001.30** Furosemide (Salix) **is** permitted pursuant to rule 14.003 and subsections thereafter for administration to horses for treatment and prevention of exercise induced pulmonary hemorrhage (EIPH) or bleeders. The use of Furosemide must be declared on the entry card at the time of entry.

**9.001.31** – Repealed

**9.001.32** – Repealed

**9.001.33** – Repealed

**9.001.34** No horse on the veterinarian's list shall be qualified to be entered, or to start.

**9.001.35** If a horse is sold to a disqualified person, said horse's racing engagements should be void as of the date of sale.

**9.001.36** No horse **is** allowed to enter or to start in any race if the owner of that horse is in arrears, except with the approval of the racing secretary or stewards.

**9.001.37 No more than-three horses having common ties through ownership or training may be entered in an overnight race, except:**

**(1) When making entering multiple horses in a race, the trainer must express a preference.**

**9.001.38 Entries of the same owner or the same trainer may not be uncoupled for wagering purposes without the permission of the Stewards.**

**9.001.39** If a race is declared off, the racing secretary may split or divide any overnight race which may have closed and cause a new drawing for postpositions.

**9.001.40** Entries shall be closed at an advertised time and no entry accepted thereafter. The racing secretary, however, may postpone closing of overnight races.

**9.001.41** If the number of entries to any purse race is in excess of the number of horses that may be permitted to start due to track limitations, the "starters" for the race and their post positions will be determined by lot in the presence of those making the entries. The same methods will be employed in determining the starters and postpositions in split races.

### **9.002 "ALSO ELIGIBLE" LIST**

**9.002.01** A list of names (number to be determined by the racing secretary) may be drawn from the overflow entries and listed as "also eligible" to start if and when horses originally carded are "scratched". If more than one horse is scratched, postpositions of horses drawing in from the "also eligible" list will be determined by lot.

**9.002.02** Any horse that has drawn a position in a race and enters again on the next day that entries are taken will be termed an "in-today" horse. If the race in which the horse is entered overfills, the horse will not be given any consideration for starting in that race. Stakes races are an exception to this rule.

A horse on the "also eligible" list will not be considered as an "in-today" horse until he has actually been given a position in the race.

### **9.003 "PREFERRED" LIST**

**9.003.01** The racing secretary shall maintain a list of entered horses eliminated from starting by due to a surplus of entries, and these horses will constitute a preferred list and have preference in subsequent races. The manner in which the preferred list is maintained and all rules relating thereto must be submitted to the Commission at least 10 days prior to publication in a conditions book and not less than 30 days prior to the commencement of the race meeting.

**9.003.02** Entries that have closed will be compiled and conspicuously posted within one hour by the Racing Secretary.

**9.003.03** No alteration will be made to any entry after the closing of entries, but errors may be corrected.

**9.003.04** No horse that has been excused from starting on account of sickness or physical disability will be allowed to start for a minimum of five (5) calendar days, not including the day of scratch. Entry of said horse for its next start must be accompanied by a certificate of fitness from the track veterinarian and be approved by the Stewards.

### **9.004 PENALTIES AND ALLOWANCES**

**9.004.01** Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and will take effect at the time of starting. However, in overnight events, a horse will have only the allowance to which it was entitled at the time of entry.

**9.004.02** Penalties are obligatory. Allowances are optional as to all or any part thereof, and overnight events must be claimed at the time of entry.

**9.004.03** Allowances to the produce of untried horses shall be claimed before the expiration of the time for naming and shall not be lost by winning after that time.

**9.004.04** No horse shall receive allowance of weight nor be relieved from extra weight for having been beaten in one or more races, but this rule will not prohibit maiden allowance or allowances to horses that have not won a race within a specified period or a race of specified value.

**9.004.05** Failure to claim a weight allowance by oversight or omission is not a cause for disqualification. Claims of weight allowance to which a horse is not entitled will not disqualify the horse unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming an allowance to which a horse is not entitled.

**9.004.06** Daily Racing Form and Equibase charts and past performances, and all official or recognized reports, records, and statistics concerning races at recognized meets will be considered when determining eligibility, penalties, and allowances of weight. The owner and trainer are responsible for eligibility and correct weight assignment. The owner and trainer are responsible for disclosure of any past performances affecting the eligibility, or penalties or allowances of weight at or prior to the time of entry, if such past performances are not disclosed on an official win record that is a part of, or is attached to, the foal registration certificate.

**9.004.07** No horse will incur a weight penalty for placement from which he is disqualified, but a horse placed through the disqualification of another horse will incur the weight penalties of that placement. No such placement will make a horse ineligible to a race that has already been run.

**9.004.08** When a race is in dispute, both the horse that finished first and any horse claiming the race will be liable to all penalties attached to the winner of that race until the matter is decided.

**9.004.09** Races written to be run under a "Scale of Weights or Weight for Age" will be run under the weights as provided for in the Scale of Weights Chart appearing in this book.

**9.004.10** It is within the power of the racing secretary to write races either above or below scale as he or she may see fit.

## Chapter 10 LICENSING AND LICENSEES

**10.001** All persons engaged in the racing of horses, operation of a race meet, or employed by those engaged therein, individuals operating concessions for or under the authority of any association within the racetrack enclosures, persons employed in mutuels, security, and official positions of responsibility, or stable area of the association must be licensed by the Commission. Other people whose names appear on the permanent annual payroll of the association and who are employed within the licensed racetrack enclosure are excluded from this requirement.

**10.001.01** Each business or organization involved in food and beverage concessions during a race meet of ten (10) or less live racing days will be licensed pursuant to the following procedures:

**1.** The organization or business running the concession will be required to complete a Concession Operator License.

**2.** Individual employees or volunteers who work for the concession operator during the race meet must be submitted to the Commission each day. The individuals will be deemed to be licensed as part of the Concession Operator License when their name is submitted. The list of employees will be attached to the Concession Operator License Application.

**10.001.02** A person licensed by the Commission as a jockey or veterinarian may not be licensed in another capacity.

**10.002** Applicants for a license may be called upon to submit satisfactory evidence of financial responsibility. After the license has been issued, licensees must maintain a record of financial responsibility during the period for which license is issued.

**10.003** The names of employees who are exempt from licensing will be compiled by the association and submitted to the Executive Director. Unlicensed employees may be required to wear a badge indicating they are an employee of the association.

**10.004** If an applicant for a license has been convicted of a crime in any jurisdiction or has been found guilty of fraud, attempted fraud, or misrepresentation in connection with racing or breeding horses, the Commission may refuse to issue a new license or may choose to suspend or revoke that person's license. This rule also applies to a licensee who has a partner, agent, or employee who has been convicted of a crime in any jurisdiction or has been found guilty of fraud, attempted fraud, or misrepresentation in connection with racing or breeding horses. These same penalties will be applied to any applicant for a license or licensee if they are or have been associating with bookmakers, touts, or persons engaged in similar pursuits.

**10.004.01** To affect the performance of its statutory duty to assure the security, safety, and health conditions at racing meetings, as well as to ensure the integrity of horseracing and to protect against any conduct detrimental to the best interests of horseracing, the Commission may condition the granting of (i) a first-time license, (ii) a license requested by a person who has not held a license for a period of 12 months prior to the new license application, and (iii) a license renewal requested by a horseracing industry participant who was found guilty of any rule violation involving exclusion, suspension, revocation, or other serious penalty as defined by the Commission, and (iv) a license renewal

requested by a person who was found guilty of a criminal offense or who, at the time of license application, is charged with a criminal offense upon:

(a) Consent to the unconditional right of the stewards of any licensed meeting or the Commission to permit and direct any person or persons authorized by either of them to examine, search, or inspect the personal effects and property of any horseracing industry participant kept on or within the grounds of an association at which a licensed race meeting is held or at other racetracks or places where horses are kept which are eligible to race at said meeting, and to seize any object that may be contraband or evidence indicating a rule violation.

(b) Consent to the unconditional right of the stewards of any licensed meeting or the Commission to permit and direct any person or persons authorized by either of them, to conduct a search of the person to find contraband or evidence of a rule violation.

(c) Consent to drug and alcohol testing by urinalysis if the person of whom consent is required is a person who has a history of drug or alcohol possession or use as demonstrated by prior rule violation or misdemeanor or felony conviction.

**10.005** All applications for license shall be filed with the Commission who has the authority to issue the license, hold the application for further investigation, or refer it to the Executive Director if warranted, for approval or denial.

**10.005.01** A temporary license may be issued, pending the outcome of any licensing investigations or Commission decisions.

**10.005.02** A probationary license may be issued which may impose reasonable requirements and conditions on the licensee as a condition of receiving or retaining a license. Terms of probation may be determined by the Executive Director.

**10.005.03** The Commission may refuse to issue a license to a person whose spouse holds a license and which would create a possible conflict of interest.

**10.006** The Commission may impose probationary sentences on licensees. Any licensee who violates any of the Rules and Regulations of the Commission during the period said licensee is subject to any probationary sentence, shall have their license revoked.

## **10.007 LICENSE FEES**

**10.007.01** The Commission shall maintain a schedule of fees for each individual license type. The fee schedule will be posted on the Commission's website. Fees shall not be changed more than once per calendar year. Fee changes shall only be implemented in January of each year, with at least 30 days' notice prior to their effective date.

**10.007.02** Payment for a license is due at the time the application is completed and is not refundable if the license is denied for any reason.

**10.007.03** A copy of all lease agreements will be filed with the Commission. The fee for each lease agreement shall be \$10.00. Terms of the agreement and/or horses included may be amended without additional fees so long as the lessor and the lessee are the same.

**10.008** Every person whose license is revoked or suspended, or to whom a license has been denied by another Board or Commission with horse racing jurisdiction, may be required to be reinstated by the Board or Commission of the jurisdiction in which the original ruling was made before being eligible to be licensed by the Commission.

**10.008.01 Licensees must disclose any suspensions or revocations from any other jurisdiction to the stewards and the Commission while his or her Nebraska License is in effect no later than seventy-two (72) hours after the ruling is issued.**

**10.009** All licensed personnel must have their license card with them at all times on their person and are responsible for the safekeeping of it. No license is transferable and no duplicate cards will be issued except upon payment of a fee of ten dollars.

**10.010** Any licensed person who allows another to use their license card or badge for the purpose of transferring any of the benefits pertaining thereto may be suspended, have their license revoked, or both.

**10.011** When the denial of a license has been ordered by the Commission, the Executive Director of the Commission shall report the particulars to the applicant and shall further report the matter to the Association of Racing Commissioners International, Inc., giving detailed reasons why the denial was made.

**10.012** In case of emergency, a trainer or jockey may be permitted by the Stewards to pursue their respective vocations pending action upon their application; but a jockey or trainer having been suspended or ruled off and subsequently reinstated after the expiration of said license, will not be permitted to pursue said vocation until a license has been granted.

**10.013** Every license will be issued for three years and shall expire on December 31st of the third year as indicated on the license.

**10.014** The Commission may deny or revoke a license to any person who has been refused a license by any other Racing Commission or racing authority; provided, however, that the Commission or racing authority of each other state extend to the Commission of Nebraska the reciprocal courtesy to maintain disciplinary control. The Commission may deny or revoke any license where the holder thereof has violated the rules and regulations of the Commission or who has falsified the application ~~of or~~ for said license.

**10.015** The responsibility of immediately licensing an employee rests with the employer.

## Chapter 11 JOCKEYS AND APPRENTICE JOCKEYS

### 11.001 JOCKEYS

**11.001.01** Each jockey and apprentice jockey must obtain a license from the Commission. .

**11.001.02** No person under sixteen (16) years will be granted a jockey's license.

**11.001.03** No person who has never ridden in a race will be granted a license; however, by permission of the Commission and the stewards, a temporary license may be granted for the riding of two races and, if approved by the stewards and the Commission, said temporary license may be replaced with a permanent license.

**11.001.04** No jockey licensed in Nebraska will be the owner or part owner of any racehorse racing in Nebraska.

**11.001.07** A jockey shall faithfully fulfill all engagements in respect to racing. Inability to fulfill engagements must be reported to and receive the approval of the stewards.

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

**11.001.09** When riding in a race, a jockey must be neat in appearance. All riders must be dressed in a clean jockey costume, cap and jacket of silk, satin or waterproof, white or light breeches, inclement weather clothing approved by the stewards, and top boots. In all races, jockeys must wear approved safety helmets and safety vests, the weight of which shall not be included in the jockey's weight.

The approved safety vest must comply with one of the following minimum standards or later revisions:

- (a) British Equestrian Trade Association (BETA):2000 Level 1
- (b) Euro Norm (EN) 13158:2000 Level 1
- (c) American Society for Testing and Materials (ASTM) F2681-08 or F1937.
- (d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3
- (e) Australian Racing Board (ARB) Standard 1.1998

The approved safety helmet must comply with one of the following minimum safety standards or later revisions:

- a. American Society for Testing and Materials (ASTM 1163);
- b. European Standards (EN-1384 or PAS-015 or VG1);
- c. Australian/New Zealand Standards (AS/NZ 3838; or
- d. ARB HS 2012); or Snell Equestrian Standard 2001.

An approved safety helmet or a safety vest will not be altered in any manner, nor shall the product marking be removed or defaced.

**11.001.09A** Unless they obtain the approval of the stewards prior to leaving the paddock, a jockey may not carry any item in their hand other than a riding crop, substitute, or horse's reins until after the finish of the race when they unsaddle the horse at the placing judge's stand.

**11.001.10** Jockeys shall wear an armband and will have a saddlecloth that both show the number of the horse they are riding in the official program. The armband will be worn on the arm of the jockey that will be facing the judges' stand during the race.

**11.001.11** Every jockey who is engaged to ride in a race shall report to the jockeys' quarters not less than one hour before post time for the first race. Jockeys will then report engagements and overweight, if any, to the clerk of scales, and thereafter shall not leave the room, except to view the races from a point approved by the stewards, or to ride in a race. No contact or communication is permitted with any person outside the jockey room other than an owner or trainer for whom the jockey is riding, a racing official, or a representative of the regular news media, unless permission to do so has been granted by the Stewards, until all of said jockey's engagements of the day have been fulfilled. However, the Stewards may, in their discretion, permit jockeys engaged for later races to report at a later hour.

**11.001.12** All jockeys must pass a physical examination once a year before the commencement of a meeting, affirming their fitness to participate as a jockey. The Stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until such an examination is successfully passed. If a jockey has previously passed such an examination prior to riding at a track in this state, a physical fitness card signed by the examining doctor that shows that date upon which the examination was made must be presented to the Commission.

**11.001.13** No jockey shall bet on any race, with respect to any race in which the jockey is riding.

**11.001.14** An owner or trainer must receive permission from the Stewards to substitute a one jockey for another that was previously engaged and must pay a double jockey fee to the replacement jockey. The fee to be paid is equal to that earned by the jockey who rode the horse in the event the rider does not obtain another engagement in that race.

**11.001.15** A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. In the event an owner or trainer elects to remove a jockey from his or her mount after naming a rider at the time of the draw, the stewards may require a double jockey fee to be paid. The fee to be paid is equal to that earned by the jockey who rode the horse. The fee will not be considered earned when a jockey(s), of their own free will, take themselves off their mounts, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above rule will be at the discretion of the stewards. All jockey protests must be filed prior to the race.

**11.001.16** In a dead heat, the jockeys involved will divide equally the sum of the fees they would have received individually, if one had one beaten the other or others. Likewise, the owners of the horses involved will pay their equal share.

**11.001.17** A jockey who is under suspension will not be permitted to fulfill any engagements except as provided for by these rules. A jockey under suspension in any other state will not be permitted to ride in Nebraska during such suspension.

**11.001.17A** Immediately prior to the start of a race meet, the stewards appointed for that meet will designate the stakes, futurities, or futurity trials or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is under suspension for ten (10) or fewer days for a riding infraction at the time the designated race is to be run.

**11.001.17B** Official rulings for riding infractions of ten or fewer days state, "The term of this suspension shall not prohibit participation in designated races".

**11.001.17C** A listing of designated races will be posted in the jockeys' room and any other such place deemed appropriate by the stewards.

**11.001.17D** A suspended jockey must be named at time of entry to participate in any designated race.

**11.001.17E** When a jockey rides in a designated race, the Board of Stewards who originally imposed the suspension, will designate the day to serve the additional suspension.

**11.001.17F** This rule shall apply only to riding infractions involving suspension of ten or fewer days and will not apply to any other type of violation or suspension.

**11.001.18** The suspension of a jockey for an offense not involving fraud shall begin on the second day after the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately after the ruling.

**11.001.19** A jockey, whose license is temporarily suspended, may be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the association at night if lodging on the grounds of the licensed racetrack enclosure is approved by the association.

**11.001.20** A forfeiture must be paid by the jockey personally and any other person paying it shall be subject to punishment.

**11.001.21** Jockeys may have one agent and no more. Engagements to ride shall be made by themselves or their agent. The one making the engagements will be held responsible for the proper maintenance of an engagement book.

**11.001.22** No jockey will have an attendant other than those provided by the association.

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

## **11.002 APPRENTICE JOCKEYS**

**11.002.01** An applicant may be prohibited from riding until the Stewards or the Commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

**11.002.02** The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performances in quarter horse racing do not apply to the conditions of an apprentice jockey license.

**11.002.03** An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

**11.002.04** An apprentice certificate may be obtained from the stewards on a form provided by the Commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the Commission where it was issued.

**11.002.05** An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps: An apprentice jockey may ride with a five (5) pound weight allowance beginning with the apprentice jockey's first mount and for one (1) full year from the date of the apprentice jockey's fifth (5th) winning mount. If after riding one (1) full year from the date of the fifth (5th) winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance will continue for one (1) more year from the date of the fifth (5th) winning mount, or until the fortieth (40th) winner, whichever comes first. In no event may a weight allowance be claimed for more than two (2) years from the date of the fifth (5th) winning mount, unless an extension has been granted.

**11.002.06** The Commission may extend the weight allowance of an apprentice jockey when, in the discretion of the commission, an apprentice jockey is unable to continue riding due to: physical disability; military service; attendance in an institution of secondary or higher education; restriction on racing; or other valid reasons.

To qualify for an extension, an apprentice jockey will have to be rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively may be given consideration. The commission currently licensing the apprentice jockey will have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation on the approved form that follows, verifying time lost as defined by this regulation. An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice will be bound by the decision of the jurisdiction so petitioned.

**11.002.07** The conditions set forth in Sec. V, Subsec. A shall also apply.

## **11.003 JOCKEY AGENTS**

**11.003.01** Jockey agents must obtain a license and notify the Stewards and Racing Secretary of all changes in riders represented. The Board of Stewards shall maintain a current list of jockey agents and riders represented.

**11.003.02** The stewards may require engagement slips be used; when used, they must include signatures of owner or trainer and jockey or jockey's agent.

**11.003.03** A jockey agent may represent three jockeys and one apprentice jockey with the approval of the stewards.

**11.003.04** If any jockey agent gives up the making of engagements for any rider the agent will immediately notify the stewards, the Commission, the racing secretary, and the agent shall also turn over to the stewards a list of any unfilled engagements that may have been made for that rider.

**11.003.05** Jockey agents will not be licensed as owners or trainers, nor be allowed in the paddock at any time, except by special permission from the stewards.

**11.003.06** A jockey agent shall not engage in the practice commonly known as "touting", for the purpose of influencing any person; in the making of a wager on the result of any race.

**11.003.07** When an owner or trainer engages the services of a jockey through a jockey agent, the stewards may require all jockey agents to furnish the owner or trainer with a ticket specifying thereon whether or not said owner or trainer has first or second call on the services of the jockey. Such calls must be declared at the time of entry.

**11.003.08** No person other than an owner, trainer, jockey agent, or authorized agent of an owner in good standing shall make engagements for an apprentice jockey or jockey. A jockey not represented by an agent may make his or her own engagements.

**11.003.09** Jockey agents will be called upon to explain rival claims for any mount or for any rider and inability to satisfy the stewards that the rival claim arose through honest bona fide error shall be considered a falsification of records.

**11.003.10** Conflicting claims for the services of a jockey will be decided by the stewards.

**11.003.11** Any agent who falsifies said record will be suspended by the stewards and said agent's case referred to the Commission.

## **11.004 NAMING OF RIDERS**

**11.004.01** Jockeys will be named no later than entry time of the day of the race.

**11.004.02** Any subsequent change of a jockey must be sanctioned by the Stewards and ~~must~~ be promptly and publicly posted and announced.

**11.004.03** Any jockey, having given a call personally or through an agent, who fails to fulfill such engagements may not accept another mount or be assigned by the Steward to another mount in that race.

**11.004.04** In races where a jockey is named on more than one horse drawn in a race, the jockey agent or the jockey must specify the horse the jockey will ride. A jockey may have a second call on horses on the "also eligible" list.

## 11.005 JOCKEY MOUNT FEES

<u>PURSE</u>	<u>WINNING MOUNT</u>	<u>SECOND</u>	<u>THIRD</u>	<u>UNPLACED</u>
<u>\$0.00-\$4999</u>	<u>10%</u>	<u>\$85.00</u>	<u>\$70.00</u>	<u>\$65.00</u>
<u>5000-\$9999</u>	<u>10%</u>	<u>\$95.00</u>	<u>\$75.00</u>	<u>\$70.00</u>
<u>\$10,000-\$14,999</u>	<u>10%</u>	<u>5%</u>	<u>\$100.00</u>	<u>\$85.00</u>
<u>\$15,000-\$24,999</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>\$95.00</u>
<u>\$25,000-\$49,999</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>\$100.00</u>
<u>\$50,000-\$99,999</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>\$100.00</u>
<u>\$100,000 &amp; Up</u>	<u>10%</u>	<u>5%</u>	<u>5%</u>	<u>\$120.00</u>

**11.005.02** No money or other compensation shall be given to any jockey or to anyone to accept on behalf of a jockey for service in connection with the running of a race other than the jockey mount fees as set forth in this chapter, and/or payments pursuant to a written contract on file that has been approved by the Commission.

## **Chapter 12 OWNERS-TRAINERS**

### **12.001 OWNERS-TRAINERS**

**12.001.01** Each owner must obtain a license from the Commission and will have foal certificates submitted to the racing secretary.

**12.001.02** All owners and trainers of horses and their stable employees are subject to the laws of Nebraska and the rules promulgated by the Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an association or upon making entry to run on its track. Said owners, trainers and stable employees shall abide by laws and rules and accept the decision of the stewards on any and all questions, subject to their right of appeal to the Commission.

**12.001.03** If any owner changes trainers, said owner must secure permission of the stewards, and notify the racing secretary and cause the new trainer to sign said owners' registration.

**12.001.04** No owner will employ a jockey for the purpose of preventing that jockey from riding in any race.

**12.001.05** No owner will accept, directly or indirectly, any bribe, gift or gratuity in any form that might influence the result of any race or tend to do so.

**12.001.06** An owner or said owner's trainer will see to it that a report is made promptly to the racing secretary or to the track veterinarian of any and all sicknesses of their horses.

### **12.002 AUTHORIZED AGENTS**

**12.002.01** Each authorized agent must obtain a license from the Commission.

**12.002.02** Application for license must be filed for each owner represented.

**12.002.03** A written instrument signed by the owner must accompany the application and clearly set forth among the delegated powers whether or not said agent is empowered to collect money from the association and the owner's signature must be acknowledged before a notary public.

**12.002.04** If the written instrument is a power of attorney, it shall be filed permanently with the Commission, attached to the regular application form.

**12.002.05** Any changes must be in writing and filed as provided.

**12.002.06** The term of the license is for three years and expires December 31st at the end of the three-year period, unless the agent's appointment is revoked by the owner, or the license is revoked by the Commission prior to the end of the license term.

**12.002.07** Owner's revocations must be in writing, sworn to before a notary public and filed with the Commission.

## **12.003 JOINT OWNERSHIP**

**12.003.01** If more than four (4) individual persons own interests in a horse or horses, through a partnership, corporation, syndication, or other joint venture, then such individual persons may designate a member of the partnership, corporation, syndicate, or other joint venture to represent the entire ownership thereof and be responsible for such horse or horses as the licensed owner.

**12.003.02** Designation of one owner to represent the entire joint venture must be signed by each person having a 5% or greater interest in any horse or horses to be raced, by the chief executive officer of any corporation involved, and by the general partner of any limited partnership involved.

**12.003.03** Partnerships, or corporations, or syndications, or other joint ventures in which more than four (4) individual persons own interests must apply for a stable name license.

**12.003.04** Each individual having a minimum of a 5% interest in the horse or horses to be raced must apply for an individual owner's license.

**12.003.05** The Commission may deny, suspend, or revoke the license of any owner whose interest is qualified or limited by rights or interests held or controlled by an individual person who would be ineligible to be licensed as an owner.

**12.003.06** In case of an emergency, the Commission may accept a temporary application for an owner's license and/or stable name license. In such cases, all individual persons owning interest in the horse or horses will be clearly identified to the satisfaction of the Commission. In such case, it will be at the discretion of the Commission as to whether such horses will be allowed to start.

**12.003.07** Owners must complete all licensing requirements within 14 days of receiving a temporary license.

**12.003.08** Individuals owning less than a 5% interest in any horse or horses owned by a joint venture will not be licensed as owners, however; a complete list of the names and addresses of such persons must be provided to the Commission when requested.

## **12.004 PARTNERSHIPS**

**12.004.01** Each and every partnership, except husband and wife, must be registered with the Commission on forms furnished by the Commission and must include payment of the applicable fee, at which time a license may be issued allowing such partnership to function on the tracks of Nebraska.

**12.004.02** An authorized agent must be appointed to represent a partnership in all matters and only he or she is permitted to withdraw money or sign claims for said partnerships, unless all partners sign such withdrawals or claims. A notarized instrument must be signed by all members of a partnership in the appointment of an authorized agent.

**12.004.03** Partnership papers shall, among other things, set for the following:

**12.004.03A** The name and address of every person having any interest in the horse or horses involved.

**12.004.03B** The relative proportions of such interests.

**12.004.03C** To whom the winnings are payable.

**12.004.03D** In whose name the horse or horses shall run.

**12.004.03E** With whom the power of entry and declaration rests.

**12.00.03F** The terms of any contingency, lease or any other arrangement.

**12.004.04** All partnership papers must be signed by all parties or by their authorized agent.

**12.004.05** The part owner of any horse cannot assign his or her share or any part of it, without the written consent of the other partners, **and** the written consent must be submitted to the Commission and the racing secretary.

**12.004.06** An alteration in a recorded partnership registration must be reported in writing to the Commission and signed by all the partners for it to be effective.

**12.004.07** All parties to a partnership, and each of them, shall be jointly and severally liable for all stakes, forfeits and other obligations.

## **12.005 STABLE NAMES**

**12.005.01** All stable names must be registered with the Commission.

**12.005.01A** All names used that do not reveal the actual identity or identities of the owner or owners will be considered a "Stable Name".

**12.005.01B** When applying to race under a stable name, the applicant must disclose the identity or the identities behind the stable name. If a partnership is involved in the identity behind a stable name, the rules covering partnerships must be complied with.

**12.005.01C** Changes in the identities of owners or partners must be reported prior to entry and approved by the Commission.

**12.005.01D** At any time, a person who has been registered under a stable name may cancel it after said person has given written notarized notice to the Commission.

**12.005.01E** A person cannot register a stable name that has been registered by any other person.

**12.005.01F** A person may not register a stable name that is the real name of any owner of racehorses, nor one that is the real or stable name of any prominent person not owning racehorses.

**12.005.01G** A trainer, who is a licensed owner or part owner, may use a stable name as owner or part owner, if he or she is the trainer for the stable name owner. However, no trainer may be licensed as a trainer other than in his or her legal name.

**12.005.01H** A stable name shall be plainly distinguishable from that of another duly registered as a stable name. When appearing on the program, the stable name must be accompanied by the legal name of the owner. If the stable name has more than one owner, one legal name of an owner must appear followed by the term "et al".

**12.005.01I** A corporate name will be considered as a stable name for the purpose of these rules, but the Commission reserves the right to refuse any corporation the privileges of registering a stable name or racing as a corporation.

**12.005.01J** No stable name shall be used for advertising purposes.

**12.005.01K** If more than one (1) person races with a stable name registered as the owner, an authorized agent will be appointed and said agent will transact all business.

## **12.006 TRAINERS**

**12.006.01** Each trainer must obtain a license from the Commission. The trainer will list all the names of owners or part owners of all horses they train on the application for this license unless this requirement is waived or modified by the Commission.

**12.006.02** No trainer shall harbor, engage, or employ any unlicensed person within the licensed racetrack enclosure. The Commission may require each trainer to register every person employed by that trainer.

**12.006.03** Racehorse trainers shall not register under a stable name or work as a trainer under any name other than their legal name.

**12.006.04** The stewards may permit a trainer to act pending action on said application for license but under no circumstances shall said trainer's name appear on the program as trainer nor shall he or she enter the paddock prior to a race until such license has been issued.

## **12.006.05 SUBSTITUTE TRAINERS**

**12.006.05A** If A trainer is absent for more than five days from their responsibility as a licensed trainer, or if the trainer is absent on a day in which the trainer has a horse in a race, the owner shall obtain another licensed trainer to substitute.

**12.006.05B** A substitute trainer or assistant trainer must accept responsibility for the horses in writing, and this must be approved by the stewards.

**12.006.05C** The substitute or assistant trainer and the absent trainer are jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race pursuant to rules Chapter 18.010 through 18.011.03B.

**12.006.06** A licensed trainer may represent the owner in the matter of entries, declarations, ~~and~~ scratches, and the employment of jockeys, but will not be allowed to withdraw any money from the association either in his or her own name or that of an owner. A licensed trainer also may not create contract obligations against the account of any owner or part owner unless he or she is the authorized agent of said owner or part owner and has a license issued by the Commission as such.

**12.006.07** A trainer must have his or her horse in the paddock at the time appointed.

**12.006.08** If, for any reason, the trainer of a horse is not or cannot be present at the time of collection of urine or saliva, it shall be deemed by the Commission that the person actually in custody of the horse is duly authorized to witness the taking and sealing of the specimen, and has the trainer's authority to sign as witness to such action.

**12.006.09** A trainer, assistant trainer or approved substitute shall attend ~~to~~ and be present to supervise the saddling of a horse in the paddock.

**12.006.10** A trainer is responsible for the condition of a horse trained by him or her.

**12.006.11** Each trainer shall register all the horses in his or her charge with the Racing Secretary. The trainer must provide the name, age, sex, breeding, and ownership of each horse. Any horse stabled on the grounds of the association, occupying a stall not assigned to that horse, or under the jurisdiction of the association without having been registered, will be subject to disciplinary action, unless special permission has been granted by the association or racing secretary.

**12.006.12** Any alteration in the sex of a horse must be reported and noted by the trainer immediately to the racing secretary or horse identification office, and that office must note the same on the foal certificate.

**12.006.13** A trainer shall not care for or supervise any horse owned, in whole or part, by a jockey.

**12.006.14** A trainer shall not care for or supervise any horse owned in whole or in part, by a disqualified person.

**12.006.15** No trainer shall accept any bribe, gift, or gratuity in any form, either directly or indirectly, which might influence the result of any race or which would have the appearance of doing so.

**12.006.16** No trainer shall move or permit to be moved any horse or horses in his or her care, from the grounds of an association without permission from the racing secretary or the stewards.

**12.007.17** No trainer shall employ a jockey for the purpose of preventing said jockey from riding in any race.

**12.007.18** A trainer is responsible for making a report to the racing secretary or the track veterinarian of any and all sicknesses of his or her horses immediately upon diagnosis.

**12.007.19** A trainer's license shall allow a trainer to perform the occupations of groom, plater, and pony person with respect to horses in his or her stable. If performing in such occupations for another stable, a trainer must obtain an appropriate occupational license. A trainer acting as an

exercise rider must obtain an occupational license as an exercise rider. The license fee for a trainer/exercise rider will be waived if they exercise only horses in his or her stable.

**12.007.20** A trainer may hire a licensed assistant trainer with the approval of the Stewards. However, the trainer and the assistant trainer are both subject to all of the responsibilities imposed upon a trainer pursuant to these rules.

## Chapter 13 - RACING OFFICIALS

### 13.001 RACING OFFICIALS

**13.001.01** At least thirty (30) days prior to the first day of a race meeting, the Association shall submit the names of all racing officials engaged for the meeting in writing to the Commission. No racing official will be qualified to act until they have been approved and licensed by the Commission. In the event of illness or incapacitation of any approved racing official, the Association may appoint a substitute after obtaining approval from the Commission.

**13.001.02** Any official or any other person employed by an association in this State, and is licensed by the Commission, must first obtain permission from the association and the Commission to leave or quit their employment while a race meeting is in progress or their license will be subject to suspension.

**13.001.03** Each race meeting must have the following officials: three stewards, to be known as the board of stewards. One of the three stewards must be the state steward. There must also be three placing judges; one gate judge when requested by the Commission or Board of Stewards; a clerk of scales; starter(s); handicapper(s); timers; paddock judges; an identifier; at least one veterinarian, a racing secretary, a mutuel manager, and a custodian of the jockey room.

#### 13.001.04

**13.001.04A** No person will be considered for approval by the Commission as an official, unless such person is a professional racing official with a reputation of good character and ability or has indicated a desire to become a professional racing official and is in possession of sufficient experience for such a position.

**13.001.04B** Except as provided for in this rule, the board of stewards at each race meet will include stewards who have been fully accredited by courses and training approved by the Association of Racing Commissioners International

A temporary exception to these requirements may be approved by the Commission in cases of extraordinary and unavoidable circumstances. An acceptable plan for meeting the requirements concerning Steward accreditation must be approved by the Commission concurrent with any approval of a temporary exception.

This does not preclude appointment of deputy stewards pursuant to rules 13.011.12 through 13.011.19, nor shall it require such deputies to be fully accredited by Racing Commissioners International.

**13.001.05** One (1) of the stewards for each race meeting shall be named by the Commission.

**13.001.06** An association may not employ or accept the services of any person, in any capacity, who is the owner, trainer, or who has any financial interest in a horse or horses registered to race at their race meeting.

**13.001.07** No one with an interest in the result of a race because of ownership of a horse entered in that race, of his sire or dam, or due to betting/wagering, shall act as a racing official in respect to that race.

**13.001.08** No racing official or their assistants shall wager money or other chattel of value on the result of any race at the meeting.

**13.001.09** No racing official or their assistants shall accept, directly or indirectly, any gratuity, reward, or favor in connection with racing at the meeting.

**13.001.10** No racing official or their assistants shall directly or indirectly buy or sell any contract upon any jockey or apprentice jockey at the race meeting.

**13.001.11** No racing official or their assistants shall write or solicit horse insurance at the meeting.

**13.001.12** It is the duty of the State Steward to adjust the number of valets and check with the Mutuel manager, to make certain post parades and regular programs run on time or as close as deemed practical.

**13.001.13** Each racing official and their assistants shall report all observed violations of the rules to the Stewards.

## **13.002 CLERK OF SCALES**

**13.002.01** The clerk of scales will weigh all jockeys out and in.

**13.002.02** The clerk of scales will record any over-weight jockey, any change of jockey, weight, or racing colors if there are discrepancies with those stated on the official program and shall immediately supply the racing officials and the track announcer with all pertinent changes.

**13.002.03** The clerk of scales will immediately report any infraction of the rules with respect to weight, weighing, or riding equipment to the stewards.

**13.002.04** The Clerk of Scales shall maintain and deliver a record of the weights carried by each horse in each race, together with the name of each horse's jockey and overweight carried by any jockey, to the horsemen's bookkeeper at the end of each race. The record will also reveal the post time of each race, running time of race, the amount of purse and its division, the placing of the first five (5) horses as revealed by the report of the placing judges, and the amounts of fees collected or charged. All rulings made by the stewards and the original signed claim, if any, will be attached to and become a part of the record.

**13.002.05** All jockeys taking part in a race must present themselves to be weighed out by the Clerk of Scales no less than twenty (20) minutes before the time fixed for the race. The horse in each instance must be specified to the Clerk of Scales. Jockeys shall present themselves to be weighed in by the Clerk of Scales immediately following the conclusion of the race.

**13.002.06** After the jockeys have been weighed in and found to have carried the correct weight, the Clerk of Scales will notify the stewards.

### 13.003 IDENTIFIER

**13.003.01** It is the duty of the official to check and identify all contestants for each and every race, and to identify each horse, either by digital Tattoo identification, or by lip brand tattoo.

**13.003.02** The official identifier shall confirm the digital tattoo of the horse with a scanner and an electronic tablet, or the tattoo brands on all horses that have been tattooed for positive identification. For horses without a digital tattoo, the trainer or other designated handler of each horse shall visibly display the lip tattoo to the identifier. If the identifier encounters a horse too unruly to check the lip tattoo, the Stewards shall be notified.

**13.003.02A** No horse will be allowed to race unless it has been lip tattooed or digitally tattooed. For good cause, the Stewards may waive this requirement if the horse is otherwise properly identified. However, the horse shall be tattooed thereafter within such time set by the Stewards.

**13.003.03** Any person attempting to establish the identity of a horse or his ownership, shall be held as accountable as the owner, and will be subject to the same penalty in case of fraud or attempted fraud.

### 13.004 JOCKEY ROOM CUSTODIAN

**13.004.01** It is the duty of the jockey room custodian to maintain order, decorum, and cleanliness in the jockey and scale rooms.

**13.004.02** The custodian will assist the clerk of the scales.

**13.004.03** The custodian will not allow any person, other than the racing officials, the Commission, and the necessary jockey room attendants to be admitted to the jockey room on a day of racing without express permission of the Stewards for each time of entry.

**13.004.04** The custodian of the jockey room may permit the assistant starters to use the jockey room for the purpose of changing clothes prior to post time and following the running of the last race. However, they shall not be permitted in the jockey room between forty-five (45) minutes before post time for the first race and the finish of the last race unless they are also working as valets with the approval of the board of stewards.

**13.004.05** The custodian will oversee the care and storage of all racing colors.

**13.004.06** The custodian will oversee the jockey attendants and arrange their rotation among jockeys in the matter of weighing out.

**13.004.07** Any jockey attendant that is not approved by the stewards and licensed by the Commission is not permitted to assist any jockey at any time.

**13.004.08** The custodian will report to the stewards any irregularities that occur.

**13.004.09** The custodian will see to it that jockeys are neat in appearance and attire in keeping with the rules when they leave the rooms to ride in a race.

### **13.006 PADDOCK JUDGE**

**13.006.01** The paddock judge will exclude from the paddock all persons who have no immediate business with the horses entered, except the members of the Commission, Commission staff, and those having permission from the Commission or association.

**13.006.02** The paddock judge will keep a record of all equipment carried by all horses in all races under his or her jurisdiction. No change in equipment is permitted unless authorized by the stewards.

**13.006.03** The paddock judge will require the plater in the paddock to see that all horses are properly shod. The paddock judge shall report the findings of the plater immediately to the Stewards.

**13.006.04** The paddock judge will report any irregularities to the Stewards.

**13.006.05** The paddock judge may permit a horse to be led to the post by a properly licensed pony person.

### **13.007 PATROL JUDGE**

**13.007.01** The patrol judge is responsible for observing the race and reporting information concerning the race to the stewards. If the track's video replay system is deemed adequate, use of patrol judges is optional.

**13.007.02** Each track may employ a gate judge whose duties may include being present at the starting gate prior to the running of each race to observe and report any violations of the rules to the stewards, and to otherwise assist the stewards as they may order.

### **13.008 PLACING JUDGE**

**13.008.01** The placing judges and/or Board of Stewards will determine the order of finish in a race as the horses pass the finish line and will display the results on the totalisator board.

**13.008.02** In the event the placing judges and/or Board of Stewards request a photo of the finish, the photo finish sign will be posted on the totalisator board.

Following their review of the photo finish filmstrip, the placing judges and/or stewards will determine the exact order of finish for all horses participating in the race and will immediately post the numbers of the first four finishers on the totalisator board.

In the event a photo was requested, the placing judges and/or Board of Stewards will cause a photographic print of said finish to be produced. The finish photograph will, when needed, be used by the placing judges and/or stewards as an aid in determining the correct order of finish.

**13.008.03** In the event the placing judges and/or Board of Stewards determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat will be declared.

In the event one or more of the first four finishers of a race are involved in a dead heat, the placing judges and/or Board of Stewards **will** post the dead heat sign on the totalisator board and cause the numbers of the horse or horses involved to blink on the totalisator board.

### **13.009 RACING SECRETARY AND HANDICAPPER**

**13.009.01** The racing secretary shall discharge all duties of said office expressed, or implied, as required by the rules. All local entry and scratch rules **will** be submitted to the Commission to determine if any conflicts exist between such rules and the Nebraska Rules of Racing.

**13.009.02** It **is** the duty of the racing secretary to assign to applicants such stabling as deemed proper. The racing secretary and the stewards **will** settle any and all conflicting claims for stable privileges.

#### **13.009.03**

**13.009.04** The racing secretary **will** compile an official program for each racing day, which shall state the time fixed for the first race and give the names of the horses that are to run in each of the races of the day.

**13.009.05** The program shall indicate the order in which each race is to be run, the purse, conditions, distance of each, the owner, trainer, and jockey on each horse, each owner's racing colors, the weights assigned to each horse, his number and post position, color, sex, age and breeding. The program may show other pertinent data, subject to approval of the Commission.

**13.009.06** The racing secretary **will** file a report of the following with the Commission within 30 days after the end of each live race meet.

#### **13.009.06A Race days**

**13.009.06A1** Number of race days scheduled

**13.009.06A2** Number of race days (one or more races)

**13.009.06A3** Number of race days canceled (no races)

#### **13.009.06B All races - number of races run**

#### **13.009.06C All races - purse money paid**

**13.009.06C1** Nomination, sustaining, entry, and start fees paid by horse owners

**13.009.06C2** Purse money added by sponsors

**13.009.06C3** Purse supplements paid for Nebraska-bred horses

**13.009.06C4** Total purse money

#### **13.009.06D Two-Year-Old Races**

**13.009.06D1** Number of two-year-old races run

**13.009.06D2** Nomination, sustaining, entry, and start fees paid by horse owners

**13.009.06D3** Purse money added by sponsors

**13.009.06D4** Purse supplements paid for Nebraska-bred horses

**13.009.06D5** Total purse money

**13.009.06E Three-Year-Old Races**

**13.009.06E1** Number of three-year-old races run

**13.009.06E2** Nomination, sustaining, entry, and start fees paid by horse owners

**13.009.06E3** Purse money added by sponsors

**13.009.06E4** Purse supplements paid for Nebraska-bred horses

**13.009.06E5** Total purse money

**13.009.06F Stakes Races - Total**

**13.009.06F1** Number of stakes races run

**13.009.06F2** Nomination, sustaining, entry, and start fees paid by horse owners

**13.009.06F3** Purse money added by sponsors

**13.009.06F4** Purse supplements for paid for Nebraska-bred horses

**13.009.06F5** Total purse money

**13.009.06G Stakes Races List - List each Stakes Races and provide the following for each race:**

**13.009.06G1** Nomination, sustaining, entry, and start fees paid by horse owners

**13.009.06G2** Purse money added by sponsors

**13.009.06G3** Purse supplements paid for Nebraska-bred horses

**13.009.06G4** Total purse money

**13.009.06H Nebraska-bred Races**

**13.009.06H1** Number of Nebraska-bred races run

**13.009.06H2** Nomination, sustaining, entry, and start fees paid by horse owners

**13.009.06H3** Purse money added by sponsors

**13.009.06H4** Nebraska-bred purse supplements

**13.009.06H5** Total purse money

**13.009.07** The racing secretary will receive all entries and declarations, and they or the equestrians' bookkeeper may receive all stakes, entrance monies, fees (including jockey's fee), purchase money in claiming races and all other money that can properly come into his or her possession as agent for the association for which he or she is acting.

**13.009.08** The Horsemen's bookkeeper will pay over, when due, all monies collected to such persons as may be entitled to receive it.

**13.009.09** All ownership in a horse, except a trainer's percentage of the winnings, will be filed with the racing secretary, before the horse starts, and also every change in ownership thereafter during the meeting.

**13.009.10** The Jockey Club registration certificate or AQHA registration certificate for all horses entered in claiming races must be in the possession of the racing secretary. When ownership changes as a result of a claim, the racing secretary shall cause the Jockey Club registration certificate to be properly endorsed prior to the transfer to the new owner's file. Photo static copies may be used only in the event that the original certificate has been forwarded to the Jockey Club for correction as determined by the track identifier. When a Quarter horse is claimed, the racing secretary will collect a transfer fee from the claimant that shall be forwarded to the AQHA together with the registration certificate, a written report of the race showing the date of the race, and the name and address of the person claiming the horse. Upon receipt of such fee, certificate and report, the AQHA shall make the transfer without report signed by the record owner. A photo static copy of the original papers and transfer will be retained by the

racing secretary in the claimed horse's folder, allowing the claimed horse to be raced at that meeting until the original papers have been returned by the AQHA.

**13.009.11** The Racing Secretary has the right to withdraw or change any unclosed race. However, any race appearing in the condition book, unless contrary to the rules of racing, will be given a reasonable opportunity to fill as it was written before being withdrawn or changed.

**13.009.12** The Racing Secretary will post a list of entries in a conspicuous place in the racing office each morning as soon as the entries have been closed and compiled and approved by the stewards. Any newspaper desiring the same information will also be furnished a copy.

**13.009.12A** Overnight entries will be marked in such a way so as to reveal the starters and eliminate all declarations. This list will be prepared and delivered to the Mutuel manager immediately after the list being created.

**13.009.13** The handicapper, who may be the racing secretary, will assign the weights to be carried by each horse in a handicap.

**13.009.14** In the event of an omission of the name or weight of a horse that is duly entered in a race, the omission will be rectified by the handicapper only if given permission by the stewards and only if the omission was due to an error.

## **13.010 STARTER AND ASSISTANT STARTERS**

**13.010.01** Only the starter or a deputy approved by the starter, ~~and by the stewards~~, and the Commission may start a race.

**13.010.01A** In the event of an emergency, a starter may be appointed by the Stewards.

**13.010.01B** Such emergency shall not exist for more than three (3) racing days without Commission approval.

**13.010.02** The starter will give all orders and take all measures necessary to insure a fair start.

**13.010.03** The starter's decisions as to the validity of a start and as to whether or not a horse was locked in the gate are final.

**13.010.04** The starter may appoint assistants subject to the approval of the stewards. Unless approved by the Stewards due to a temporary emergency, no assistant starter shall be a person owning or having any interest in any horse eligible to race at the meeting, nor any person having an interest in the result of any race or be or have been the employee of any such person during the progress of the meeting.

**13.010.05** No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, anything of value, or other compensation for such starter's or assistant starter's services in connection with the running of any race or races. No starter, nor assistant starter, will either directly or indirectly bet on any race or engage in any betting transaction nor have any interest in any horse. This rule has no application to salaries received from associations.

**13.010.06** In the event the alignment of the horses at the post is delayed, the starter may permit jockeys to dismount and their mounts to be attended.

**13.010.07** If a horse is so badly injured after reaching the starting post that it is impractical or impossible for it to run in the race, the starter or official veterinarian may excuse that horse from the race with the approval of the stewards. If a horse is excused under these circumstances, the start must be delayed until the Mutuel department is notified, and a change of "odds" can be entered.

**13.010.08** The starter is required to load horses into the starting gate in order of post position except in cases of emergency or by prior permission of the stewards.

**13.010.09** No horse or horses may be started from outside the gate except as provided in Chapter 13.009.10.

**13.010.10** If the starter or assistants are unable to place a horse in the gate for a satisfactory start after reasonable efforts have been made, or if the horse is mean or unruly, the starter may order that horse placed outside the gate, one length behind the starting line. Said horse will be denied the right of future entry until reinstated by the starter or the Stewards.

**13.010.11** The starter will maintain a Starter's list, and all horses will be schooled at or in the starting gate, if and when required, under the personal supervision of the starter or assistant starters.

**13.010.12** Only the starter or stewards have the authority to designate the horses that shall constitute the starter's list.

**13.010.13** The starter will file a copy of the starter's list with the racing secretary. Said list must be prominently displayed.

**13.010.14** The starter will report to the racing secretary as soon as a horse on the starter's list has been schooled sufficiently to be permitted to start.

**13.010.15** A horse will not be eligible to start until the starter orders the name stricken from the starter's list.

**13.010.16** The starter may penalize a jockey for disobedience to orders or for attempting an unfair advantage before the "start".

**13.010.17** The starter's authority to penalize ceases at "off-time". All infractions noted by said starter after "off-time" should be reported immediately to the stewards.

**13.010.18** The starter will report to the stewards and to the racing secretary all penalties which said starter has imposed in writing, and no penalties shall be modified other than by the authority of the Commission.

**13.010.19** Neither the starter nor the assistant starters shall mistreat or use abusive language to a jockey. Violators are subject to disciplinary action by the Stewards.

**13.010.20** The starter must approve all two-year olds ability to start before it is permitted to start. The starter must state whether a riding crop and/or blinkers were used in schooling the horse.

**13.010.21** The starter's approval must be obtained for all older horses that have never started at a recognized meeting before any horse will be permitted to start.

**13.010.22** A false start is void; and the horses will be started again as soon as practical. Any horse running the course from a false start may be excused from the true race by the stewards.

**13.010.23** If a horse is locked in the gate, the starter shall immediately notify the stewards, who in turn, must immediately notify the manager of the pari-mutuel department. The starter will be the sole judge of what horse or horses are prevented from starting in a race due to a failure of gates opening.

## **13.011 STEWARDS**

**13.011.01** The Stewards have the power to interpret the rules and to decide all questions not specifically covered therein.

**13.011.02** In matters pertaining to racing, the order of the Stewards supersedes the orders of the officers and directors of the association.

**13.011.03** The Stewards have the power and the duty to regulate and govern the conduct of all racing officials, owners, trainers, jockeys, grooms and other persons attendant upon horses before, during, and after races, unless the power and duty is vested in the Commission.

**13.011.04** In the performance of their duty, the Stewards have control over, and unrestricted access to, all stands, weighing rooms, jockey rooms, enclosures, and other places in use for the meeting within the licensed racetrack enclosure.

**13.011.05** All entries and declarations are under the supervision of the Stewards, and no declaration shall be made without their permission.

**13.011.06** All questions pertaining to authority of the Stewards will be referred to the Commission for clarification.

**13.011.07** The Stewards' period of authority shall commence 10 days prior to the beginning of each meeting and terminate with the completion of their business pertaining to the race meeting.

**13.011.08** The Stewards 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.

**13.011.09** The Stewards may demand proof that a horse neither is disqualified in any particular, nor entered or owned, in whole or in part, by a disqualified person, or trained, in whole or in part, by a disqualified person. In default of proof, satisfactory to them, the Stewards may declare the horse disqualified.

**13.011.10** The Stewards may postpone a race.

**13.011.11** The Stewards have the power to examine or cause to be examined any horse stabled within the licensed racetrack enclosure, or in stabling approved by the association outside of the licensed racetrack enclosure.

**13.011.12** The three (3) Stewards must be on duty during race time, which means from one (1) hour before post time for the first race of the day and until after the last race of the day has been made official.

**13.011.13** At least one (1) of the Stewards, or a deputy, shall be on duty thirty (30) minutes prior to scratch time each morning, until after the drawing of post positions.

**13.011.14** A Steward may appoint his or her own deputy at any time.

**13.011.15** If there is only one (1) Steward present at race time, said Steward will appoint two (2) other qualified persons to act with him or her as Steward's pro tem.

**13.011.16** If only two (2) Stewards are present at race time, they will appoint a deputy to fill in for the absent Steward, provided the absent Steward has not already appointed his or her own deputy.

**13.011.17** If none of the Stewards are present at race time, the racing secretary will appoint three (3) qualified persons to act as Stewards pro tem.

**13.011.18** Appointments of any deputy for a Steward will be reported immediately to the Commission.

**13.011.19** In the event a racing official other than a Steward is absent, the stewards must immediately fill the vacancy prior to post time of the first race of the day. If the absence occurs after the racing has started for the day, the vacancy must be filled by the stewards immediately. The appointment for any vacancy is for one day only. If the vacancy continues past the first day, the association must either fill the vacancy or notify the stewards they have not filled the vacancy as soon as possible, but not less than one hour before the post time of the first race of the day so the stewards can appoint someone to fill the vacancy.

**13.011.20** Such appointments to fill a vacancy shall be reported immediately to the Commission.

**13.011.22** The stewards will take notice of any conduct that may reflect unfavorably on racing with or without complaint thereof.

**13.011.23** The stewards may substitute a jockey of their selection on any horse.

**13.011.24** The stewards may place any horse in the temporary charge of a trainer of their selection.

**13.011.25** It is the duty of the stewards to see to it that horses arrive at the starting post as nearly as practical at the advertised time.

**13.011.26** In case of accident or casualty to of a horse before the start of the race or "off-time", the stewards may excuse said horse.

**13.011.26A** The stewards must investigate every protest and every complaint as soon as practicable, and a decision must be rendered for each circumstance. All complaints and protests will be reported to the Commission, along with the report rendered by the Stewards.

**13.011.26B** The stewards shall file a signed report of all infractions of the Rules for that day with the Commission.

### **13.012 TIMER**

**13.012.01** There shall be one (1) or more timers. They determine the official time of each race.

**13.012.02** When and if an electric timing device is used, the races will also be timed in the usual manner by the timers. Any electrical timing device used must be approved by the Commission.

**13.012.03** The time will be announced and/or displayed at once.

**13.012.04** A report of the time of each race will be made to the clerk of scales for the reports maintained by said Clerk.

### **13.013 OFFICIAL VETERINARIAN**

**13.013.01** The Commission will employ an official veterinarian ~~in good standing~~ who is licensed to practice under the laws of the State of Nebraska.

**13.013.01A** The Commission will appoint a deputy official veterinarian for meets that cannot be served by the official veterinarian due to concurrent or overlapping race dates.

**13.013.01B** The Commission shall employ a supervisor and/or to work in the test barn to gather and secure specimens of urine and blood from horses designated for testing by the stewards or the commission. These individuals will report to the official veterinarian or the Commission.

### **13.013.02 – Repealed**

**13.013.03** The official veterinarian will be present in the paddock to observe all horses before a race, observe all horses after the finish of a race, and perform such other duties as prescribed by the stewards or the Commission.

**13.013.04** The official veterinarian is responsible for receiving and securing specimens of saliva, urine and/or blood or any other specimens from any horse designated by the Stewards or by the Commission and will maintain records for identification of any specimens as required by the Commission.

**13.013.05** The official veterinarian is responsible for securing the proper signatures from witnesses to the taking and sealing of specimens, prior to delivery to the official chemist.

**13.013.06** The official veterinarian is responsible for the delivery or shipment of all specimens to the official chemist.

**13.013.07** The official veterinarian is responsible for properly instructing assistants in the performance of their duties.

**13.013.08** The official veterinarian must present himself or herself at the office of the racing secretary and/or stewards prior to scratch time each racing day at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the racing secretary or stewards.

**13.013.09** A horse may be  euthanized at any place within the licensed racetrack enclosure as determined by the official veterinarian. In  euthanizing a horse, the official veterinarian shall use a needle.

**13.013.10** The official veterinarian does not have the authority to scratch a horse but must report his or her opinion of a horse's condition and recommendations relative to scratching to the Stewards.

**13.013.11** An Official Veterinarian may administer phenylbutazone or furosemide in accordance with all applicable rules in the event it is not possible for a trainer to obtain such treatment from a licensed practicing veterinarian. Any such treatment shall be preceded by the written authorization of the Board of Stewards and will be followed by a complete written report by the Official Veterinarian of all circumstances as to why the treatment was not obtained from a practicing veterinarian.

Any such treatment shall be preceded by payment of a fee to compensate the Commission for the cost of treatment and the expense of preparation of the required report to be prepared by the Official Veterinarian.

**13.013.12** No official veterinarian nor any of the official veterinarian's assistants shall be permitted to wager on the outcome of any race run that is subject to the jurisdiction of the commission.

### **13.014 COMPLAINTS AGAINST OFFICIALS**

**13.014.01 A complaint against a steward or other racing official must be in writing and signed by the complainant and submitted to the Commission.**

**13.014.02 Any Steward or other racing official may be held responsible for the actions of their assistants.**

## Chapter 14 EQUINE VETERINARY PRACTICES, HEALTH AND MEDICATION

### 14.001 PRACTICING VETERINARIANS

**14.001.01** Every veterinarian who examines or treats a horse at a licensed racetrack enclosure during a live race meeting must be licensed by the Commission. This rule applies only to horses registered at the racing secretary's office to race at the live meet that is in progress.

**14.001.02** All veterinarians shall report on each horse examined or treated to the Commission. The report must include treatment information, including any prescription written; and any drugs, medicines, or vitamins provided for trainers or owners to administer. Reports must be submitted to the State Veterinarian no later than 2 p.m. the following race day. Reports must be in writing, on form prescribed and provided by the Commission. Forms will be available in hard copy or electronically.

**14.001.02A** The veterinarian's report shall include the following:

- (1) Name of each horse examined or treated
- (2) Owner and/or trainer of the horse
- (3) Name and amount of all drugs, medicines, or vitamins administered;
- (4) Time and method of administration
- (5) Veterinarian's signature - Written or Electronic

**14.001.02B** If drugs, medicines, or vitamins are prescribed, or provided by the veterinarian, to be administered by the owner or trainer, the report shall specify the:

- (1) Name of the owner or trainer
- (2) Name of the horse(s) for which the prescription is provided
- (3) Name of the drug, medication, or vitamin; and time(s) for and other instructions concerning administration

**14.001.02C** Veterinarian reports shall be provided beginning not later than the first day that entries are taken. Reports must also include horses that are entered and draw into a race that were treated or administered drugs, medications, or vitamins or for which drugs, medications, or vitamins have been provided or prescribed for use by the trainer, during the fourteen day period prior to the race, if the treatment or administration occurred prior to the date that for which daily submission of veterinarian reports is required.

**14.001.02D** Veterinarian's reports are confidential and available only to the official veterinarian and designated Commission staff unless reports are needed as evidence in a hearing before the stewards or the Commission.

Copies of applicable portions of veterinarian's reports will be provided to the owner or trainer of a horse at the request of the owner or trainer.

**14.001.02E** The Commission will establish penalties for the falsification of reports, errors and omissions thereon, and failure to submit or late submission of reports.

**14.001.03** Any drugs, medications, or vitamins provided by a veterinarian for use by a trainer on any horses that are stabled within the licensed racetrack enclosure or that are registered to race there, shall comply with the following requirements:

- (1) All allowable medications must have a prescription label which is securely attached to the medication container and clearly ascribed to show the following:
  - (a) The name, address, and telephone number of the pharmacy or veterinarian dispensing the medication;
  - (b) The prescription number when dispensed by a pharmacy;
  - (c) The date the prescription was filled;
  - (d) The name of the prescribing veterinarian;
  - (e) The name of the horse for whom the medication is prescribed;
  - (f) The name of the trainer or owner of the horse for whom the product was dispensed;
  - (g) The dose, dosage, route of administration, and duration of treatment of the prescribed product;
  - (h) The name, active ingredient, quantity prescribed, expiration date (if applicable), beyond use date (if applicable), and lot number (if applicable); and
  - (i) Any cautionary statements associated with the medication, and any applicable withdrawal time.
- (2) The use or possession of an expired medication is a violation of this rule. Expired medication will be confiscated.
- (3) Any medication that has a label that is missing, is illegible, has been tampered with or altered, or in any other way does not comply with this section shall be considered a violation of these rules and is subject to confiscation.
- (4) Any licensee that voluntarily surrenders any non-compliant medication shall not be considered to be in violation of the medication rules described in this section. A surrender shall not be deemed voluntary after a licensee has been advised and refused to surrender, or when an investigatory search has commenced.

**14.001.04** Veterinarians practicing veterinary medicine on a racetrack where a race meeting is in progress or imminent, shall use one time disposable needles and dispose of them in accordance with accepted biohazard disposal practices.

**14.001.05** Any illness or unusual symptoms of illness shown by a horse shall be immediately reported to the official track veterinarian or the stewards by the trainer or attending veterinarian.

**14.001.06** Except in cases of extreme emergency, all practicing veterinarians must get permission from the official track veterinarian **prior to** medicating a horse **if it is** within 24 hours of **the** first post time on a day **that horse** is entered to race. In cases of extreme emergency, the official track veterinarian and the stewards shall be immediately advised of the circumstances necessitating such treatment and of the medication administered. The permission requirement is waived for the authorized administration of furosemide. Practicing veterinarians shall not have

pre-race contact with an entered horse on race day except for the administration of furosemide pursuant to rule 14.003 and subsections thereafter unless approved by the official veterinarian.

**14.001.07** In case of illness or unusual symptoms in a horse which might be or are deemed contagious, the Board of Stewards are empowered to employ a board of three veterinarians, for the purpose of diagnosis, observation and/or treatment at the expense of the association. These veterinarians must be licensed by the State of Nebraska. The decision of the board as to the necessity of isolating any horse shall be binding upon the trainer and owner thereof.

**14.001.07A** The reasonable cost and expense of isolation, including keep and medical care, will be borne by the owner or trainer of the horse during the period of isolation.

**14.001.07B** In the event of the positive diagnosis of infectious disease, the horse so diagnosed shall remain isolated and quarantined for such period as the board may determine.

**14.001.07C** No horse shall be removed from quarantine without permission of the stewards.

**14.001.08** Horses humanely euthanized within a licensed racetrack enclosure shall be reported to the Board of Stewards or official veterinarian and Racing Secretary within 24 hours of the event.

- 1) The burden of reporting lies with the veterinarian who performs the procedure.
- 2) The veterinarian will complete the Jockey Club Equine Injury Database form and file with the Board of Stewards or the Official veterinarian.

**14.001.09 Practicing Veterinarians Conflict of Interest:**

**14.001.09A Restrictions on Wagering:** A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.

**14.001.09B Horse Ownership:** A practicing veterinarian shall not have any ownership or other financial or beneficial interest in any horse registered for racing at a race meet where they are licensed by the Commission as a practicing veterinarian. This restriction shall not extend to any breeder awards earned pursuant to Neb.Rev.Stat. § 2-1207, 2-1207A, and 2-1213(1).

## **14.002 NON-STEROIDAL ANTI-INFLAMMATORY DRUGS (NSAIDs)**

14.002.01 The use of one of three approved NSAIDs shall be permitted under the following conditions:

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

- (1) Phenylbutazone (or its metabolite oxyphenylbutazone) –5 micrograms per milliliter;
- (2) Flunixin – 20 nanograms per milliliter;
- (3) Ketoprofen – 2 nanograms per milliliter.

14.002.02 These or any other NSAIDs are prohibited to be administered within 24 hours before post time for the race in which the horse is entered.

- (1) Evidence of an NSAID administration fewer than 24 hours of the scheduled post time of the race in which the horse is entered constitutes a Class C violation.

14.002.03 The presence of more than one of the three approved NSAIDs in blood and/or urine constitutes a NSAID Stacking Violation (penalty Class B).

- (1) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

14.002.04 Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample taken at the direction of the official veterinarian to determine the quantitative NSAID levels and/or the presence of other drugs in the blood or urine samples.

## **14.003 FUROSEMIDE (SALIX)**

**14.003.01** Furosemide (Salix) may be administered to a horse entered in a race, provided the entry of that horse must reflect the intent of the owner or trainer.

**14.003.02** Furosemide must be administered by a licensed veterinarian within the licensed racetrack enclosure be in the injectable form only and be administered by a single intravenous injection not later than four (4) hours before post time of the race in which the horse runs. The dosage shall not be more than 500 mg and not less than 150 mg.

**14.003.03** A horse that ran with furosemide in its prior race must continue to run on furosemide unless the licensed trainer and the licensed practicing veterinarian submit a written request to discontinue use of furosemide on a form approved by the official veterinarian. The written request must be submitted to the official veterinarian not later than time of entry.

**14.003.04** **After** a horse has been approved by the official veterinarian to discontinue use of furosemide, is may not again be entered to run on furosemide for a period of sixty calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the

official veterinarian. If a horse is approved by the official veterinarian to discontinue use of furosemide for a second time in a 365-day period, the horse may not again race on furosemide for a period of ninety (90) calendar days.

#### 14.004 RESERVED

#### 14.005 BLEEDER CERTIFICATE

**14.005.01** A horse that is observed to have bled following a race or workout in Nebraska may be officially certified as a bleeder at the request of the trainer or owner following personal observation by a licensed practicing veterinarian or the official veterinarian. **Official** certification may be obtained by completion of an affidavit on forms provided by the Commission specifying:

- (1) That the horse was personally observed and is a bleeder
- (2) If the horse was observed to bleed following a race or workout
- (3) If observation was of external bleeding through the mouth or nostrils or internally through laryngoscope examination
- (4) The date, time and location of observation

**14.005.02** A copy of a bleeder certification shall be attached to the horses' foal registration papers after the approval of the official veterinarian.

#### 14.006 ANTI-ULCER MEDICATIONS

The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the race in which the horse is entered.

1. Cimetidine (Tagamet®) – 8-20 mg/kg PO BID-TID
2. Omeprazole (Gastrogard®) – 2.2 grams PO SID
3. Ranitidine (Zantac®) – 8 mg/kg PO BID

#### 14.007 ENDOGENOUS, DIETARY, OR ENVIRONMENTAL SUBSTANCE SCHEDULE

**14.007.01** No endogenous, dietary, or environmental substances shall be allowed in the test sample of a horse except as provided below:

<u>Arsenic</u>	<u>0.3 micrograms/milliliter total arsenic in urine</u>
<u>Caffeine</u>	<u>100 nanograms/milliliter of serum or plasma</u>
<u>Estradiol</u>	<u>0.045 micrograms/milliliter, free + conjugated 5<math>\alpha</math>-estrane-3<math>\beta</math>, 17<math>\alpha</math>-diol, in the urine of male horses other than geldings</u>
<u>Hydrocortisone</u>	<u>1 microgram/milliliter of urine</u>
<u>Methoxytyramine</u>	<u>4 micrograms/milliliter, free + conjugated in urine</u>

<u>Morphine</u>	<u>30 ng/ml total morphine in urine</u>
<u>Prednisolone</u>	<u>10 ng/ml free prednisolone in urine Endogenous Substance</u>
<u>Salicylate/Salicylic Acid</u>	<u>750 micrograms/milliliter of urine or 6.5 micrograms/serum or plasma</u>
<u>Theobromine</u>	<u>2 micrograms/milliliter of urine or 0.3 micrograms/milliliter serum or plasma</u>

**14.007.02** If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

## **14.008 TEST BARN**

**14.008.01** An area within the licensed racetrack enclosure must be set aside for the purpose of collecting specimens for any tests required by the Commission. This location is under the supervision of the official veterinarian, and its location, arrangement, furnishings, and facilities must be approved by the Commission. The test barn must include refrigeration and hot and cold running water, also subject to the approval of the Commission.

**14.008.02** No unauthorized person shall be admitted at any time to the test barn area utilized for the purpose of collecting the required specimens, or the area designated for the retention of horses pending the obtaining of said specimens.

**14.008.03** A guard, approved by the Commission, must be in attendance at the test barn during the hours designated by the Commission.

**14.008.04** The winner of every race and other horses designated by the stewards shall be taken immediately after the race to the test barn and the taking of specimens of body fluids and eliminations as directed. Horses shall be taken to the test barn by the owner, trainer, or authorized representative thereof, or by an assistant to the official veterinarian. Examinations are to be done by the supervisor of drug tests. Blood specimens may be taken by a veterinary technician. The owner, trainer, or authorized representative may request that blood be taken by the official veterinarian. Any excess urine specimen over the amount required by the official veterinarian will be collected in a separate container and sealed, signed, and witnessed as per Chapter 14.008.07.

The trainer of any horse selected may request a copy of the test report.

**14.008.04A** The Commission will designate which horses are required each race day to report to the test barn. A blood sample will be obtained from each horse selected in amounts to be determined by the official veterinarian. These samples shall be designated for quantitative analysis for levels of Phenylbutazone, Flunixin, or Ketoprofen medication by the official laboratory designated on the entry card. The blood samples will be in addition to urine samples.

**14.008.04B** This rule shall not be construed to prohibit the testing of any blood samples for other prohibited drugs, nor to prohibit or prevent quantitative testing for levels of Phenylbutazone, Flunixin, or Ketoprofen in any other blood samples.

**14.008.04C** If laboratory testing indicates a level of phenylbutazone in excess of 2.5 ug/ml and less than or equal to 5.0 ug/ml, the official veterinarian shall provide confidential notice of the test results to the trainer, and recommend the trainer carefully review their practices for the administration of phenylbutazone.

**14.008.05** The Stewards of the meeting may require any horse to be sent to the testing enclosure at any time for the purposes of saliva, urine and/or blood testing, as well as for other testing deemed necessary.

**14.008.06** The State Veterinarian or State Steward may also require the taking of any or all of the foregoing specimens from any horse stabled at a track during a meeting.

**14.008.07** The owner, the trainer or other authorized representative must be present when a saliva, urine or other specimen is taken from his horse, and must remain until the specimen is sealed and the official form signed by the owner or trainer or their representative as witness, to the taking of the specimen. Willful failure to be present, or a refusal to allow the taking of any specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons guilty thereof to immediate suspension and the matter will be referred to the Commission for such penalty as in their discretion they may determine.

#### **14.009 TESTING LABORATORY**

**14.009.01** The official chemist shall be a member in good standing of the Association of Official Racing Chemists and make all reports directly to the Executive Director and State Veterinarian of the Commission.

**14.009.02** All specimens except the horsemen's split samples taken by or under direction of the official veterinarian or authorized representative of the Commission shall be delivered to the laboratory of the official chemist for analysis. Each specimen shall be marked and bear such information as may be essential to its proper analysis. The identity of the horse from which the specimen was taken, or the identity of its owner, trainer, jockey, or stable, will not be revealed to the official chemist or his staff. The container of each specimen shall be sealed as soon as the specimen is placed therein.

**14.009.03** The official veterinarian, the stewards, or the authorized representatives of the Commission may take samples of any medicines or other materials suspected of containing improper medication or drugs which could affect the racing condition of a horse in a race, found anywhere within the licensed racetrack enclosure or in the possession of such tracks or any person connected with racing, and the same shall be delivered to the official chemist for analysis of saliva and urine. It may be retained by the Commission.

**14.009.04** No action shall be taken by the stewards on the report of the official chemist unless and until the medication or drug has been properly identified, as well as the horse from which the specimen was taken, nor until such time as an official report signed by the chemist has been received by the state steward.

## 14.010 STORAGE AND SHIPMENT OF SPLIT SAMPLES

**14.010.01** Split samples obtained from any horse shall be secured and made available for further testing in accordance with the following procedures:

**14.010.01A** A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples will then be transferred to a freezer at a secure location approved by the Commission.

**14.010.01B** A freezer for storage of split samples shall be equipped with two hasps or other devices to provide for use of two independent locks. One lock shall be the property of the Commission, and one lock shall be the property of a representative of the group representing a majority of the horsemen at a race meeting. The locks shall be closed and locked so as to prevent access to the freezer at all times except as specifically provided by these rules.

**14.010.01C** A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

**14.010.01D** When a freezer used for storage of split samples is opened, it shall be attended by both a representative of the Commission and the owner, trainer, or designee. A log shall be maintained that is used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, the time the freezer was closed, and to verify that both locks were secured prior to and after opening of the freezer.

**14.010.01E** Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the official veterinarian or a designated Commission representative.

**14.010.02** A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the Commission. The request must be made in writing and delivered to the stewards or Commission within 1 week after the trainer receives notice of the findings from the primary lab. A split sample will be shipped as soon as packaging can be coordinated between the trainer, a representative of the group representing a majority of the horsemen at the race meeting and a Commission representative.

**14.010.03** The owner or trainer requesting testing of a split sample is responsible for the cost of shipping and testing. Failure of the owner, trainer, or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample-testing laboratory must be accredited by the Racing Medication and Testing Consortium (RMTC) and approved by the Commission. If a Racing

Medication and Testing Consortium (RMTC) reference laboratory will accept split samples, that laboratory must be included among the laboratories approved for split sample testing.

**14.010.04** Prior to opening the split sample freezer, the Commission shall provide a split sample chain of custody verification form that provides a place for recording the following information and such other information as the official veterinarian may require. The form must be fully completed during the retrieval, packaging, and shipment of the split sample.

Split sample chain of custody form requirements:

**14.010.04A** The date and time the sample is removed from the split sample freezer.

**14.010.04B** The sample number.

**14.010.04C** The address where the split sample is to be sent.

**14.010.04D** The name of the carrier and the address where the sample is to be taken for shipment.

**14.010.04E** Verification of each specific step of the split sample packaging in accordance with the recommended procedure.

**14.010.04F** Verification of the address of the split sample laboratory on the split sample package.

**14.010.04G** Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier

**14.010.04H** The date and time custody of the sample is transferred to the carrier. Verification of retrieval of the split sample from the freezer.

**14.010.04I** The date and time custody of the sample is transferred to the carrier.

**14.010.04J** Verification of addresses, phone numbers, etc. to send testing results to both the trainer and the Commission.

**14.010.05.** A split sample shall be removed from the split sample freezer by a Commission representative in the presence of a representative of the horsemen's association.

**14.010.06.** The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the Commission, in accordance with the packaging procedures recommended by the Commission. A form must be signed by both the horsemen's representative and the Commission representative to confirm the packaging of the split sample. The exterior of the package must be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

**14.010.07** The package containing the split sample must be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the Commission-approved laboratory selected by the owner or trainer.

**14.010.08** The owner, trainer or designee and the Commission representative must inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

**14.010.09** The split sample chain of custody verification form must be completed and signed by the representatives of the Commission and the owner or trainer or their representative. A Commission representative shall keep the original and provide a copy for the owner or trainer.

### **14.011 THRESHOLD LEVELS**

**14.011.01** The official blood serum or plasma and urine samples may contain only the following therapeutic medications, their metabolites or analogues and shall not exceed the threshold concentrations specified in this rule:

<u>(a) Acepromazine</u>	<u>10 nanograms per milliliter as 2-(1- hydroxyethyl) promazine sulfoxide (HEPS) in urine</u>
<u>(b) Albuterol</u>	<u>1 nanograms per milliliter of urine</u>
<u>(c) Betamethasone</u>	<u>10 picograms per milliliter of plasma or serum</u>
<u>(d) Butorphanol</u>	<u>300 nanograms per milliliter of total butorphanol in urine or 2 nanograms of free butorphanol per milliliter per milliliter of plasma or serum</u>
<u>(e) Cetirizine</u>	<u>6 nanograms per milliliter of plasma or serum</u>
<u>(f) Cimetidine</u>	<u>400 nanograms per milliliter of plasma or serum</u>
<u>(g) Clenbuterol</u>	<u>140 picograms per milliliter of urine or Level of Detection in plasma or serum</u>
<u>(h) Dantrolene</u>	<u>100 picograms per milliliter of 5-hydroxydantrolene in plasma or serum</u>
<u>(i) Detomidine</u>	<u>2 nanograms per milliliter of carboxydetomidine in urine or 1 nanograms per milliliter of detomidine in blood</u>
<u>(j) Dexamethasone</u>	<u>5 picograms per milliliter of plasma or serum</u>
<u>(k) Dimethyl Sulfoxide</u>	<u>(DMSO) 10 micrograms per milliliter of plasma or serum</u>
<u>(l) Furosemide</u>	<u>100 nanograms per milliliter of plasma or serum</u>
<u>(m) Flunixin</u>	<u>5 nanograms per milliliter of plasma or serum</u>
<u>(n) Glycopyrrolate</u>	<u>3 picograms per milliliter plasma or serum</u>
<u>(o) Guaifenesin</u>	<u>12 nanograms per milliliter of plasma or serum</u>
<u>(p) Ketoprofen</u>	<u>2 nanograms per milliliter of plasma or serum</u>
<u>(q) Isoflupredone</u>	<u>100 picograms per milliliter of plasma or serum</u>
<u>(r) Lidocaine</u>	<u>20 picograms per milliliter of total 30H-lidocaine in plasma</u>
<u>(s) Mepivacaine</u>	<u>10 nanograms total hydroxymepivacaine per milliliter of urine or above Level of Detection of mepivacaine in plasma</u>
<u>(t) Methocarbamol</u>	<u>1 nanograms per milliliter of plasma or serum</u>
<u>(u) Methylprednisolone</u>	<u>100 picograms per milliliter of plasma or serum</u>
<u>(v) Omeprazole</u>	<u>10 nanograms per milliliter of urine</u>
<u>(w) Phenylbutazone</u>	<u>.3 micrograms per milliliter of plasma or serum</u>

<u>(x) Prednisolone</u>	<u>1 nanograms per milliliter of serum or plasma</u>
<u>(y) Procaine Penicillin</u>	<u>25 nanograms per milliliter of plasma or serum *Must be reported to the commission if used*</u>
<u>(z) Triamcinolone Acetonide</u>	<u>100 picograms per milliliter of plasma or serum</u>
<u>(aa) Xylazine</u>	<u>0.01 nanograms per milliliter of plasma or serum</u>

**Notwithstanding the foregoing, the presence of more than one of Phenybutazone, Flunixin, or Ketoprofen in the post-race serum or plasma sample is not permitted.**

#### **14.012 ANDROGENIC ANABOLIC STEROIDS (AAS)**

**14.012.01** No AAS shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances boldenone, nandrolone, and testosterone at concentrations less than the indicated thresholds.

**14.012.02** Concentrations of these AAS shall not exceed the following free not conjugated steroid concentrations in plasma or serum:

- (a) Boldenone – A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex.
- (b) Nandrolone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings; male horses other than geldings shall be tested for Nandrolone in urine.
- (c) Testosterone – A confirmatory threshold not greater than 100 picograms/milliliter for fillies, mares, and geldings.

**14.012.03** Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

- (a) Boldenone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings.
- (b) Nandrolone - A confirmatory threshold not greater than 1 nanograms/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5 $\alpha$ -estrane-3 $\beta$ , 17 $\alpha$ -diol) of urine in male horses other than geldings.
- (c) Testosterone – A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not greater than 20 nanograms/milliliter in geldings

**14.012.04** Any other AAS are prohibited in racing horses.

**14.012.05** The sex of the horse must be identified to the laboratory on all pre-race and postrace samples designated for AAS testing.

**14.012.06** If an anabolic steroid has been administered to a horse in order to assist in its recovery from illness or injury, that horse may be placed on the Veterinarian's List in order to monitor the concentration of the drug or metabolite in urine or blood. After the concentration has fallen below the designated threshold for the administrated AAS, the horse is eligible to be removed from the list.

## Chapter 15 CLAIMING RACES

### 15.001 PURPOSE:

**15.001.01** To establish the procedures and requirements for the claiming of horses and the conduct of claiming races.

### 15.002 GENERAL PROVISIONS

**15.002.01** A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

**15.002.02** Title to a claimed horse will be vested in the successful claimant at the time the horse becomes a “starter”. The successful claimant will then become the owner of the horse whether it be alive or dead, sound or unsound, or injured at any time during the race or after. However, the successful claimant may request on the claim blank at the time the claim is made that the horse be tested for the presence of equine infectious anemia via a Coggins test, or other tests as approved by the official veterinarian. Should this test prove positive, it will be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test is the responsibility of the successful claimant, unless the test proves positive, wherein the owner(s) of the horse at the time of entry are responsible.

**15.002.03** An in-foal filly or mare will be eligible to be entered into a claiming race only if the following conditions are fulfilled:

- (a) Full disclosure of such fact is on file with the racing secretary and such information is posted in his/her office;
- (b) The stallion service certificate has been deposited with the racing secretary's office;
- (c) All payments due for the service in question and for any live progeny resulting from that service are paid in full; and
- (d) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

**15.002.04** The stewards may set aside and order rescission of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 15.005 of this chapter, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules. Should the stewards order a rescission of a claim, they may make a further order for the costs of maintenance and care of the horse, as they may deem appropriate.

## 15.003 CLAIMING OF HORSES

**15.003.01** Any horse starting in a claiming race is subject to be claimed for its entered price by any:

- (a) licensed owner;
- (b) holder of a valid open claim certificate; or
- (c) licensed authorized agent acting on behalf of an eligible claimant.

**15.003.02** Every horse claimed must race for the account of the original owner, but title to the horse will be transferred to the claimant at the time the horse becomes a “starter”. The successful claimant will become the owner of the horse, regardless of whether it is alive or dead, sound or unsound, or injured during or after the race.

## 15.004 CLAIM CERTIFICATE (Open Claim)

**15.004.01** An applicant for an open claim certificate must submit the following information to the Commission:

- (a) an application for an owner's license, (partnership and stable name if required) and the required fee;
- (b) the name of a licensed trainer, or person eligible to be a licensed trainer, who will assume the care and responsibility for any horse claimed; and
- (c) an Authorization for Release of Information and any additional information needed by the Commission or Board of Stewards.

**15.004.02** The stewards will issue an open claim certificate upon satisfactory evidence that the applicant is eligible for an owner's license.

**15.004.03** The open claim certificate will expire on December 31 of the year of issue upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first.

## 15.005 PROHIBITIONS

**15.005.01** A person will not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

**15.005.02** A person will not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

**15.005.03** A person will not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

**15.005.04** A person will not claim a horse or enter into any agreement to have a horse claimed on behalf of an ineligible or undisclosed person.

**15.005.05** A person will not claim more than one horse in a race. No authorized agent will submit more than one claim for the same horse in a race, even if the authorized agent represents several owners.

## 15.006 PROCEDURE FOR CLAIMING

**15.006.01** To make a valid claim for a horse, an eligible person **must**:

- (a) Have an amount equal to the amount of the claim, plus all transfer fees and applicable taxes **deposited with the horsemen's bookkeeper**;
- (b) Complete a written claim on a form furnished by the Commission **which must include the signature of the Owner or Authorized agent**.
- (c) Identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;
- (d) Place the completed claim form inside a sealed envelope furnished by the Commission;
- (e) Have the time of day that the claim is entered recorded on the envelope; and
- (f) Have the envelope deposited in the claim box no later than 10 minutes prior to post time of the race for which the claim is entered.

**15.006.02** After a claim has been deposited in the claim box it is irrevocable by the claimant and **will** not be withdrawn from the claim box until the time designated by the stewards.

**15.006.03** Officials and employees of the association **will** not provide any information as to the filing of claims until after the race has been run, **unless it is** necessary for processing of the claim.

**15.006.04** If more than one claim is filed on a horse, the successful claim **will** be determined by lot conducted by the Stewards or their representatives.

**15.006.05** Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse **will** be solely responsible for the determination of the sex or age of any horse claimed.

## 15.007 TRANSFER OF CLAIMED HORSES

**15.007.01** Upon successful claim, the stewards **will** issue an authorization of transfer of the horse from the original owner to the claimant **on forms approved by the commission**. Copies of the transfer authorization **will** be forwarded to and maintained by the Stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper **will** immediately debit the claimant's account for the claiming price, applicable taxes, and transfer fees.

**15.007.02** A person **will** not refuse to deliver a properly claimed horse to the successful claimant.

**15.007.03** Transfer of possession of a claimed horse **will** take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the original trainer or his/her representative **will** maintain physical custody of the claimed horse and **will** observe the testing procedure and sign the test sample tag. The successful claimant or his/her representative **will** also accompany the horse to the test barn **and shall not take possession of the horse until testing has been completed**.

**15.007.04** When a horse is claimed out of a claiming race, the horse's engagements are transferred, with the horse, to the claimant.

**15.007.05** Any horse claimed will not be sold or transferred wholly or in part to anyone for thirty (30) days thereafter, except in another claiming race. No claimed horse will remain under the control or management of its former owner or trainer for the same thirty-day period listed above unless the horse is reclaimed. A horse claimed at a Nebraska track will not be permitted to race at a track outside of Nebraska until after the close of the meeting at which it was claimed. A horse claimed at a Nebraska track will not be prevented from entering or running at another Nebraska track. Provided, however, that in the thirty (30) day period after the date of claiming, the Commission may permit or ratify the sale or transfer in whole or in part, of a horse claimed at a Nebraska meeting upon a petition by the owner of record or their authorized agent. Provided, further, that when a horse is claimed at a recognized meeting under rules which are at variance with this rule, title to such horse will be recognized in Nebraska to follow the rule of the meeting under which it was claimed. A horse claimed at a Nebraska track may run at a stake race in another state approved by the Stewards.

## Chapter 16 TYPES OF RACES

### 16.001 SWEEPSTAKES

**16.001.01** An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may be altered or withdrawn before the time of closing.

**16.001.02** Any stakes race may be canceled by the Association, prior to the actual running thereof, with no obligation except the return of all paid fee's incident thereto.

**16.001.03** A horse will not become a starter for a race unless any stakes or entrance money payable in respect to that race has been paid in full.

**16.001.04** The nominator is liable for the entrance money or stake, and the death of a horse or a mistake in its entry when eligible, does not release the subscriber or transferee from liability for stakes, and the entrance money to a purse that is run off will not be returned on the death of a horse or its failure to start for any cause whatever.

**16.001.05** Entrance and declarations for sweepstakes close during or on the eve of a race meeting at the office of the racing secretary, unless there is a notice of change to this policy.

**16.001.06** When an hour for closing is designated, entries and declarations for sweepstakes cannot be received afterwards. If an hour is not designated, they may be mailed or emailed until midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

**16.001.07** If a miscarriage of any entry or declaration in a stake is alleged, satisfactory proof that it was mailed or emailed must be presented within a reasonable time before the race starts or it will not be received.

**16.001.08** In a stakes race, the number of horses to compete will be limited to the horses duly nominated but not in excess of the number of stalls in the starting gate.

### 16.002 PRODUCE RACES

**16.002.01** In naming an entry for a produce race, the produce is entered by specifying the dam and sire or sires.

**16.002.02** If a mare entered in a produce race drops her foal before January 1, or if she has a dead foal, has more than one foal, or is barren, the entry of such mare is void.

**16.002.03** Entrance money will be returned if the nominator or transferee notifies the association of proper grounds for voiding an entry in a produce race, in advance of the date specified for such notice in the conditions of the race.

**16.002.04** Weight allowances for the produce of untried horses must be claimed at the time of entry, and said allowances are not lost by subsequent winnings, unless so provided by the conditions of the race.

**16.002.05** Failure to register a foal will not exempt the nominator from any liability he may incur under the Rules.

**16.002.06** The nominator in produce races or races in which nominations of foals are made will be released from further liability regarding the entry by filing an acceptable transfer of entry prior to the declaration date stated in the conditions of the race.

### **16.003 WALK OVER**

**16.003.01** If, at the time for saddling, only one (1) horse has weighed out, that horse will be ridden past the judges' stand, go to the post, and then move over the course. That horse will be deemed the winner.

**16.003.02** In case of a walkover, the horse walking over will receive:

**16.003.02A** In overnight race, one-half (1/2) of the winner's rightful share of first money.

**16.003.02B** In stakes races, one-half (1/2) of the winner's rightful share of the added money and all fees.

**16.003.03** In case of a walkover, any money or prize that would have been awarded to a horse placed second or lower in the race due to the condition of the race shall be paid to the winner, if contributed by the owners. If a donation is from any other source, it will not be awarded.

**16.003.04** In case of walkover of two or more horses and the horses move over the course, these rules apply as to the division of the purse.

### **16.004 POSTPONEMENT AND CANCELLATION OF RACES**

**16.004.01** If a racing program is abandoned, in whole or in part, any purse race involved must be declared off.

**16.004.02** If a racing program is abandoned, in whole or in part, any stakes race involved may be postponed or declared off.

**16.004.03** If a stakes race is declared off, all subscriptions and fees paid in connection with that race will be refunded.

### **16.005 DEAD HEATS**

**16.005.01** When two or more horses run a dead heat, the dead heat will not be run off.

**16.005.02** The owners of the horses in a dead heat will divide equally the purse money involved.

**16.005.03** If a dead heat is for first place, each horse will be considered a winner of the amount received according to the preceding rule.

**16.005.04** When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses that run the dead heat will be deemed to have run a dead heat for first place. However, in any instance in which a dead heat is run, the dead heat may only be split when an objection is made to one or more of the horses involved in a dead heat and sustained.

**16.005.05** Owners will divide all money and other prizes won. If they cannot reach an agreement as to who will receive a cup, plate, or other indivisible prize, they will draw lots for it in the presence of one or more of the stewards.

**16.005.06** In case of a dead heat for "win" each of the horses involved is a winner for the purpose of these rules.

## CHAPTER 17 RACE PROCEDURES

### 17.001 PADDOCK TO POST

**17.001.01** In every race, each horse will carry a conspicuous saddlecloth number and a head number, if applicable, corresponding to his number on the official program. In the case of any entry, each horse making up the entry will carry the same saddlecloth number with a distinguishing letter. For example, 1-1A or 1X. In the case of the field, the horses comprising the field will carry an individual number, i.e. 10, 11, 12 and so on or 10, 10A, 10B.

**17.001.02** Horses must be in the paddock at least fifteen (15) minutes before post time.

**17.001.03** Every horse must be saddled in their assigned stall in the paddock unless special permission has been granted by the stewards to saddle elsewhere.

**17.001.04** After entering the track, not more than twelve (12) minutes will be used for the parade of the horses to the post unless there is an unavoidable delay. After passing the stand once, horses will be allowed to break formation and canter, warm up, or go as they please to the post unless otherwise directed by the stewards. When horses have reached the post, they will be started without unnecessary delay.

**17.001.05** After the horses enter the track, no jockey will dismount, and no horse will receive the care of an attendant without the consent of the Stewards or the starter. The horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

**17.001.06** In the case of an accident to a jockey, his or her mount, or equipment, the Stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay. Jockeys may be permitted to dismount, and all horses may be attended to during the delay.

**17.001.07** If a jockey is thrown on the way from the paddock to the post, the horse may be remounted, return to the point where the jockey was thrown and then proceed over the route of the parade to the post. The Horse must carry its assigned weight from the paddock to the post and from the post to the finish.

**17.001.08** If the jockey is injured on the way to the post to the extent another jockey is required to fill in for the injured jockey, the horse will be taken to the paddock, another jockey obtained and then ridden over an uncompleted portion of the exact route of the parade to the starting point.

**17.001.09** If a horse leaves the course while moving from the paddock to the post, he will return to the course at the nearest practical point to that at which he left the course and complete his parade to the post from the point at which he left the course.

**17.001.10** No person shall willfully delay the arrival of a horse at the post.

**17.001.11** Only the jockey may strike a horse in assisting it in getting it to start. No person other than the rider, the starter, or the assistant starter will be permitted to shout or otherwise assist the horse in getting a start. The gate judge, track veterinarian, or others may assist at the direction of the starter.

## 17.002 POST TO FINISH

**17.002.01** When clear, a horse may be taken to any part of the course, but no horse will cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation.

**17.002.02** During a race, no jockey is permitted to willfully strike, strike at, or touch another jockey or another jockey's horse or equipment. Additionally, no jockey is permitted to jostle another horse for the purpose of interfering with that horse or jockey.

**17.002.03** No jockey will unnecessarily cause his or her horse to shorten his stride in an attempt to influence the stewards to disqualify another horse.

**17.002.04** Unless the stewards determine that a foul did not affect the outcome of a race, the stewards will place the horse who has committed a foul behind any horses that, in their judgment, were fouled by the offending horse, or they may place the offending horse last.

**17.002.05** All horses will be ridden out in every race and must carry their assigned weight from post to finish.

All horses and jockeys are expected to give their best efforts in races in which they ride 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 stewards and Commission.

**17.002.06** If two (2) horses run representing one interest in any race, each will give his best effort. The practice of declaring to win with one or the other of such horses will not be allowed.

**17.002.07** If a horse becomes crippled or otherwise obviously unable to finish (broken bone or profuse bleeding or any other equally disabling condition) during the running of a race, the horse will be dismounted, unsaddled, and removed from the track without passing the stand. Furthermore, under no circumstances will a horse be euthanized on the track or in the presence of the public without the permission of the Stewards.

**17.002.07A** If a bone is broken, horse will remain on the track until horse ambulance arrives and removes it.

### **17.002.07B**

**17.002.07C** If the euthanization of an animal is determined necessary, it may only be done by the track veterinarian through the use of a needle.

**17.002.07D** The Jockey will not be required to weigh in.

## **17.02.08 Use of the Riding Crop**

- (1) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race will do so only in a manner consistent with exerting his/her best efforts to win.
- (2) In all races where a jockey will ride without a riding crop, an announcement of such fact will be made over the public-address system.
- (3) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, will be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
- (4) Riding crops will not be used on two-year-old horses before April 1 of each year.
- (5) The riding crop will only be used for safety, correction and encouragement, and be appropriate, proportionate, professional, taking into account the rules of racing herein. However, stimulus provided by the use of the riding crop will be monitored so as not to compromise the welfare of the horse.
- (6) Use of the riding crop varies with each particular horse and the circumstances of the race.
- (7) Except for extreme safety reasons all riders should comply with the following when using a riding crop:
  - (A) Initially showing the horse the riding crop, and/or tapping the horse with the riding crop down, giving it time to respond before using it;
  - (B) Having used the riding crop, giving the horse a chance to respond before using it again;
    1. “Chance to respond” is defined as one of the following actions by a jockey:
      - a Pausing the use of the riding crop on their horse before resuming again; or
      - b Pushing on their horse with a rein in each hand, keeping the riding crop in the up or down position; or
      - c Showing the horse the riding crop without making contact; or
      - d Moving the riding crop from one hand to the other.
  - (C) Using the riding crop in rhythm with the horse’s stride.
- (8) When deciding whether or not to review the jockey’s use of the riding crop, Stewards will consider how the jockey has used the riding crop during the course of the entire race, with particular attention to its use in the closing stages, and relevant factors such as:
  - (A) The manner in which the riding crop was used
  - (B) The purpose for which the riding crop was used

- (C) The distance over which the riding crop was used and whether the number of times it was used was reasonable and necessary (D) Whether the horse was continuing to respond.
- (9) In the event there is a review by the Stewards, use of the riding crop may be deemed appropriate in the following circumstances:
  - (A) To keep a horse in contention or to maintain a challenging position prior to what would be considered the closing stages of a race,
  - (B) To maintain a horse's focus and concentration,
  - (C) To correct a horse that is noticeably hanging,
  - (D) To assure the horse maintains a straight course, or (E) Where there is only light contact with the horse.
  - (E) Prohibited use of the riding crop includes but are not limited to striking a horse:
  - (F) On the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
  - (G) During the post parade or after the finish of the race except when necessary to control the horse;
  - (H) Excessively or brutally causing welts or breaks in the skin;
  - (I) When the horse is clearly out of the race or has obtained its maximum placing;
  - (J) Persistently even though the horse is showing no response under the riding crop; or
  - (K) Striking another rider or horse.
- (10) After the race, horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings will be reported to the Stewards.
- (11) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

### **17.003 POST POSITION**

**17.003.01** Post position will be determined by lot in the presence of the racing secretary or a deputy.

**17.003.02** Beginning from the inside rail, the horses will take their positions at the post according to the numerical order resulting from public drawing.

## CHAPTER 18 ILLEGAL AND CORRUPT PRACTICES

**18.001** Any persons guilty of any dishonest or corrupt practices, fraudulent acts, or other conduct detrimental to racing, including bookmaking or touting, will be will be prohibited from any area of the licensed racetrack enclosure under the jurisdiction of the Commission and it is the duty of the Stewards and those authorized by them to exclude or remove any person who has committed such offenses. This rule applies to any offenses committed within or outside of the licensed racetrack enclosure.

**18.002** No one is permitted to accept or offer to accept on his or her own behalf or on behalf of another, any bribe, gift or gratuity in any form.

**18.003** Bribes, gifts, and gratuities in any form are prohibited.

**18.004** No person will offer or receive money or any other benefit for declaring an entry from a race, or for not entering a race.

**18.005** No person will conspire with any other person for the commission of any corrupt or fraudulent practice in relation to racing nor will he or she commit such an act on his or her own account.

**18.006** No person is permitted to make a bet for the account of any jockey.

**18.007** No one is permitted to offer to or give a jockey any money or other benefit in relation to a race, unless said the person is the owner or trainer of the horse ridden by the jockey in said race.

**18.008** Any person who has a conviction for illegal possession, sale, or giving away narcotics, or a other controlled substance in Nebraska or any other jurisdiction, may be denied a license and/or excluded from the licensed racetrack enclosure.

**18.009** No person may have in his/her possession any products or materials of any kind which are used or intended to be used in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled dangerous substance while they are within the licensed racetrack enclosure.

**18.010** Any interference with the testing procedure is forbidden.

**18.011** The trainer is the absolute insurer of the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug or medication, or other prohibited substance, in such horses. A positive test for a prohibited substance, or the presence of permitted medication in excess of maximum allowable levels, as reported by an official laboratory approved by the commission will be prima facie evidence of a violation of this rule.

**18.011.01** Owners, assistant trainers, grooms, practicing veterinarians, or any other persons who cared for, or attended the horse may also be held responsible for any violation of this rule and be subject to the same penalties as the trainer.

**18.011.02** Upon a finding of a violation, the stewards will consider the currently established "Uniform Classification Guidelines for Foreign Substances", and the "Recommended Penalties promulgated by the Association of Racing Commissioners International (RCI) Drug Testing Standards and Practices (DTSP) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The stewards will also consult with the official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and if the violation was a result of the administration of a therapeutic medication as documented in a practicing veterinarian's report received per Chapter 14.001.02 et. seq. Provided, however, that in the event a majority of the Stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the Stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the Commission with specific recommendations for further action. In determining if there are mitigating circumstances surrounding a medication violation the stewards will consider at least the following:

- (1) The past record of the trainer in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug use;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (7) The purse of the race;
- (8) Whether the drug found was one for which the horse was receiving a treatment as determined by the Veterinarian Report(s), and;
- (9) Whether there was any suspicious betting pattern in the race.

**Association of Racing Commissioners International**  
**Drug Testing Standards and Practices Program**  
**Uniform Classification Guidelines for Foreign Substances**  
**(as Revised March 2020)**

The following outline describes the types of substances placed in each category. This list will be publicly posted in the offices of the official veterinarian and the racing secretary.

**Class 1**

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and all United State Drug Enforcement Agency (DEA) scheduled I and many schedule II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

**Class 2**

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;
- (b) Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and
- (h) Snake venoms and other biologic substances, which may be used as nerve blocking agents.

**Class 3**

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);
- (b) A local anesthetic which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

- (c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;
- (d) Primary vasodilating/hypotensive agents;
- (e) Potent diuretics affecting renal function and body fluid composition; and
- (f) Anabolic and/or androgenic steroids and other drugs

#### **Class 4**

This category is comprised primarily of therapeutic medications routinely used in racehorses. These may influence performance but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

- (a) Non-opiate drugs which have a mild central analgesic effect;
- (b) Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects
  - (i) Drugs used solely as topical vasoconstrictors or decongestants
  - (ii) Drugs used as gastrointestinal antispasmodics
  - (iii) Drugs used to void the urinary bladder
  - (iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
- (c) Antihistamines that do not have a significant CNS depressant effect This does not include H1 blocking agents, which are listed in Class 5);
- (d) Mineralocorticoid drugs;
- (e) Skeletal muscle relaxants;
- (f) Anti-inflammatory drugs--those that may reduce pain as a consequence of their anti-inflammatory actions, which include:
  - (i) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs);
  - (ii) Corticosteroids (glucocorticoids); and
  - (iii) Miscellaneous anti-inflammatory agents.
- (g) Less potent diuretics;
- (h) Cardiac glycosides and antiarrhythmics including:
  - (i) Cardiac glycosides;
  - (ii) Antirrythmic agents (exclusive of lidocaine, bretylium and propanolol); and
  - (iii) Miscellaneous cardiotonic drugs.
- (i) Topical Anesthetics--agents not available in injectable formulations;
- (j) Antidiarrheal agents; and
- (k) Miscellaneous drugs including:
  - (i) Expectorants with little or no other pharmacologic action;
  - (ii) Stomachics; and
  - (iii) Mucolytic agents.

#### **Class 5**

Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain anti-allergenic drugs. The anticoagulant drugs are also included.

**Association of Racing Commissioners International Drug Testing Standards and Practices  
Program  
Recommended Penalties (as Revised September 2020)**

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty.

**For A Licensed Trainer:**

- A. First Offense:** Minimum one-year suspension absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension; and

A minimum fine of \$10,000 or 10% of total purse, whichever is greater, absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of the purse, whichever is greater; and

May further be referred to the Commission for any further action deemed necessary by the Commission.

- B. Second lifetime offense in any jurisdiction:** Minimum three-year suspension absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period; and

A minimum fine of \$25,000 or 25% of the total purse, whichever is greater, absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of the purse, whichever is greater; and

May be referred to the Commission for any further action deemed necessary by the Commission.

- C. Third lifetime offense in any jurisdiction:** Minimum five-year suspension absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period; and

A minimum fine of \$50,000 or 50% of the total purse, whichever is greater, absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$100,000 or 100% of the purse, whichever is greater; and

May be referred to the Commission for any further action deemed necessary by the Commission.

**For a Licensed Owner:**

- A. First Offense:** Disqualification and loss of the purse; and

The horse shall be placed on the veterinarian’s list for 180 days and must pass a commission-approved examination before that horse is deemed eligible to be entered in a

race.

**B. Second Lifetime offense in Owner's stable in any jurisdiction: Disqualification and loss of the purse; and**

The horse shall be placed on the veterinarian's list for 180 days and must pass a commission-approved examination before being deemed eligible to be entered in a race.

**C. Third lifetime offense in owner's stable in any jurisdiction: Disqualification, loss of the purse, and a \$50,000 fine; and**

The horse shall be placed on the veterinarian's list for 180 days and it must pass a commission-approved examination before being deemed eligible to be entered in a race; and

Referral to the commission with a recommendation of a suspension for a minimum of 90 days.

**The following are recommended penalties for violations due to the presence of a drug carrying Category "B" penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in NSRC 18.025.**

**Licensed Trainer:**

**A. First Offense: Minimum 15-day suspension absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum 60-day suspension; and**

A minimum fine of \$500, absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1000.

**B. Second offense in a 365-day period in any jurisdiction: A minimum 30-day suspension absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of an 180-day suspension; and**

A minimum fine of \$1000, absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500.

**C. Third offense in a 365-day period in any jurisdiction: A minimum of 60-days suspension absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension;**

A minimum fine of \$2,500, absent any mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5000 or 5% of the purse, whichever is greater; and

May be referred to the Commission for any further action deemed necessary by the Commission.

**Licensed Owner:**

**A. First offense:** Disqualification and loss of the purse, in the absence of any mitigating circumstances; and the horse must pass a commission-approved examination before being deemed eligible to be entered in a race.

**B. Second offense in a 365-day period in owner's stable in any jurisdiction:**  
Disqualification and loss of the purse, in the absence of any mitigating circumstances; and

The horse must pass a commission-approved examination before being deemed eligible to be entered in a race.

**C. Third offense in a 365-day period in the owner's stable in any jurisdiction:**  
Disqualification, loss of purse, and in the absence of any mitigating circumstances, a \$5000 fine; and

The horse shall be placed on the veterinarian's list for 45 days and must pass a commission-approved examination before being deemed eligible to be entered in a race.

**The following are recommended penalties for violations due to the presence of a drug carrying a Category "C" penalty and overages for permitted furosemide. For NSAID's violation penalties see NSRC Rule 18.011.03**

**Licensed Trainer:**

**A. First offense in a 365-day period in any jurisdiction for Furosemide (>100 ng/ml) and/or no furosemide when identified as administered:** Minimum of a written warning up to a maximum fine of \$500

**B. Second offense in a 365-day period in any jurisdiction for Furosemide (>100 ng/ml) and/or no furosemide when identified as administered:** Minimum of a written warning up to a maximum fine of \$750.

**C. Third offense in a 365-day period in any jurisdiction for Furosemide (>100 ng/ml) and/or no furosemide when identified as administered:** Minimum fine of \$500 up to a maximum fine of \$1000.

**D. First offense in a 365-day period in any jurisdiction for Phenylbutazone (>0.3 mcg/ml), Flunixin (>5.0 ng/ml), Ketoprofen (>2.0 ng/ml), and Class C violations:** Minimum fine of \$1000, absent mitigating circumstances.

- E. Second offense in a 365-day period in any jurisdiction for Phenylbutazone (>0.3 mcg/ml), Flunixin (>5.0 ng/ml), Ketoprofen (>2.0 ng/ml), and Class C violations: Minimum fine of \$1,500 and a 15-day suspension absent any mitigating circumstances.
- F. Third offense in a 365-day period in any jurisdiction for Phenylbutazone (>0.3 mcg/ml), Flunixin (>5.0 ng/ml), Ketoprofen (>2.0 ng/ml), and Class C violations: Minimum fine of \$2,500 and a 30-day suspension absent any mitigating circumstances.

**Licensed Owner:**

- A. First offense in a 365-day period in any jurisdiction for Furosemide (>100 ng/ml) and/or no furosemide when identified as administered: The horse may be required to pass a commission-approved examination before being eligible to run.  
:
- B. Second offense in a 365-day period in any jurisdiction for Furosemide (>100 ng/ml) and/or no furosemide when identified as administered: The horse may be required to pass a commission-approved examination before being eligible to run.  
:
- C. Third offense in a 365-day period in any jurisdiction for Furosemide (>100 ng/ml) and/or no furosemide when identified as administered: Disqualification and loss of purse. The horse must pass a commission-approved examination before being eligible to run.
- D. First offense in a 365-day period in any jurisdiction for Phenylbutazone (>0.3 mcg/ml), Flunixin (>5.0 ng/ml), Ketoprofen (>2.0 ng/ml), and Class C violations: Disqualification and loss of the purse in the absence of any mitigating circumstances. The horse must pass a commission-approved examination before being deemed eligible to run in a race.
- E. Second offense in a 365-day period in any jurisdiction for Phenylbutazone (>0.3 mcg/ml), Flunixin (>5.0 ng/ml), Ketoprofen (>2.0 ng/ml), and Class C violations: Disqualification and the loss of the purse in the absence of any mitigating circumstances. If the offense is with the same horse as the first offense, the horse shall be placed on the veterinarian's list for 45 days and then must pass a commission-approved examination before being deemed eligible to run in a race.
- F. Third offense in a 365-day period in any jurisdiction for Phenylbutazone (>0.3 mcg/ml), Flunixin (>5.0 ng/ml), Ketoprofen (>2.0 ng/ml), and Class C violations: Disqualification and loss of the purse in the absence of any mitigating circumstances. A minimum of \$5000 fine. If this offense is with the same horse as the first or second offense, the horse shall be placed on the veterinarian's list for 60 days and must pass a commission-approved examination before being deemed eligible to run in a race.

If the licensee has had no further violations within a two-year period, any penalty due to an overage in the 2.0-5.0 category will be expunged from the licensee's record for penalty purposes.

The recommended penalty for a violation involving a drug that carries a **Category "D"** penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions

**18.011.02A** The penalties imposed by the stewards may include license suspension up to the duration of the meet plus 60 days, fines not to exceed the statutory limit of \$1500, and forfeiture of any purse, trophy, or other prize.

**18.011.02B** The stewards may consider mitigating circumstances and evidence and impose a lesser penalty.

**18.011.02C** The stewards may consider aggravating circumstances and evidence and past violations and impose greater penalties.

**18.011.02D** The stewards may recommend a penalty in excess of their authority. In such cases, the stewards may impose the maximum penalty authorized and refer the matter to the Commission with specific recommendations for further action. Such referral and recommendations **must** be included in the stewards' ruling.

### **18.011.03 Phenylbutazone Violations**

The level of phenylbutazone **will** not exceed 5.0 ug/ml in blood or plasma samples taken following a race.

**18.011.03A** If laboratory testing indicates a level of phenylbutazone greater than 5.0 ug/ml and less than 15.0 ug/ml in blood or plasma, the trainer and any other persons found to be responsible for the test result may be fined in an amount that **will** not exceed \$1,000.

**18.011.03B** If laboratory testing indicates a level of phenylbutazone equal to or greater than 15.0 ug/ml in blood or plasma, the trainer and any other persons found to be responsible for the test result may, be fined in an amount not to exceed \$1000, and the horse may be disqualified.

### **18.011.04 RESERVED**

### **18.011.05 Furosemide Violations**

**18.011.05A** A horse administered furosemide pursuant to Chapter 14.003 and subsections thereto must have a detectable concentration of furosemide in the post races serum, plasma, or urine sample.

**18.011.05B** The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific

gravity will not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantification of furosemide in serum or plasma will be performed.

**18.011.05C** Quantification of furosemide in serum or plasma will be performed when the specific gravity of the corresponding urine sample is measured below 1.010, and when a urine sample is not obtained in post-race sampling. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.

**18.011.05D** A violation of the maximum amount of furosemide allowed in a post-race serum or plasma sample may be considered a violation of Chapter 18.010.

**18.012** The owner or owners of any horse or horses disqualified by reason of violation of Chapter 18.010 and 18.011 and subsections thereto will be denied or will promptly return any part of the purse or sweepstakes or any trophy or prize received and the same will be redistributed by the stewards.

**18.012.01** If a positive laboratory report has not been issued to the stewards or the Commission within sixty (60) days after the date of a race, the owner of the horse will be legally entitled to the purse, and it will be conclusively presumed that the conditions precedent to such entitlement have been met.

**18.012.02** Positive laboratory reports issued more than sixty (60) days following the date of a race may be considered as evidence of violations of rules. The stewards or the Commission may impose penalties in such cases not including a disqualification of a horse or a redistribution of a purse.

**18.013** No person will improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor will he counsel or in any way aid or abet any such tampering.

**18.014** No jockey's attendant is permitted to make a bet on any race, nor place a bet for anyone else.

**18.015** No person is permitted to make a handbook or a foreign book within a licensed racetrack enclosure.

**18.016** No person will solicit for or bet with a handbook or a foreign book within a licensed racetrack enclosure.

**18.017** Any person having been convicted of a felony within the past ten (10) years may be denied a license and/or excluded from the licensed racetrack enclosure at any time during the conduct of a race meeting. Any person having been convicted of any gambling or bet messenger service offense within the past five (5) years may be denied a license and/or excluded from the licensed racetrack enclosure during the conduct of a race meeting.

**18.018** No person who is known as or reputed to be a bookmaker, involved in the operation of a bet messenger service, a vagrant within the meaning of the statutes of Nebraska, a fugitive from justice, or whose conduct at a race track in Nebraska or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interests of racing, will be permitted enter or remain upon the premises of this Commission or any licensed racetrack enclosure, and such persons may be removed immediately. Local law enforcement may also be contacted.

**18.018.01** No person or persons will transmit the results of any race or the pari-mutuel payoffs of such race to any other person or persons outside of the racing enclosure by any means whatsoever.

**18.018.02** This rule shall not be construed as prohibiting a newspaper from printing such results or information as news, or any television or radio station from telecasting or broadcasting such results or information as news in compliance with Chapter 2.004.02 through 2.004.03.

**18.019** The use of hypodermic needles is forbidden, except when used by a veterinarian licensed by the State of Nebraska, veterinarian technicians approved by the Official Veterinarian who are working in the test barn, or the written permission of either the stewards or the Commission. Possession of such equipment or any accessories thereto is forbidden unless permission has been secured from the stewards or the Commission, in writing.

**18.020** No electrical, ~~or~~ mechanical, or other device designed to increase or decrease the speed of a horse, (or that would tend so to do) other than the ordinary riding crop, shall be possessed by any one or applied by anyone to a horse at any time within the licensed racetrack enclosure during a meeting whether in a race or otherwise.

**18.021** Any person who injects, gives, uses or administers any drugs, analgesics or medicines of any kind whatsoever, or allows or permits any other person to give, inject, or administer any drugs, analgesics, or medicines of any kind whatsoever, to a horse within twenty-four (24) hours prior to the running of a horse in a race, must give notice to the Stewards of the use, injection, or administering of said drugs analgesics or medicines prior to the running of said race. The only exception permitted is the race day administration of furosemide (Salix) by a veterinarian licensed by the commission.

**18.022** No person is permitted to have any of the following in their possession within the licensed racetrack enclosure:

- (1) any buzzers, batteries, electrical or mechanical or other appliances that might affect the speed or actions of a horse; or
- (2) any drugs or stimulants, hypodermic syringes, or hypodermic needles, or similar instruments which may be used for injecting, except 1) veterinary technicians under the supervision of the official veterinarian in collection of samples; and 2) licensed veterinarians may have in their possession such drugs, syringes or other instruments or appliances required in general veterinary practice.

## **18.023 – PROHIBITED PRACTICES**

The following are prohibited within the licensed racetrack enclosure:

**18.023.01** The possession and/or use of a drug, substance, or medication for which a recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity or racing.

**18.023.02** The possession or use of a drug, substance, or medication that has not been approved by the United States Food and Drug Administration (FDA) for any use (in human or animal) is forbidden without prior permission of the commission.

**18.023.03** The possession and/or use of the following substances or of blood doping agents, including but not limited to those listed below, is prohibited within the licensed racetrack enclosure:

1) Aminoimidazole carboxamide ribonucleotide (AICAR)

2) Darbepoetin

3) Equine Growth Hormone

4) Erythropoietin

5) Hemopure ®

6) Myo-Inositol Trispyrophosphate (ITPP)

7) Oxyglobin®

8) Thymosin beta

9) Venoms or derivatives thereof

- (a) Aminoimidazole carboxamide ribonucleotide (AICAR)
- (b) Darbepoetin
- (c) Equine Growth Hormone
- (d) Erythropoietin
- (e) Hemopure ®
- (f) Myo-Inositol Trispyrophosphate (ITPP)
- (g) Oxyglobin®
- (h) Thymosin beta
- (i) Venoms or derivatives thereof

**18.023.04** The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy is not be permitted unless the following conditions are met:

- (a) Any treated horse is not permitted to race for a minimum of 10 days following treatment;
- (b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines are limited only to veterinarians licensed to practice by the Commission;
- (c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines within the licensed racetrack enclosure must be registered with and approved by the Commission or its designee before use;
- (d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave

Therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

**18.023.05** The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his/her designee.

**18.023.06** Administering bisphosphonates to any horse under four years of age is prohibited. Horses four years of age or older may be administered bisphosphonate only under the following circumstances:

- (1) Only bisphosphonates that are FDA approved for use in the horse may be administered according to label requirements and only for diagnosed cases of navicular disease.
- (2) If a horse is older than four years of age is administered bisphosphonates, the Regulatory Authority must be notified within 24 hours of the administration, and the horse will be placed on the Veterinarian's list for no fewer than six months after the last administration. Prior to returning to racing, the horse must work for the Official Veterinarian.
- (3) If any bisphosphonate is detected in a post-race test sample and the Commission has not received timely notification of an administration, the detection will be treated as the finding of an illicit substance. The horse will be placed on the Veterinarian's List for no fewer than six months from the date of sampling and be required to work for the official veterinarian.

## **18.24 Non-Steroidal Anti-Inflammatory Drugs (NSAID's) Stacking Violations**

**18.24.01** The presence of more than one NSAID will constitute a NSAID stacking violation as follows:

**A. Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:**

**1. Two non-steroidal anti-inflammatory drugs are both found at individual levels determined to exceed the following restrictions:**

- a. Flunixin - 20 nanograms per milliliter of plasma or serum;**
- b. Ketoprofen - 2 nanograms per milliliter of plasma or serum;**
- c. Phenylbutazone - 5 micrograms per milliliter of plasma or serum; or**
- d. any other non-steroidal anti-inflammatory drugs - detected at any concentration.**

**2. Three or more non-steroidal anti-inflammatory drugs are all found at individual levels determined to exceed the following restrictions:**

- a. Flunixin - 3 nanograms per milliliter of plasma or serum;**
- b. Ketoprofen - 1 nanograms per milliliter of plasma or serum;**
- c. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum; or**

d. any other non-steroidal anti-inflammatory drugs - detected at any concentration.

**B. A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:**

1. Any one substance found in excess of the restrictions listed in subsection (A)(1) above in combination with any one of the following substances at levels below, but in excess of the following levels:

- a. Flunixin - 3 nanograms per milliliter of plasma or serum;
- b. Ketoprofen - 1 nanogram per milliliter of plasma or serum; or
- c. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum.

**C. A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:**

1. Any combination of two of the following non-steroidal anti-inflammatory drugs are found in excess of:

- a. Flunixin - 3 nanograms per milliliter of plasma or serum;
- b. Ketoprofen - 1 nanogram per milliliter of plasma or serum; or
- c. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum.

## Chapter 19 OBJECTIONS AND PROTESTS

**19.001** The Stewards will take foul riding into consideration and may entertain reports from other racing officials from the meeting regardless of whether or not a formal complaint is made, otherwise no complaint will be considered which comes from any person other than the jockey, trainer or owner of the horse interfered with.

**19.002** If a horse is disqualified for a foul under these rules, any other horse in the race owned wholly or in part by the same interest may also be disqualified. No refunds.

**19.003** If a horse leaves the track after the "start", it must be disqualified.

**19.004** A protest, except a protest involving fraud, may be filed only by the owner (or that owner's authorized agent), trainer, or jockey of the horse engaged in the race in which the protest is made or by a racing official of the meeting.

**19.005** A protest involving fraud may be made by any person.

**19.006** If a claimed horse has a posterior digital (heel nerve) neurectomy and has not complied with requirements in Chapter 9.001.28, the claimant has forty-eight (48) hours from the start of the race from which said horse was claimed, to file a protest that must be supported by an affidavit made by a licensed veterinarian and the official veterinarian.

**19.007** A protest, except a claim growing out of anything that happened during the running of the race, must be made in writing, signed by the complainant, and filed with the Stewards before post time of the race in question.

**19.008** To merit consideration, any protest over the status of an alleged maiden must be made in writing, signed by the complainant, and filed with the stewards before the programmed post time for the race in which the protested maiden is scheduled to run.

**19.009** A protest against a horse engaged in a race and filed with the stewards not less than sixty (60) minutes before post time, will receive immediate consideration; and in absence of proof within thirty (30) minutes of post time that the horse is qualified to start, the horse may be disqualified from starting.

**19.010** To merit consideration, a protest against the programmed distance of a race must be made at least thirty (30) minutes before post time for that race, but nothing in the rule affects the rule for races run at a wrong distance as compared with the official program.

**19.011** To merit consideration, a protest against a horse based on anything that happened during a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

**19.012** If a jockey wishes to protest something that happened during a race, they must notify the Clerk of Scales or outrider in accordance with procedures specified by the Stewards at the race meet.

The Stewards may specify either of the following procedures for the filing of a protest by a jockey:

- 1) The jockey will be required to report to a designated outrider on the backstretch immediately following the running of a race. The outrider will be in constant radio communications with the Stewards following each race and will immediately notify the Stewards of any protest by a jockey.

An owner or trainer may protest something that happened during a race and will be provided with adequate means of contacting the Stewards promptly following a race. An owner or trainer may advise the Stewards that a discussion with their jockey is needed before a decision concerning a claim of foul is made, in which case the Stewards will take no official action until a reasonable opportunity for such discussion and decision has been allowed. It will be the trainers and owners' responsibility to be aware of the means available to them for timely communication with the Stewards following a race.

- 2) The jockey is required to notify the Clerk of Scales of any protest immediately upon his arrival at the scales for weighing in. It is each jockey's responsibility to know which procedure is being used for reporting a protest.

**19.013** Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest will be held by the horsemen's bookkeeper until the protest is finally determined or directed in writing by the Commission.

**19.014** A protest may not be withdrawn without permission from the Stewards.

**19.015** No person will make a frivolous protest.

**19.016** The Stewards will keep a record of all protests and complaints and of any action taken thereon; and will report both daily to the Commission.

**19.017** "Objection or inquiry light" will be flashed at the direction of any one of the three (3) Stewards.

## Chapter 20 - WEIGHTS

### 20.001 WEIGHT PENALTIES AND ALLOWANCES

**20.001.01** The following weights are carried when they are not stated in the condition of the race:

#### SCALE OF WEIGHTS FOR AGE

AGE	JAN.	MAR.	FEB.	APR.	MAY	JUNE	JULY	NOV.	AUG.	SEPT.	OCT.	DEC.
-----	------	------	------	------	-----	------	------	------	------	-------	------	------

ONE-HALF MILE												
2	-	-	-	-	-	-	105	108	111	114		
3	117	119	121	123	125	126	127	128	129			
4	130	130	130	130	130	130	130	130	130	130	130	130
5 & UP	130	130	130	130	130	130	130	130	130	130	130	130

SIX FURLONGS												
2	-	-	-	-	-	-	102	105	108	111		
3	114	117	119	121	123	125	126	127	128	129		
4	129	130	130	130	130	130	130	130	130	130	130	130
5 & UP	130	130	130	130	130	130	130	130	130	130	130	130

ONE MILE												
2	-	-	-	-	-	-	96	99	102			
3	107	111	113	115	117	119	121	122	123			
4	127	128	127	126	126	126	126	126	126	126	126	126
5 & UP	128	128	127	126	126	126	126	126	126	126	126	126

ONE MILE AND ONE-QUARTER												
2	-	-	-	-	-	-	-	-	-	-	-	-
3	101	107	111	113	116	118	120	121	122			
4	125	127	127	126	126	126	126	126	126	126	126	126
5 & UP	127	127	127	126	126	126	126	126	126	126	126	126

ONE MILE AND A HALF												
2	-	-	-	-	-	-	-	-	-	-	-	-
3	98	104	108	111	114	117	119	121	122			
4	124	126	126	126	126	126	126	126	126	126	126	126
5 & UP	126	126	126	126	126	126	126	126	126	126	126	126

TWO MILES												
2	-	-	-	-	-	-	-	-	-	-	-	-
3	96	102	106	109	112	114	117	119	120			
4	124	126	126	126	126	125	125	124	124			
5 & UP	126	126	126	126	126	125	125	124	124			

**20.001.02** In races of intermediate lengths, the weights for the shorter distance are carried.

**20.001.03** In all races except handicaps and races where the conditions expressly state to the contrary, fillies that are two years old are allowed 3 lbs., and fillies and mares that are three years old and upward are allowed 5 lbs., before September 1 and 3 lbs. afterwards.

**20.001.04** The minimum weight in all overnight races for horses aged two and up is 112 pounds, subject to the sex of the jockey and apprentice allowance. This rule does not apply to handicaps or to races written for horses aged three and up.

## **20.002 WEIGHING OUT**

**20.002.01** The specified jockeys will be weighed out for their respective mounts in each race by the clerk of the scales not less than twenty (20) minutes before the time fixed for the race. In case of a substitution of a rider after the original rider has been weighed out, the substitute rider will be weighed as promptly as possible and the name and weight of the substitute publicly announced and posted.

**20.002.02** No jockey may carry overweight in excess of 2 lbs., without permission of the owner or trainer. There are no circumstances this over-weight will exceed 7 lbs. If a jockey is overweight in excess of 2 lbs., the owner or trainer may substitute another rider without liability for a jockey fee.

**20.002.03** If the overweight is more than two (2) pounds in excess of the weight the horse is to carry (the owner or trainer consenting) the jockey will declare the amount of overweight to the clerk of the scales at least forty-five (45) minutes before the time appointed for the race, and the clerk will report the overweight to the board of stewards and be announced publicly. Failure on the part of any jockey to comply with the rule will be reported to the Stewards.

**20.002.04** If an underweight in excess of 2 lbs. is discovered after wagering has commenced, and before the actual start of the race, the horse will be scratched and complete refund will be made.

**20.002.05** None of the following items should be included in a jockey's weight: riding crop or riding crop substitute, head number, bridle, bit, reins, blinkers, number cloth, safety helmet, safety vest or chamois.

**20.002.06** The association will provide the only attendants who will be permitted to assist jockeys in weighing out or at any other time while in the performance of their duties. The attendants will be licensed by the Commission.

## **20.003 WEIGHING IN**

**20.003.01** After a race has been run, the jockey will pull up his or her mount, ride promptly to the winner's circle, and be weighed in by the clerk of the scales.

**20.003.02** If a jockey is prevented from riding the mount to the judge's stand because of an accident or of illness either to himself or herself or to the horse, the jockey may walk or be carried to the scales, or be excused by the stewards from weighing in. In no case will the jockey ride a horse bleeding profusely or crippled by a broken bone past the public stands, nor attempt to lead him or have him led past the public stands.

**20.003.03** Except by permission of the stewards, every jockey must unsaddle the horse he or she has ridden upon returning to the placing judge's stand. No person is permitted to touch said horse except by his bridle.

**20.003.04** No person will assist a jockey in removing the equipment that is to be included in the jockey weight from the horse, except by the permission of the stewards.

**20.003.05** No person is permitted to throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his or her weight.

**20.003.06** Each jockey will carry all pieces of equipment when weighing out over the scales when weighing in. Thereafter it may be handed to the attendant.

**20.003.07** Each jockey must weigh in and weigh out at the same weight. If the jockey's weight comes in short of the correct weight by more than two (2) pounds when weighing out, his or her mount may be disqualified and the purse may be redistributed accordingly, and the jockey may be subject to action by the stewards. Disqualification of a horse due to a shortage of weight on weighing in will not affect the official order of finish for purposes of parimutuel payoffs.

**20.003.08** No jockey will weigh in at more than two (2) pounds over the weight at which he or she weighed out, except insofar as said weight may have been affected by the elements.

## Chapter 21 WINNINGS

### 21.001 ESTIMATED WINNINGS

**21.001.01** The winnings of a horse in a stakes race are computed on the value of the gross earnings.

**21.001.01A** In estimating foreign winnings, the current rate of exchange at the time of such winnings will be adopted.

**21.001.01B** The value of prizes not in money will not be estimated in the value of the race to the winner.

**21.001.01C** In estimating the value of a series of races in which an extra sum of money or prize is won by winning two or more races, the extra sum or prize will be estimated in the last race by which it was finally won.

**21.001.02** In all races, should there be any surplus from entries or subscriptions over the advertised value, it will be paid to the winner, unless stated in the conditions that it will go to the other horses in the race.

**21.001.02A** If the condition of a race provides that a bonus or prize be paid to a person in the forfeit list, the bonus or prize will be applied to the payment of the forfeits and the balance, if any, will be paid to the person.

**21.001.03** Winnings during the year will include all prizes from the 1st of January preceding to the time appointed for the start, and will apply to all races in any country; and winnings will include dividing, walking over or receiving forfeit.

**21.001.03A** Winnings of a fixed sum is understood to be winning it in one race, unless specified to the contrary.

**21.001.04** In a case of walk over (except in selling races), one-half (1/2) of the money offered to the winner is given.

**21.001.04A** When a walk over is the result of arrangement by owners of horses engaged, no portion of the added money nor any other prize need be given.

**21.001.05** Any money or prize which is to go to the horse placed second or any lower place in the race by the conditions, shall be distributed as follows, if the winner has walked over or no horse has been so placed:

**21.001.05A** If part of the stake, it will go to the winner; or

**21.001.05B** If a separate donation from the association or any other source, it will not be given at all; or

**21.001.05C** If entrance money for the race, it will go to the Association.

**21.001.06** If a race never runs or is voided, stakes, forfeits, and entrance money will be returned.

**21.001.07** A race may be declared void if no qualified horse covers the course according to rule.

## 21.002 WINNINGS

**21.002.01** The value of a race to a winner will be computed on the value of the gross earnings.

**21.002.02** Winnings will include all monies won in all countries, up to the time appointed for the start, including walkovers and forfeits, but no second and third place money nor the value of a prize not in money.

**21.002.03** Winnings during a year will be reckoned from January 1 of that year.

**21.002.04** The winner or non-winner of a specified sum means the winner or non-winner of a single race of that value to the winner, unless otherwise stated.

**2.002.05** In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount will not be included in the horses' winnings until the series, or that part of it, is finished and the extra amount is definitely ascertainable. When ascertained, it will be added to the race that determines the extra amount.

**21.002.06** Foreign winnings will be estimated based on the normal rate of exchange prevailing on the day of the winning.

**21.002.07** The entrance money and starting and subscription fees, in every race will go to the winner unless otherwise provided in its conditions, but if a race is not run for any reason, all stakes or entrance money, if any paid, will be returned.

## Chapter 22 WORK OUT

**22.001** Every licensee exercising a horse must correctly state the distance over which such horse is to be worked and the point on the racetrack where it is intended to start the workout upon the request of the clocker or assistant clockers employed to calculate the workout times. The licensee must identify the horse if requested to do so. The clocker or assistant clockers are prohibited from wagering on the outcome of any race conducted by the Association at that licensed racetrack enclosure. The clocker or assistant clockers will file a report listing the date, track condition, name of each horse worked, and the time and distance for each workout with the Commission on a daily basis.

**22.002** Permission must be obtained from a steward to exercise a horse, on the track, between races.

**22.003** Repealed.

**22.004** No horse will be allowed to start which has not raced in ninety (90) days unless it has one recorded workout that is approved by the Stewards. A horse which has not started within the last twelve (12) months will not be allowed to start unless it has two (2) recorded workouts. A horse which has never started must have two (2) recorded workouts, one of which must be from the starting gate and the horse must be approved by the starter. Individual tracks may establish a more restrictive rule, subject to the approval of the Commission.

## Chapter 23 PARI-MUTUEL WAGERING

### 23.001 GENERAL PROVISIONS

#### 23.001.01 GENERAL

Each association shall conduct wagering in accordance with applicable laws and this title. Such wagering will employ a pari-mutuel system approved by the Commission. The totalisator will be tested prior to and during the meeting as required by the Commission.

#### 23.001.02 RECORDS

(1) The association will maintain records of all wagering so the Commission may review such records for any contest including the opening line, subsequent odds fluctuation, price calculations, and the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records will be retained by each association and safeguarded for not less than one year following the last day of the race meet. The Commission may require that certain of these records be made available to the wagering public at the completion of each contest.

(2) The association will provide the Commission with a list of the licensed individuals who have access to pari-mutuel records and equipment at the wagering facility.

#### 23.001.03 PARI-MUTUEL TICKETS

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the association and is evidence of the obligation of the association to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The association will cash all valid winning tickets when such are presented for payment during the course of the meeting, and for one full year immediately following date of purchase.

To be deemed a valid pari-mutuel ticket, such ticket must have been issued by a pari-mutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as to:

- (a) The name of the association operating the meeting.
- (b) A unique identifying number or code.
- (c) Identification of the terminal at which the ticket was issued.
- (d) A designation of the performance for which the wagering transaction was issued.
- (e) The contest number for which the pool is conducted.
- (f) The type or types of wagers represented.

- (g) The number or numbers representing the betting interests for which the wager is recorded.
  - (h) The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.
- (2) No pari-mutuel ticket recorded or reported as previously paid, cancelled, or non-existent will be deemed a valid pari-mutuel ticket by the association. The association may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid.
- (3) After one full year immediately following the date of purchase, no pari-mutuel ticket is eligible for redemption or payment by any association.

#### **23.001.04 PARI-MUTUEL TICKET SALES AND CANCELLATIONS**

- (1) Pari-mutuel tickets will not be sold by anyone other than an association licensed to conduct pari-mutuel wagering.
- (2) No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no association is responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such contest.
- (3) Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor prior to leaving the seller's window.
- (4) Payment on winning pari-mutuel wagers will be made based on the order of finish as purposely posted and declared "official". Any subsequent change in the order of finish or award of purse money that may result from a subsequent ruling by the Stewards or Commission will in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change will be made to the public.
- (5) The association will have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.
- (6) No pari-mutuel ticket will be sold to any person under twenty-one years of age.
- (7) No pari-mutuel ticket will be sold to a licensed jockey.
- (8) No person or corporation will directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity.
- (9) A procedure that can permit the cancellation of pari-mutuel tickets after the close of wagering may only be used with the prior approval of the

Commission. The Commission may approve the procedure upon compliance with the following:

- (a) The association responsible for contracting for the totalizator services must submit a written request to the Commission at least ten days prior to the adoption of any such procedure. The request must include a detailed explanation of the proposed procedure, the effect that said procedure has on the operation of the totalizator system, and the related policies and procedures that the association has with respect to the responsibility of the pari-mutuel clerks who process the cancellations.
- (b) The period allowed for the cancellation of tickets will be zero seconds (no cancel delay).
- (c) The totalisator company will furnish to the Commission a report specifically identifying the Mutuel clerk, the teller window, the exact time of the close of wagering for that contest, the exact time of the cancellation, the details of the ticket, including: the amount of the wager, the wager type, and the contestant numbers; for each cancellation after the close of wagering for the contest within twenty-four (24) hours of the last contest of each program.
- (d) Cancellation of a pari-mutuel ticket after the close of wagering will be restricted to the tickets sold to the customer at the teller's window immediately prior to the close of wagering.
- (e) Every transaction involving the cancellation of a pari-mutuel ticket after the close of wagering will be accompanied by a written explanation from the pari-mutuel teller, a copy of which will be forwarded to the commission. The explanation will include the circumstances that resulted in the cancellation.

#### **23.001.05 ADVANCE PERFORMANCE WAGERING**

No association will permit wagering to begin more than twelve (12) hours before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Commission.

#### **23.001.06 CLAIMS FOR PAYMENT FROM PARI-MUTUEL POOL**

At a designated location, a written, verified claim for payment from a pari-mutuel pool will be accepted by the association in any case where the association has withheld payment or has refused to cash a pari-mutuel wager. The claim will be made on such form as approved by the Commission, and the claimant will make such claim under penalty of perjury. The original of such claim will be retained by the association for one year.

(1) In the case of a claim made for payment of a mutilated pari-mutuel ticket that does not contain the total imprinted elements required in rule 23.001.03 (1) of these general provisions, the association will make a recommendation to accompany the claim as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

(2) In the case of a claim made for payment on a pari-mutuel wager, the Commission will adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the association, or may deny the claim, or may make such other order, as it may deem proper.

### **23.001.07 PAYMENT FOR ERRORS**

If an error occurs in the payment amounts for pari-mutuel wagers that are cashed or entitled to be cashed, and as a result of such error, the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following will apply:

(1) Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment will be added to the corresponding pool of the next performance. If underpayments are discovered after the close of the meeting, the underpayments will be held in an interest-bearing account approved by the Commission until being added, together with accrued interest, to the corresponding pool of the next meet. If the association does not conduct another race meet, any underpayment plus interest will be held until a written order is received from the Commission specifying a distribution to be included in pari-mutuel pools at one or more other licensed race meets.

(2) In the event the error results in an overpayment to winning wagers, the association will be responsible for such payment.

(3) The pari-mutuel manager will provide the Commission a written report as to the erroneous payments and the specific actions taken pursuant to the above rules.

### **23.001.08 BETTING EXPLANATION**

(1) The rules of racing relative to each type of pari-mutuel pool offered must be available upon request through association representatives. A summary explanation of pari-mutuel wagering and each type of betting pool offered, and a notice as to the availability of the rules of racing relative to pari-mutuel pools, will be published in the program for every wagering performance.

- (2) The individual pari-mutuel pools may be given alternative names by each association, provided prior approval is obtained from the Commission.

### **23.001.09 DISPLAY OF BETTING INFORMATION**

- (1) Approximate odds for Win pool betting will be posted on a "tote board" or other display devices in a manner approved by the Commission within view of the wagering public and updated at intervals of not more than 60 seconds.
- (2) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the Commission.
- (3) Official results and payoffs must be displayed upon each contest being declared official.

### **23.001.10 CANCELLED CONTESTS**

If a contest is cancelled or declared "no contest", refunds will be granted on valid wagers in accordance with these rules.

### **23.001.11 REFUNDS**

- (1) Notwithstanding other provisions of these rules, refunds of the entire pool will be made on:
  - (a) Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than two (2).
  - (b) Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half Twin Quinella pools, first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three (3).
  - (c) Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four (4).
- (2) In all cases when a horse has been excused by the Stewards after wagering has started but before "off-time", all money wagered on the horse so excused will be deducted from the pool and be refunded.
- (3) If a horse is left at the post at "off-time", there will be no refund, but if one horse or more is prevented from, leaving the post at "off-time" because of being locked in the gate, the Starter will immediately notify the Stewards, who in turn

will immediately notify the manager of the pari-mutuel department. The Starter will be the sole judge of what horse or horses are prevented from starting in a race through failure of the gates to open.

- (4) If no horse finishes in a race, all money wagered on that race will be refunded.
- (5) If two or more horses in a race are coupled on the same Mutuel ticket, there will be no refunds, unless all of the horses so coupled are excused before "off-time", or all of the horses so coupled are left locked in the gate.
- (6) If a race is declared off by the Stewards after wagering begins on that race, all money wagered on that race will be refunded.
- (7) Authorized refunds will be paid upon presentation and surrender of the affected pari-mutuel ticket.

#### **23.001.12 COUPLED ENTRIES AND MUTUEL FIELDS**

- (1) Contestants coupled in wagering as a coupled entry or Mutuel field will be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or Mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or Mutuel field will remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or Mutuel field are scratched, then tickets on such betting interests will be refunded, notwithstanding other provisions of these rules.
- (2) For the purpose of price calculations only, coupled entries and Mutuel fields will be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or Mutuel field to determine order of placing. This rule will apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

#### **23.001.13 POOLS DEPENDENT UPON BETTING INTERESTS**

Unless otherwise provided for by the Commission or its designee when the pools are opened for wagering, the association:

- (1) May offer win, place, and show wagering on all contests with two (2) or more betting interests.
- (2) May be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start.

- (3) May be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start.
- (4) May be allowed to prohibit Quinella wagering on any contest with three (3) or fewer betting interests scheduled to start.
- (5) May be allowed to prohibit Quinella Double wagering on any contests with three (3) or fewer betting interests scheduled to start.
- (6) May be allowed to prohibit Exacta wagering on any contest with three (3) or fewer betting interests scheduled to start.
- (7) May prohibit Trifecta wagering on any contest with seven or fewer betting interests scheduled to start.
- (8) May prohibit Superfecta wagering on any contest with seven (7) or fewer betting interests scheduled to start.
- (9) May be allowed to prohibit Twin Quinella wagering on any contests with three (3) or fewer betting interests scheduled to start.
- (10) Will prohibit Twin Trifecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (11) May be allowed to prohibit Show Quinella wagering on any contest with four (4) or fewer betting interests scheduled to start.
- (12) Will prohibit Twin Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (13) May be allowed to prohibit Show Quinella wagering on any contest with four (4) or fewer betting interests scheduled to start.
- (14) The State Steward is authorized to determine if exacta, trifecta, or superfecta should be offered if the number of betting interests scheduled to start is below what is required in subsections (6), (7), and (8) above. The State Steward may cancel any wagering pool at any time before wagering closes if her or she determines that the number of betting interests is insufficient to justify the pool.

### **23.001.14 PRIOR APPROVAL REQUIRED FOR BETTING POOLS**

- (1) An association that desires to offer new forms of wagering must apply in writing to the Commission and receive written approval prior to implementing the new betting pool.
- (2) The association may suspend previously approved forms of wagering with the prior approval of the Commission. Any carryover will be held until the suspended form of wagering is reinstated. An association may request approval of a form of wagering or separate wagering pool for specific performances.

### **23.001.15 CLOSING OF WAGERING IN A CONTEST**

- (1) A Commission representative will close wagering for each contest after which time no pari-mutuel tickets will be sold for that contest.
- (2) The association will maintain, in good order, a system approved by the Commission for closing wagering.

### **23.001.16 COMPLAINTS PERTAINING TO PARI-MUTUEL OPERATIONS**

- (1) When a patron makes a written complaint regarding the pari-mutuel department to an association, the association will immediately issue a complaint report, setting out:
  - (a) The name of the complainant
  - (b) The nature of the complaint
  - (c) The name of the persons, if any, against whom the complaint was made
  - (d) The date of the complaint; and
  - (e) The action taken or proposed to be taken, if any, by the association.
- (2) The association will submit every complaint report to the Commission within 48 hours after the complaint was made.

### **23.001.17 LICENSED EMPLOYEES**

All licensees will report any known irregularities or wrong doings by any person involving pari-mutuel wagering immediately to the Commission and cooperate in subsequent investigations.

### **23.001.18 UNRESTRICTED ACCESS**

The association will permit the Commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the association that relate to pari-mutuel wagering.

### 23.001.19 EMERGENCY SITUATIONS

In the event of an emergency in connection with the pari-mutuel division not covered in these rules, the pari-mutuel manager representing the association will report the problem to the stewards, and the association and the stewards will render a full report to the Commission within 48 hours.

### 23.01.20 THE PARI-MUTUEL MANAGER:

- (a) Will deliver a record showing the amount wagered in each pool, the commission, and the breakage for each race and the totals of each for the day to the Commission at the end of each racing day.
- (b) Will be properly and timely advised by the Racing Secretary on the horses that will compete in the race prior to the beginning of wagering on each race.
- (c) Is responsible for the conduct of the Mutuel employees but is not responsible for their "shorts" or "longs".

Each seller or cashier is responsible to the Pari-mutuel Manager for his or her "shorts" or "longs". Such "shorts" or "longs" are a guide to the Pari-mutuel Manager as to the conduct and character of the employees.

- (d) Will employ only those licensed by the Commission unless by special permission of the Commission.
- (e) Will allow no one to enter the Mutuel Department other than those properly licensed and whose employment requires their presence, except with the specific authorization of the pari-mutuel Manager or the Commission.
- (f) Will sign all license applications for employees of the Pari-mutuel department.
- (g) Will immediately report the discharge or resignation of an employee to the Commission. If a discharge or resignation is related to possible violations of racing rules or state laws, or problems involving the handling or reconciliation of wagers, notice will be accompanied by a report to the Commission concerning the reasons for the action.
- (h) Is responsible for the "odds board" and the information it reflects.

### 23.002 Reserved

## 23.003 SIMULCAST WAGERING

### 23.003.01 DUTIES OF SIMULCAST HOST

- (1) Every host association simulcasting its performance, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast.
- (2) A host association is responsible for content of the simulcast and will use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.
- (3) Unless otherwise permitted by the Commission, every simulcast will contain in its video content a digital display of actual time of day, the name of the host facility from where it emanates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.
- (4) The host association will maintain such security controls including encryption over its uplink and communications systems as directed or approved by the Commission.

### 23.003.02 Duties of Authorized Receiver

- (1) An authorized receiver conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more host associations and with the approval of the Commission.
- (2) An authorized receiver will provide:
  - (a) Adequate transmitting and receiving equipment of acceptable broadcast quality, which will not interfere with the closed-circuit TV system of the host association for providing any host facility patron information.
  - (b) Pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest associations.
- (3) The guest association and all authorized receivers will conduct pari-mutuel wagering pursuant to the applicable Commission rules.
- (4) The Commission may appoint at least one designee to supervise all approved simulcast facilities and may require additional designees as is reasonably necessary for the protection of the public interest.

- (5) Not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests for each day or night, the guest association will initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.
- (6) The guest association will, in conjunction with the host association or associations for which it operates pari-mutuel wagering, provide the Commission with a certified report of its pari-mutuel operations as directed by the Commission.
- (7) Every authorized receiver will file with the Commission an annual report of its simulcast operations and an audited financial statement.

## **23.004 INTERSTATE COMMON POOL WAGERING**

### **23.004.01 GENERAL**

- (1) Upon request, all contracts governing participation in interstate common pools will be submitted to the Commission for approval.
- (2) Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs and breakage but will be held separate for auditing and all other purposes.
- (3) Any surcharges or withholdings in addition to the takeout will only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.
- (4) In determining whether to approve an interstate common pool that does not include the host track, the Commission will consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the Commission.
- (5) The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.
- (6) No contract governing participation in interstate common pools will be approved by the Commission unless it has been approved by the Horsemen's Benevolent and Protective Association, the Nebraska Quarter Horse Racing Association, or the organization representing a majority of horsemen at the sending or receiving Nebraska track. Any objections to a proposed contract will be timely made, or deemed to be waived, and will not be unreasonably withheld.

### **23.004.02 GUEST STATE PARTICIPATION IN INTERSTATE COMMON POOLS**

- (1) With the prior approval of the Commission, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state, or with corresponding pools established by one or more other jurisdictions.
- (2) The Commission may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.
- (3) Where takeout rates in the merged pool are not identical, the net price calculation will be the method by which the differing takeout rates are applied.
- (4) Rules established in the state of the host association designated for a pari-mutuel pool will apply.
- (5) The commission will approve agreements made between the association and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.
- (6) If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the association will make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere; except that, with permission of the Commission, the association may alternatively determine to either pay winning tickets at the payoff prices at the host track, or declare such accepted bets void and make refunds in accordance with the applicable rules.

### **23.004.03 HOST STATE PARTICIPATION IN MERGED POOLS**

- (1) With the prior approval of the Commission, an association licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other states, and may also determine that pari-mutuel pools in guest states be combined with corresponding wagering pools established by it as the host track or comparable wagering pools established by two or more states.
- (2) Where takeout rates in the merged pool are not identical, the net price calculation will be the method by which the differing takeout rates are applied.
- (3) Rules of racing established for races held in this state will also apply to interstate common pools unless the Commission will have specifically otherwise determined.

(4) The Commission will approve agreements made between the association and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(5) Any contract for interstate common pools entered into by the association will contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the association, or if, for any reason, the Commission's or the association's representative determines that attempting to effect transfer of pool data from the guest state may endanger the association's wagering pool, the association will have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

#### **23.004.04 TAKEOUT RATES IN INTERSTATE COMMON POOLS**

(1) To the extent permitted by state law, and with the prior approval of the Commission, an association wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

(2) An association wishing to participate in an interstate common pool may request that the Commission approve a methodology whereby host and guest states with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

#### **23.005 CALCULATION OF PAYOFFS AND DISTRIBUTION OF POOLS**

##### **23.005.01 GENERAL**

(1) All permitted pari-mutuel wagering pools will be separately and independently calculated and distributed. Takeout will be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool will constitute the net pool for distribution as payoff on winning wagers.

(2) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the "profit per dollar".

(3) A "profit split" calculation will be used to determine a unique profit per dollar for each winning betting interest or betting combination when more than one such betting interest or betting combination is entitled to a portion of a pari-mutuel pool, except for those pari-mutuel pools where the rules specify a single price pool.

(4) Each association will distribute to the holders of winning tickets the next lowest multiple of ten cents for each dollar wagered based on the profit per dollar calculation, except in the case of a "minus pool".

(5) A minus pool exists when the profit per dollar calculation is less than ten cents. When a minus pool occurs, the association may distribute \$1.10 for each dollar wagered and will distribute not less than \$1.05 cents for each dollar wagered.

(6) The odds cents not distributed to holders of winning tickets pursuant to rule 23.005.01 subsection (4) and (5) will be referred to as "breakage". Breakage will be retained by the association.

(7) Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

#### **(a) Standard Price Calculation Procedure**

##### **SINGLE PRICE POOL (WIN POOL)**

gross pool	= sum of wagers on all betting interests - refunds
takeout	= gross pool x percent takeout
net pool	= gross pool - takeout
profit	= net pool - gross amount bet on winner
profit per dollar	= profit / gross amount bet on winner
\$1 unbroken price	= profit per dollar + \$1
\$1 broken price	= \$1 unbroken price rounded down to the break point
total payout	= \$1 broken price x gross amount bet on winner
total breakage	= net pool - total payout

##### **PROFIT SPLIT (PLACE POOL)**

Profit is net pool less gross amount bet on all place finishers.

Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

##### **PROFIT SPLIT (SHOW POOL)**

Profit is net pool less gross amount bet on all show finishers.

Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

## (b) Net Price Calculation Procedure

### SINGLE PRICE POOL (WIN POOL)

gross pool = sum of wagers on all betting interests - refunds  
Takeout = gross pool x percent takeout  
\* for each source:  
net pool = gross pool - takeout  
net bet on winner = gross amount bet on winner x (1 - percent takeout)  
total net pool = sum of all sources net pools total  
net bet on winner = sum of all sources  
net bet on winner total profit = total net pool - total net bet on winner  
profit per dollar = total profit / total net bet on winner \$1 unbroken  
base price = profit per dollar + \$1  
\* for each source:  
\$1 unbroken price = \$1 unbroken base price x (1 - percent takeout)  
\$1 broken price = \$1 unbroken price rounded down to the break point  
total payout = \$1 broken price x gross amount bet on winner  
total breakage = net pool - total payout

### PROFIT SPLIT (PLACE POOL)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

### PROFIT SPLIT (SHOW POOL)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

## 23.005.02 WIN POOLS

- (1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to Win on that betting interest.
- (2) The net Win pool will be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:
  - (a) To those whose selection finished first; but if there are no such wagers, then
  - (b) To those whose selection finished second; but if there are no such wagers, then

- (c) To those whose selection finished third; but if there are no such wagers, then
  - (d) The entire pool will be refunded on Win wagers for that contest.
- (3) If there is a dead heat for first involving:
- (a) Contestants representing the same betting interest, the Win pool will be distributed as if no dead heat occurred.
  - (b) Contestants representing two or more betting interests, the Win pool will be distributed as a profit split.

**Table 1: WIN POOL (Standard Price Calculation)**

Sum of Wagers on All Betting Interests =	\$194,230.00
Refunds = Gross	\$ 1,317.00
Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$192,913.00
Percent Takeout = Takeout:	18%
Gross Pool x Percent Takeout = Net Pool:	\$ 34,724.34
Gross Pool - Takeout =	\$158,188.66
Gross Amount Bet on Winner = Profit:	\$ 23,872.00
Net Pool - Gross Amount Bet on Winner = Profit Per Dollar:	\$134,316.66
Profit / Gross Amount Bet on Winner = \$1	\$ 5.6265357
Unbroken Price:	
Profit Per Dollar + \$1 =	\$ 6.6265357

**23.005.03 PLACE POOLS**

- (1) The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.
- (2) The net Place pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) If contestants of a coupled entry or Mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or Mutuel field; otherwise

- (b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then
  - (c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then
  - (d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then
  - (e) The entire pool will be refunded on Place wagers for that contest.
- (3) If there is a dead heat for first involving:
- (a) contestants representing the same betting interest, the Place pool will be distributed as a single price pool.
  - (b) contestants representing two or more betting interests, the Place pool will be distributed as a profit split.
- (4) If there is a dead heat for second involving:
- (a) contestants representing the same betting interest, the Place pool will be distributed as if no dead heat occurred.
  - (b) contestants representing two or more betting interests, the Place pool is divided with one-half (1/2) of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second.

**Table 2: PLACE POOL** (Standard Price Calculation)

Sum of Wagers on All Betting Interests =	\$194,230.00
Refunds = Gross	\$ 1,317.00
Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$192,913.00
Percent Takeout = Takeout:	18%
Gross Pool x Percent Takeout = Net Pool:	\$ 34,724.34
Gross Pool - Takeout =	\$158,188.66
Gross Amount Bet on 1st place finisher =	\$ 23,872.00
Gross amount Bet on 2nd place finisher = Profit:	\$ 12,500.00
Net Pool - Gross Amount Bet on 1st place finisher - Gross Amount Bet on 2nd place finisher = Place Profit:	\$121,816.66
Profit / 2 = Profit Per Dollar for 1st place:	\$ 60,908.33
Place Profit / Gross Amount Bet on 1st place finisher = \$1 Unbroken Price for 1st place:	\$ 2.5514548
Profit Per Dollar for 1st place + \$1 = Profit Per Dollar for 2nd place:	\$ 3.5514548
Place Profit / Gross Amount Bet on 2nd place finisher = \$1 Unbroken Price for 2nd place:	\$ 4.8726664
Profit Per Dollar for 2nd place + \$1 =	\$ 5.8726664

## 23.005.04 SHOW POOLS

(1) The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.

(2) The net Show pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If contestants of a coupled entry or Mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or Mutuel field; otherwise

(b) If contestants of a coupled entry or Mutuel field finished as two of the first three finishers, the profit is divided with two-thirds (2/3) distributed to those who selected the coupled entry or Mutuel field and one-third (1/3) distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool will be refunded on Show wagers for that contest.

(3) If there is a dead heat for first involving:

(a) Two contestants representing the same betting interest, the profit is divided with two-thirds (2/3) distributed to those who selected the first-place finishers and one-third (1/3) distributed to those who selected the betting interest finishing third.

(b) Three contestants representing a single betting interest, the Show pool will be distributed as a single price pool.

- (c) contestants representing two or more betting interests, the Show pool will be distributed as a profit split.
- (4) If there is a dead heat for second involving:
- (a) Contestants representing the same betting interest, the profit is divided with one-third (1/3) distributed to those who selected the betting interest finishing first and two-thirds (2/3) distributed to those who selected the second-place finishers.
  - (b) Contestants representing two betting interests, the Show pool will be distributed as a profit split.
  - (c) Contestants representing three betting interests, the Show pool is divided with one-third (1/3) of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for second.
- (5) If there is a dead heat for third involving:
- (a) Contestants representing the same betting interest, the Show pool will be distributed as if no dead heat occurred.
  - (b) Contestants representing two or more betting interests, the Show pool is divided with two-thirds (2/3) of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for third.

**Table 3: SHOW POOL**  
(Standard Price Calculation)

Sum of Wagers on All Betting Interests = \$ 194,230.00 Refunds = \$ 1,317.00

Gross Pool:

Sum of Wagers on All Betting

Interests - Refunds = \$ 192,913.00

Percent Takeout = 18%

Takeout:

Gross Pool x Percent Takeout = \$34,724.34

Net Pool: Gross Pool - Takeout = \$ 158,188.66

Gross Amount Bet on 1st place finisher = \$ 23,872.00

Gross Amount Bet on 2nd place finisher = \$ 12,500.00

Gross Amount Bet on 3rd place finisher = \$ 4,408.00

Profit:

Net Pool - Gross Amount Bet on

1st place finisher - Gross

Amount Bet on 2nd place  
 finisher - Gross Amount Bet  
 on 3rd place finisher = \$ 117,408.66  
 Show Profit:  
 Profit / 3 = \$ 39,136.22  
 Profit Per Dollar for 1st place:  
 Show Profit / Gross Amount Bet  
 on 1st place finisher = \$ 1.6394194  
 \$1 Unbroken Price for 1st place:  
 Profit Per Dollar for 1st place + \$1 = \$ 2.6394194  
  
 Profit Per Dollar for 2nd place:  
 Show Profit / Gross Amount Bet  
 on 2nd place finisher = \$ 3.1308976  
 \$1 Unbroken Price for 2nd place:  
 Profit Per Dollar for 2nd place + \$1 = \$ 4.1308976  
 Profit Per Dollar for 3rd place:  
 Show Profit / Gross Amount Bet  
 on 3rd place finisher = \$ 8.8784528  
 \$1 Unbroken Price for 3rd place:  
 Profit Per Dollar for 3rd place + \$1 = \$ 9.8784528

**Table 4: SHOW POOL**  
 Single Takeout Rate & Single Betting Source  
 (Net Price Calculation)

Sum of Wagers on All Betting Interests = \$ 194,230.00 Refunds = \$ 1,317.00  
 Gross Pool:

Sum of Wagers on All Betting Interests - Refunds =	\$ 192,913.00
Percent Takeout = Takeout:	18%
Gross Pool x Percent Takeout = Total Net Pool:	\$ 34,724.34
Gross Pool - Takeout =	\$ 158,188.66
Gross Amount Bet on 1st place finisher =	\$ 23,872.00
Net Amount Bet on 1st place finisher =	\$ 19,575.04
Gross Amount Bet on 2nd place finisher =	\$ 12,500.00
Net Amount bet on 2nd place finisher =	\$ 10,250.00
Gross Amount Bet on 3rd place finisher =	\$ 4,408.00
Net Amount Bet on 3rd place finisher = Total Net Bet on Winners:	\$ 3,614.56
Net Amount Bet on 1st place finisher +	
Net Amount Bet on 2nd place finisher +	
Net Amount Bet on 3rd place finisher = Total Profit:	\$ 33,439.60

Total Net Pool - Total Net Bet on Winners = Show Profit:	\$ 124,749.06
Total Profit / 3 = Profit Per Dollar for 1st place:	\$ 41,583.02
Show Profit / Net Amount Bet on 1st place finisher = \$1 Unbroken Base Price for 1st place:	\$ 2.1242879
Profit Per Dollar for 1st place + \$1 = \$1 Unbroken Price for 1st place:	\$ 3.1242879
\$1 Unbroken Base Price for 1st place x (1 - percent takeout) =	\$ 2.5619161
Profit Per Dollar for 2nd place:	
Show Profit / Net Amount Bet on 2nd place finisher = \$1 Unbroken Base Price for 2nd place:	\$ 4.0568800
Profit Per Dollar for 2nd place + \$1 = \$1 Unbroken Price for 2nd place:	\$ 5.0568800
\$1 Unbroken Base Price for 2nd place x (1 - percent takeout) = Profit Per Dollar for 3rd place:	\$ 4.1466416
Show Profit / Net Amount Bet on 3rd place finisher = \$1 Unbroken Base Price for 3rd place:	\$ 11.504310
Profit Per Dollar for 3rd place + \$1 = Unbroken Price for 3rd place:	\$ 12.504310
\$1 Unbroken Base Price for 3rd place x (1 - percent takeout) =	\$ 10.253534

### 23.005.05 DOUBLE POOLS

- (1) The Double requires selection of the first-place finisher in each of two specified contests.
- (2) The net Double pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) As a single price pool to those whose selection finished first in each of the two contests; but if there are no such wagers, then
  - (b) As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then
  - (c) As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then
  - (d) As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then
  - (e) The entire pool will be refunded on Double wagers for those contests.

- (3) If there is a dead heat for first in either of the two contests involving:
- (a) Contestants representing the same betting interest, the Double pool will be distributed as if no dead heat occurred.
  - (b) Contestants representing two or more betting interests, the Double pool will be distributed as a profit split if there is more than one covered winning combination.
- (4) Should a betting interest in the first half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest will be deducted from the Double pool and refunded.
- (5) Should a betting interest in the second half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest will be deducted from the Double pool and refunded.
- (6) Should a betting interest in the second half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest will be allocated a consolation payoff. In calculating the consolation payoff, the net Double pool will be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest will result in a consolation payoff calculated as a profit split.
- (7) If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest", the entire Double pool will be refunded on Double wagers for those contests.
- (8) If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool will be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool will be distributed as a profit split.

**Table 5: DOUBLE POOL**  
(Standard Price Calculation)

Sum of Wagers on All Betting Interests =	\$ 194,230.00
Refunds = Gross	\$ 1,317.00
Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$ 192,913.00
Percent Takeout = Takeout:	18%
Gross Pool x Percent Takeout = Net Pool:	\$ 34,724.34
Gross Pool - Takeout =	\$ 158,188.66
Gross Amount Bet on Winning Combination = Profit:	\$ 23,872.00
Net Pool - Gross Amount Bet on Winning Combination =	\$ 134,316.66
Profit Per Dollar:	
Profit / Gross Amount Bet on Winning Combination = \$1	\$ 5.6265357
Unbroken Price:	
Profit Per Dollar + \$1 =	\$ 6.6265357

**Table 6: DOUBLE POOL  
CONSOLATION PRICING**

Sum of Wagers on All Betting Interests =	\$ 194,230.00
Refunds = Gross	\$ 1,317.00
Pool:	
Sum of Wagers on All Betting Interests - Refunds =	\$ 192,913.00
Percent Takeout = Takeout:	18%
Gross Pool x Percent Takeout = Net Pool:	\$ 34,724.34
Gross Pool - Takeout = Consolation Pool:	\$ 158,188.66
Sum Total Amount Bet on winner of the first contest with all second contest betting interests = \$1 Consolation Unbroken Consolation Price:	\$ 43,321.00
Net Pool / Consolation Pool =	\$ 3.6515468
\$1 Consolation Broken Price =	\$ 3.65
Amount Bet on winner of the first contest with scratched betting interests:	\$ 1,234.00
Consolation Liability:	
\$1 Consolation Broken Price x (Amount Bet on the winner of the first contest with scratched betting interests) = Adjusted Net Pool:	\$ 4,504.10

Net Pool - Consolation Liability =	\$ 153,684.56
Gross Amount Bet on the Winning Combination = Profit:	\$ 23,872.00
Adjusted Net Pool - Gross Amount Bet	
on the Winning Combination =	\$ 129,812.56
Profit Per Dollar:	
Profit / Gross Amount Bet	
on the Winning Combination = \$1	\$ 5.4378586
Unbroken Price:	
Profit Per Dollar + \$1 =	\$ 6.4378586

### 23.005.06 PICK 3 POOLS

- (1) The Pick 3 requires selection of the first-place finisher in each of three specified contests.
- (2) The net Pick Three pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
  - (b) As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
  - (c) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
  - (d) The entire pool will be refunded on Pick 3 wagers for those contests.
- (3) If there is a dead heat for first in any of the three contests involving:
  - (a) Contestants representing the same betting interest, the Pick 3 pool will be distributed as if no dead heat occurred.
  - (b) Contestants representing two or more betting interests, the Pick 3 pool will be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- (4) Should a betting interest in any of the three Pick Three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection will be the betting interest with the lowest program number. The totalisator will produce reports showing each of the wagering combinations with substituted betting interests that became winners as a result of the substitution, in addition to the normal winning combination.
- (5) If all three Pick Three contests are cancelled or declared

"No contest", the entire pool will be refunded on Pick 3 wagers for those contests.

- (6) If one or two of the Pick 3 contests are cancelled or declared "no contest", the Pick 3 pool will remain valid and will be distributed in accordance with subsection 2 of this rule.

### **23.005.07 PICK (N) POOLS**

- (1) The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The association must obtain written approval from the Commission concerning the scheduling of Pick (n) contests, the designation of one of the methods prescribed in Part (2), and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Commission.
- (2) The Pick (n) pool will be apportioned under one of the following methods:
  - (a) Method 1. Pick (n) with Carryover: No Minor Pool: The net Pick (n) pool and carryover, if any, will be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder will be added to the carryover.
  - (b) Method 2. Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, will be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish.

If there are, no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share will be added to the carryover.

- (c) Method 3. Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.
- (d) Method 4. Pick (n) with Minor Pool and No Carryover:

The major share of the net Pick (n) pool will be distributed to those who selected the first-place finisher in the greatest number of pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) contests, the minor share of the net Pick (n) pool will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

- (e) Method 5. Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool will be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool will be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in the second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool will be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.
- (f) Method 6. Pick (n) With Carryover and Payout to Unique Ticket and No Minor Pool. The net Pick (n) pool and carryover, if any, will be distributed as a single price pool to those with a unique ticket that selected the first-place finisher in each of the Pick (n) contests based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool will be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder will be added to the carryover.

(1) A unique ticket will be defined as meeting any of the following conditions:

- a) The total amount wagered on one and only one winning combination selecting the first-place finisher in each of the Pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager;

b) There is only one combination selecting the first-place finisher in each of the Pick (n) contests, based upon the official order of finish, on a ticket that has a unique serial number assigned by the tote company that issued the winning ticket but the total amount wagered is equal to a multiple of the minimum allowable wager and the total amount wagered is not equal to the minimum allowable wager solely because each combination on such ticket was wagered at a multiple of the minimum allowable wager;

c) There is more than one combination selecting the first-place finisher in each of the Pick (n) equal to the minimum allowable wager and all such winning combinations are on one ticket that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of a wagering interest being scratched and replaced with the post time favorite;

d) There is more than one combination selecting the first-place finisher in each of the Pick (n) equal to the minimum allowable wager and all such winning combinations are on one ticket that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of a dead heat;

e) There is more than one combination selecting the first-place finisher in each of the Pick (n) equal to the minimum allowable wager and all such winning combinations are on one ticket that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of there is a surface change after the Pick (n) pool has closed and as a result the race is a "Win All"; or

f) There is more than one combination selecting the first-place finisher in each of the Pick (n) equal to the minimum allowable wager or a multiple thereof and all such winning combinations are on one ticket that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of some combination of (b), (c), (d) and (e) above.

(3) If there is a dead heat for first in any of the Pick (n) contests involving:

(a) Contestants representing the same betting interest, the Pick (n) pool will be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the Pick (n) pool will be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, will be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection will be the betting interest with the lowest program number. The totalisator will produce reports showing each of the wagering combinations with substituted betting interests that became winners as a result of the substitution, in addition to the normal winning combination.

(5) The Pick (n) pool will be cancelled and all Pick (n) wagers for the individual performance will be refunded if:

(a) At least two contests included as part of a Pick 3 are cancelled or declared "no contest".

(b) At least three contests included as part of a Pick 4, Pick 5 or Pick 6 are cancelled or declared "no contest".

(c) At least four contests included as part of a Pick 7, Pick 8 or Pick 9 are cancelled or declared "no contest".

(d) At least five contests included as part of a Pick 10 are cancelled or declared "no contest".

(6) If at least one contest included as part of a Pick (n) is cancelled or declared "no contest", but not more than the number specified in subsection 5 of this rule, the net pool will be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution will include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.

(7) The Pick (n) carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Pick (n) carryover, will be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.

(8) A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Commission. The request must

contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(9) Should the Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool will be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover will be designated for distribution on a specified date and performance only under the following circumstances:

- (a) Upon written approval from the Commission as provided in subsection 8 of this rule.
- (b) Upon written approval from the Commission when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.
- (c) On the closing performance of the meet or split meet.

(10) If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the Commission. The Pick (n) carryover plus accrued interest will then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Commission.

(11) With the written approval of the Commission, the association may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited unless such data is publicly displayed on a racetrack's video feed or tote board. This will not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(13) The association may suspend previously approved Pick (n) wagering with the prior approval of the Commission. Any carryover will be held until the suspended Pick (n) wagering is reinstated. An association may request approval of a Pick (n) wager or separate wagering pool for specific performances.

**Table 7: PICK 7 POOL  
Multiple Takeout Rates & Multiple Betting Sources  
(Net Price Calculation)**

Percent	Gross Amt. Net		Net Amt.		Bet on Win.
	Takeout	Pool	Bet on Win.	Pool	
Source 1:	16%	\$ 190,000.00	\$ 44.00	\$ 159,600.00	\$ 36.96
Source 2:	18.5%	\$ 10,000.00	\$ 18.00	\$ 8,150.00	\$ 14.67
Source 3:	21%	\$ 525,730.00	\$ 124.00	\$ 415,326.70	\$ 97.96
TOTALS:		\$ 725,730.00	\$ 186.00	\$ 583,076.70	\$ 149.59

**Total Profit:**

Total Net Pool - Total Net Bet  
on the Winning Combination = \$582,927.11

Profit Per Dollar:

Total Profit / Total Net Bet  
on the Winning Combination = \$3,896.8321

\$1 Unbroken Base Price:

Profit Per Dollar + \$1 = \$3,897.8321

\$1 Unbroken Price for Source 1:

\$1 Unbroken Base Price

x (1 - Percent Takeout) = \$ 3,274.1789

\$1 Unbroken Price for Source 2:

\$1 Unbroken Base Price

x (1 - Percent Takeout) = \$ 3,176.7331

\$1 Unbroken Price for Source 3:

\$1 Unbroken Base Price

x (1 - Percent Takeout) = \$ 3,079.2873

**23.005.08 QUINELLA POOLS**

- (1) The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.
- (2) The net Quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) If contestants of a coupled entry or Mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish; otherwise
  - (b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

- (c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then
  - (d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
  - (e) The entire pool will be refunded on Quinella wagers for that contest.
- (3) If there is a dead heat for first involving:
  - (a) Contestants representing the same betting interest, the Quinella pool will be distributed to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish.
  - (b) Contestants representing two betting interests, the Quinella pool will be distributed as if no dead heat occurred.
  - (c) Contestants representing three or more betting interests, the Quinella pool will be distributed as a profit split.
- (4) If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool will be distributed as if no dead heat occurred.
- (5) If there is a dead heat for second involving contestants representing two or more betting interests, the Quinella pool will be distributed to wagers in the following precedence, based upon the official order of finish:
  - (a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
  - (b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
  - (c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
  - (d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

- (e) The entire pool will be refunded on Quinella wagers for that contest.

### **23.005.09 QUINELLA DOUBLE POOLS**

- (1) The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.
  - (a) If a coupled entry or Mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise
  - (b) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then
  - (c) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then
  - (d) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
  - (e) The entire pool will be refunded on Quinella Double wagers for those contests.
- (2) The net Quinella Double pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) If a coupled entry or Mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise
  - (b) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then
  - (c) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then
  - (d) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
  - (e) The entire pool will be refunded on Quinella Double wagers for those contests.
- (3) If there is a dead heat for first in either of the two Quinella Double contests involving:
  - (a) Contestants representing the same betting interest, the Quinella Double pool will be distributed to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish for that contest.
  - (b) Contestants representing two betting interests, the Quinella Double pool will be distributed as if no dead heat occurred.
  - (c) Contestants representing three or more betting interests, the Quinella Double pool will be distributed as a profit split.
- (4) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool will be distributed as if no dead heat occurred.

(5) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool will be distributed as profit split.

(6) Should a betting interest in the first half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest will be deducted from the Quinella Double pool and refunded.

(7) Should a betting interest in the second half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest will be deducted from the Quinella Double pool and refunded.

(8) Should a betting interest in the second half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest will be allocated a consolation payoff. In calculating the consolation payoff, the net Quinella Double pool will be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool will be distributed as a profit split.

(9) If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest", the entire Quinella Double pool will be refunded on Quinella Double wagers for those contests.

(10) If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool will be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool will be refunded on Quinella Double wagers for those contests.

### **23.005.10 SHOW QUINELLA POOLS**

(1) The Show Quinella requires selection of two (2) of the first three (3) finishers, irrespective of order, for a single contest.

(2) The Show Quinella pool will be apportioned under one of the following methods:

(a) METHOD 1. SINGLE PRICE AND REFUND: The net Show Quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) As a single price pool to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
- (2) The entire pool will be refunded on Show Quinella wagers for that contest.

(b) METHOD 2. SINGLE PRICE AND CARRYOVER: The net Show Quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) As a single price pool to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
- (2) The net pool will be carried forward and added to the next Show Quinella pool.

(c) METHOD 3. PROFIT SPLIT AND REFUND: The net Show Quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) As a profit split to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
- (2) The entire pool will be refunded on Show Quinella wagers for that contest.

(d) METHOD 4. PROFIT SPLIT AND CARRYOVER: The net Show Quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) As a profit split to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
- (2) The net pool will be carried forward and added to the next Show Quinella pool.

- (3) If there is a dead heat for first involving:
  - (b) contestants representing two or three betting interests, the Show Quinella pool will be distributed as if no dead heat occurred.
  - (c) contestants representing four or more betting interests, the Show Quinella pool will be distributed between all possible winning combinations based upon the method selected in subparagraph 2.
- (4) If there is a dead heat for second involving:
  - (a) contestants representing two betting interests, the Show Quinella pool will be distributed as if no dead heat occurred.
  - (b) contestants representing three or more betting interests, the Show Quinella pool will be distributed between all possible winning combinations based upon the method selected in subparagraph 2.
- (5) If there is a dead heat for third involving contestants representing two or more betting interests, the Show Quinella pool will be distributed between all possible winning combinations, including those betting interests in the dead heat based upon the method selected in subparagraph 2.
- (6) Should any betting interest entered in the Show Quinella pool be scratched or excused from the contest, wagers including such betting interest will be deducted from the Show Quinella pool and money refunded.
- (7) If, for any reason, the Show Quinella carryover must be held over to the corresponding Show Quinella pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Show Quinella carryover plus accrued interest will be added to the net Show Quinella pool of the following meet on a date and performance designated by the Commission.

### **23.005.11 EXACTA POOLS**

- (1) The Exacta requires selection of the first two finishers, in their exact order, for a single contest.
- (2) The net Exacta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) If contestants of a coupled entry or Mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish; otherwise

- (b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
  - (c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
  - (d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then
  - (e) The entire pool will be refunded on Exacta wagers for that contest.
- (3) If there is a dead heat for first involving:
- (a) contestants representing the same betting interest, the Exacta pool will be distributed as a single price pool to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish.
  - (b) contestants representing two or more betting interests, the Exacta pool will be distributed as a profit split.
- (4) If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool will be distributed as if no dead heat occurred.
- (5) If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool will be distributed to ticket holders in the following precedence, based upon the official order of finish:
- (a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
  - (b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
  - (c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then
  - (d) The entire pool will be refunded on Exacta wagers for that contest.

### 23.005.12 TRIFECTA POOLS

- (1) The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.
- (2) The net Trifecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
  - (b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - (c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - (d) The entire pool will be refunded on Trifecta wagers for that contest.
- (3) If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest will be ignored.
- (4) If there is a dead heat for first involving:
  - (a) Contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests that correspond with any of the betting interests involved in the dead heat will share in a profit split.
  - (b) Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest will share in a profit split.
- (5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second will share in a profit split.
- (6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third will share in a profit split.

### 23.005.13 SUPERFECTA POOLS

- (1) The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.
- (2) The net Superfecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish:
  - (a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
  - (b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
  - (c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - (d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - (e) The entire pool will be refunded on Superfecta wagers for that contest.
- (3) If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest will be ignored.
- (4) If there is a dead heat for first involving:
  - (a) Contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests that correspond with any of the betting interests involved in the dead heat will share in a profit split.
  - (b) Contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest will share in a profit split.
  - (c) Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third place and fourth-place betting interests will share in a profit split.

- (5) If there is a dead heat for second involving:
- (a) Contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second will share in a profit split.
  - (b) Contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest will share in a profit split.
- (6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third will share in a profit split.
- (7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth will share in a profit split.
- (8) Coupled entries and Mutuel fields will be prohibited in Superfecta contests.

#### **23.005.14 TWIN QUINELLA POOLS**

- (1) The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests will be included in only one Twin Quinella pool.
- (2) In the first Twin Quinella contest only, winning wagers will be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:
- (a) If a coupled entry or Mutuel field finishes as the first two finishers, those who selected the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish will be winners: otherwise
  - (b) Those whose combination finished as the first two betting interests will be winners; but if there are no such wagers, then

- (c) Those whose combination included either the first- or second-place finisher will be winners; but if there are no such wagers on one of those two finishers, then
  - (d) Those whose combination included the one covered betting interest included within the first two finishers will be winners; but if there are no such wagers, then
  - (e) The entire pool will be refunded on Twin Quinella wagers for that contest.
- (3) In the first Twin Quinella contest only, if there is a dead heat for first involving:
- (a) Contestants representing the same betting interest, those who selected the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish will be winners.
  - (b) Contestants representing two betting interests, the winning Twin Quinella wagers will be determined as if no dead heat occurred.
  - (c) Contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat will be winners.
- (4) In the first Twin Quinella contest only, if there is a dead heat for second involving:
- (a) Contestants representing the same betting interest, those who selected the first-place finisher combined with the coupled entry or Mutuel field in second place will be winners.
  - (b) Contestants representing two or more betting interests, those who combined the first-place finisher with any of the betting interests involved in the dead for second will be winners.
- (5) In the second Twin Quinella contest only, the entire net Twin Quinella pool will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:
- (a) If a coupled entry or Mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish; otherwise
  - (b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

- (c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then
  - (d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
  - (e) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
  - (f) In accordance with subsection 2 of the Twin Quinella rules.
- (6) In the second Twin Quinella contest only, if there is a dead heat for first involving:
- (a) Contestants representing the same betting interest, the net Twin Quinella pool will be distributed to those selecting the coupled entry or Mutuel field combined with the next separate betting interest in the official order of finish.
  - (b) Contestants representing two betting interests, the net Twin Quinella pool will be distributed as if no dead heat occurred.
  - (c) Contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included will two of the betting interests finishing in the dead heat.
- (7) In the second Twin Quinella contest only, if there is a dead heat for second involving:
- (a) Contestants representing the same betting interest, the net Twin Quinella pool will be distributed as if no dead heat occurred.
  - (b) Contestants representing two or more betting interests, the net Twin Quinella pool will be distributed as a profit split to those who combined the first-place finisher with any of the betting interests involved in the dead heat for second.
- (8) If a winning ticket for the first half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest.
- (9) Should a betting interest in the first half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest will be refunded.

(10) Should a betting interest in the second half of the Twin Quinella be scratched, an announcement concerning the scratch will be made and a reasonable amount of time will be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool.

(11) If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "no contest", the entire Twin Quinella pool will be refunded on Twin Quinella wagers for that contest.

(12) If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool will be distributed as a single price pool to wagers selecting the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there is no such wagers, the net Twin Quinella pool will be distributed as described in subsection 2 of the Twin Quinella rules.

### **23.005.15 TWIN TRIFECTA POOLS**

(1) The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests will be included in only one Twin Trifecta pool.

(2) After wagering closes for the first half of the Twin Trifecta and commissions have been deducted from the pool, the net pool will then be divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool.

(3) In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

- (c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - (d) The entire Twin Trifecta pool will be refunded on Twin Trifecta wagers for that contest, and the second half will be cancelled.
- (4) If no first-half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders will not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second half Twin Trifecta pool will be retained and added to any existing Twin Trifecta carryover pool.
- (5) Winning tickets from the first half of the Twin Trifecta will be exchanged for tickets selecting the first three finishers of the second half of the Twin Trifecta. The second half Twin Trifecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:
- (a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then
  - (b) The entire second half Twin Trifecta pool for that contest will be added to any existing carryover monies and retained for the corresponding second half Twin Trifecta pool of the next consecutive performance.
- (6) If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
- (7) Coupled entries and Mutuel fields will be prohibited in Twin Trifecta contests.
- (8) Should a betting interest in the first half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest will be refunded.
- (9) Should a betting interest in the second half of the Twin Trifecta be scratched, an announcement concerning the scratch will be made and a reasonable amount of time will be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.
- (10) If, due to a late scratch, the number of betting interests in the second-half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets

and outstanding first-half winning tickets will be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin-Trifecta carryover.

(11) If there is a dead heat or multiple dead heats in either the first- or second half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, will be a winner. In the case of a dead heat occurring in:

(a) The first half of the Twin Trifecta, the payoff will be calculated as a profit split.

(b) The second half of the Twin Trifecta, the payoff will be calculated as a single price pool.

(12) If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest", the entire Twin Trifecta pool will be refunded on Twin Trifecta wagers for that contest, and the second half will be cancelled.

(13) If the second half Twin Trifecta contest is cancelled or declared "no contest", all exchange tickets and outstanding first half winning Twin Trifecta tickets will be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin Trifecta Jackpot. If there are no such tickets, the net Twin Trifecta pool will be distributed as described in subsection 3 of the Twin Trifecta rules.

(14) The Twin-Trifecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Twin Trifecta carryover equals or exceeds the designated cap, the Twin Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, 100 percent of the net Twin Trifecta pool for each individual contest will be distributed to winners of the first half of the Twin Trifecta pool.

(15) A written request for permission to distribute the Twin-Trifecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(16) Should the Twin Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Trifecta after completion of the first-half of the Twin Trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first half winning tickets.

(17) Contrary to subsection 4 of the Twin Trifecta rules, during a performance designated to distribute the Twin-Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Trifecta, all first-half tickets will become winners and will receive 100 percent of that day's net Twin Trifecta pool and any existing Twin Trifecta carryover as a single price pool.

(18) The Twin Trifecta carryover will be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the Commission as provided in subsection 15 of the Twin Trifecta rules.

(b) Upon written approval from the Commission when there is a change in the carryover cap or when the Twin Trifecta is discontinued.

(c) On the closing performance of the meet or split meet.

(19) If, for any reason, the Twin Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the Commission. The Twin Trifecta carryover plus accrued interest will then be added to the second-half Twin Trifecta pool of the following meet on a date and performance so designated by the Commission.

(20) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited.

This will not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(21) The association must obtain written approval from the Commission concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Commission.

### 23.005.16 TRI-SUPERFECTA POOLS

- (1) The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-Superfecta contests will be included in only one Tri-Superfecta pool.
- (2) After wagering closes for the first half of the Tri-Superfecta, and commissions have been deducted from the pool, the net pool will then be divided into two separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool.
- (3) In the first Tri-Superfecta contest only, winning tickets will be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:
  - (a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
  - (b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
  - (c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
  - (d) The entire Tri-Superfecta pool will be refunded on Tri-Superfecta wagers for that contest and the second half will be cancelled.

(4) If no first-half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders will not receive any exchange tickets for the second half Tri-Superfecta pool. In such case, the second half Tri-Superfecta pool will be retained and added to any existing Tri-Superfecta carryover pool.

(5) Winning tickets from the first half of the Tri-Superfecta will be exchanged for tickets selecting the first four finishers of the second half of the Tri-Superfecta. The second half Tri-Superfecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then

(b) The entire second-half Tri-Superfecta pool for that contest will be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.

- (6) If a winning first half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first half Tri-Superfecta pool but forfeits all rights to any distribution of the second half Tri-Superfecta pool.
- (7) Coupled entries and Mutuel fields will be prohibited in Tri-Superfecta contests.
- (8) Should a betting interest in the first half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest will be refunded.
- (9) Should a betting interest in the second half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time will be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta contest, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool.
- (10) If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets will be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.
- (11) If there is a dead heat or multiple dead heats in either the first- or second half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, will be a winner. In the case of a dead heat occurring in
- (a) The first half of the Tri-Superfecta, the payoff will be calculated as a profit split.
  - (b) The second half of the Tri-Superfecta, the payoff will be calculated as a single price pool.
- (12) If either of the Tri-Superfecta, contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest", the entire Tri-Superfecta pool will be refunded on Tri-Superfecta wagers for that contest and the second half will be cancelled.
- (13) If the second-half Tri-Superfecta contest is cancelled or declared "no contest", all exchange tickets and outstanding first-half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If there are no such tickets, the

net Tri-Superfecta pool will be distributed as described in subsection 3 of the Tri-Superfecta rules.

(14) The Tri-Superfecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second half Tri-Superfecta carryover is frozen, 100 percent of the net Tri-Superfecta pool for each individual contest will be distributed to winners of the first half of the Tri-Superfecta pool.

(15) A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(16) Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Tri-Superfecta after completion of the first-half of the Tri-Superfecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then

(e) As a single price pool to holders of valid exchange tickets.

(f) As a single price pool to holders of outstanding first half winning tickets.

(17) Contrary to subsection 4 of the Tri-Superfecta rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their

exact order, then exchange tickets will be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Tri-Superfecta, all first-half tickets will become winners and will receive 100 percent of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.

(18) The Tri-Superfecta carryover will be designated for distribution on a specified date and performance only under the following circumstances:

- (a) Upon written approval from the Commission as provided in subsection 15 of the Tri-Superfecta rules.
- (b) Upon written approval from the Commission when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.
- (c) On the closing performance of the meet or split meet.

(19) If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the Commission. The Tri-Superfecta carryover plus accrued interest will then be added to the second-half Tri-Superfecta pool of the following meet on a date and performance designated by the Commission.

(20) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited.

This will not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(21) The association must obtain written approval from the Commission concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the Commission.

### **23.005.17 TWIN SUPERFECTA POOLS**

(1) The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin

Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests will be included in only one Twin Superfecta pool.

(2) After wagering closes for the first half of the Twin Superfecta and commissions have been deducted from the pool, the net pool will then be divided into two separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool.

(3) In the first Twin Superfecta contest only, winning wagers will be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire Twin Superfecta pool will be refunded on Twin Superfecta wagers for that contest, and the second half will be cancelled.

(4) If no first-half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders will not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool will be retained and added to any existing Twin Superfecta carryover pool.

(5) Winning tickets from the first half of the Twin Superfecta will be exchanged for tickets selecting the first four finishers of the second half of the Twin Superfecta. The second-half Twin Superfecta pool will be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:

- (a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
  - (b) The entire second half Twin Trifecta pool for that contest will be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance.
- (6) If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
- (7) Coupled entries and Mutuel fields will be prohibited in Twin Superfecta contests.
- (8) Should a betting interest in the first half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest will be refunded.
- (9) Should a betting interest in the second half of the Twin Superfecta be scratched, an announcement concerning the scratch will be made and a reasonable amount of time will be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool.
- (10) If, due to a late scratch, the number of betting interests in the second half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning tickets will be entitled to the second-half Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover.
- (11) If there is a dead heat or multiple dead heats in either the first- or second half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, will be a winner. In the case of a dead heat occurring in:
- (a) the first half of the Twin Superfecta, the payoff will be calculated as a profit split.
  - (b) the second half of the Twin Superfecta, the payoff will be calculated as a single price pool.
- (12) If either of the Twin Superfecta contests are cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no

contest", the entire Twin Superfecta pool will be refunded on Twin Superfecta wagers for that contest, and the second half will be cancelled.

(13) If the second half Twin Superfecta contest is cancelled or declared "no contest", all exchange tickets and outstanding first half winning Twin Superfecta tickets will be entitled to the net Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool will be distributed as described in subsection 3 of the Twin Superfecta rules.

(14) The Twin-Superfecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Twin-Superfecta carryover equals or exceeds the designated cap, the Twin-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100 percent of the net Twin Superfecta pool for each individual contest will be distributed to winners of the first half of the Twin Superfecta pool.

(15) A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(16) Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Superfecta after completion of the first-half of the Twin Superfecta:

- (a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
- (b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
- (c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
- (d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
- (e) As a single price pool to holders of valid exchange tickets.
- (f) As a single price pool to holders of outstanding first half winning tickets.

(17) Contrary to subsection 4 of the Twin Superfecta rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets will be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Superfecta, all first-half tickets will become winners and will receive 100 percent of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.

(18) The Twin Superfecta carryover will be designated for distribution on a specified date and performance only under the following circumstances:

- (a) Upon written approval from the Commission as provided in subsection 15 of the Twin Superfecta rules.
- (b) Upon written approval from the Commission when there is a change in the carryover cap or when the Twin Superfecta is discontinued.
- (c) On the closing performance of the meet or split meet.

(19) If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the Commission. The Twin Superfecta carryover plus accrued interest will then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Commission.

(20) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This will not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(21) The association must obtain written approval from the Commission concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap

to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Commission.

### **23.005.18 GRAND SLAM**

**23.005.08(a) Commission approval.** The racing association or parimutuel operator must obtain written approval from the commission for the initial scheduling or specific performances of Grand Slam races or any other name used to characterize this bet type and identify the parimutuel pool and any required distribution percentages. Changes to the approved Grand Slam format, or suspension of previously approved Grand Slam wagering, require prior approval from the commission.

### **23.005.08(b) Grand Slam Pools.**

(1) The Grand Slam requires selection of the official first-, second- or third-place finisher in each of the first three races in a series of four designated Grand Slam races. A completed winning Grand Slam wager requires the selection of the official first place finisher in the fourth and final event in this same series of races. The Grand Slam wager is classified as an exotic wager and is subject to Neb. Rev. Stat. section 2-1208.03 and 2-1208.04, and the rules of this Title.

(2) The Grand Slam pool shall be apportioned under the following method:

#### Grand Slam Wager with No Carryover:

1. The net Grand Slam pool shall be distributed from a single betting pool to participants who selected the first, second or third-place finisher in the first three races of a series of four Grand Slam races completing a winning wager with the selection of the first place finisher in the fourth and final Grand Slam event in this same series, based upon the official order of finish.
2. If there are no winning wagers taking into account all four segments of the Grand Slam wager, the pool shall be distributed as a single price pool to those who selected the first place finisher in the fourth and final Grand Slam event in this series of races along with the greatest number of first, second or third-place finishes each of which had an accompanying show pari-mutuel payout, in accordance with this title in each of the first three races in the series of four designated Grand Slam races. All results are based upon the official order of finish for each race.
3. If there is a dead heat for first in any of the Grand Slam segments involving:

- a. Official program numbered horses representing the same betting interest, the Grand Slam pool shall be distributed as if no dead heat occurred;
  - b. Official program numbered horses representing two or more betting interests, the Grand Slam pool shall be distributed from a single betting pool with a winning wager including each betting interest participating in the dead heat provided each entrant has a pari-mutuel show payout within its race.
4. If there is a dead heat for second and/or third in any of the first three races in a series of four designated Grand Slam contests involving:
  - a. Horses representing the same betting interest, the Grand Slam pool shall be distributed as if no dead heat occurred;
  - b. Horses representing two or more betting interests, the Grand Slam pool shall be distributed from a single betting pool with a winning wager including the betting interest that finished first or any betting interest involved in the dead heat for second or third providing the horse has a show pari-mutuel payout.
5. Should a betting interest in any of the Grand Slam contests be scratched:
  - a. The actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the greatest amount of money in the place pool. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination;
  - b. Should a scratch or scratches occur in any of the first three races in a series of four designated Grand Slam contests and subsequently show wagering is cancelled due to an insufficient number of remaining betting interests, this race for winning Grand Slam wagering purposes would include

the win and place horse only.

6. The Grand Slam pool shall be canceled and all Grand Slam wagers for the individual performance shall be refunded if at least two contests included as part of a Grand Slam wager are canceled or declared “no contest.”
7. If at least one race included as part of a Grand Slam wager is canceled or declared “no contest,” but not more than the number specified in subsection 6 of this rule, the net pool shall be distributed from a single betting pool to those bettors whose selections finished first, second or third in the greatest number of Grand Slam contests in the first three races in a series of four designated Grand Slam contests. In determining a pari-mutuel distribution under this section, a finish of first in the final and fourth designated Grand Slam contest race for the performance in question shall have the same weight as a finish of first, second or third in the greatest number of Grand Slam contests in the first three races in a series of four designated Grand Slam contests.
8. When the condition of the turf course warrants a change of racing surface in any of the legs of the Grand Slam races, and such change has not been made known to the betting public prior to the close of wagering for the Grand Slam pool, the stewards shall declare the changed leg(s) a “no contest” for Grand Slam wagering purposes and the pool shall be distributed in accord with paragraph (7) of this subdivision.
9. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining prior to the third segment of the wager being made official is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

## Chapter 24 - NEBRASKA-BRED RULES

### 24.001 REGISTRATION FORMS

**24.001.01** Nebraska-bred registration application forms furnished by the Nebraska Thoroughbred or Quarter Horse registrar must be completed and filed with the official registrar by the owner or authorized agent to effect the registration of broodmares, stallions standing for service in Nebraska, and foals.

**24.001.02** All registration forms used for the Nebraska Thoroughbred or Quarter Horse registry must be approved by the Commission.

### 24.002 REGISTRATION OF BROODMARES

**24.002.01** Before a foal can be certified as Nebraska-bred its dam must have been registered prior to foaling with the Nebraska Thoroughbred or Quarter Horse registrar. An application for Registration of Broodmare and the required registration fee must be submitted to the official registrar prior to the birth of the foal.

A "late fee" will be charged for an Application for Registration of Broodmare after September 1 of the year bred, unless said mare is purchased in foal, in which case the mare owner will have 60 days to register said mare at the regular fee; however, in any event an Application for Registration of Broodmare must be submitted prior to the birth of the foal. A current copy of both sides of the Jockey Club or American Quarter Horse Association papers for the mare must accompany the broodmare application.

**24.002.02** The Nebraska Thoroughbred or Quarter Horse registrar will issue a Certificate of Registration for a Broodmare on receipt of satisfactory evidence of the ownership, location and identity of the mare, the completion of the required forms, and the submission of the required registration fee.

**24.002.03** In the event of a sale or transfer of all or part ownership of a broodmare that is registered with the Nebraska Thoroughbred or Quarter Horse registry, the new owner(s) must apply to the official registrar by completing a Change of Broodmare Ownership form. This form and the applicable fee must be filed with the official registrar.

A "late fee" will be charged for a Change of Broodmare Ownership submitted after September 1 of the year bred, unless said mare is purchased in foal, in which case the new mare owners(s) will have 60 days to submit the Change of Broodmare Ownership at the regular fee. A current copy of both sides of the Jockey Club or American Quarter Horse Association papers for the mare must accompany the broodmare application.

## **24.003 REGISTRATION OF STALLIONS**

**24.003.01** In order to register a stallion for purposes of making his foals eligible as class "A" Nebraska-bred, the stallion owner or lessee must file with the Nebraska Thoroughbred or Quarter Horse registrar the application for registration of the stallion and the registration fee. Registration must be done prior to the time the stallion is put into service (see 24.005.01B for definition of a class "A" Nebraska-bred).

**24.003.02** If a stallion is leased, a copy of the lease agreement must be submitted with the registration.

**24.003.03** A change in the ownership of a stallion invalidates the registration, except in the case of a partial change of ownership or sale of a share or shares in a syndication that does not affect an existing stallion ownership agreement or syndication agreement. In the event of invalidation of a stallion registration due to change in ownership, the new owner or lessee must register the stallion with the Nebraska Thoroughbred or Quarter Horse registry before the next mare is covered

## **24.004 REPORTS REQUIRED**

**24.004.01** If required reports are not on file, the Nebraska bred Certificate of Eligibility for a foal cannot be issued. Late filing of required reports may delay processing of the Breeder's Certificate and issuance of a Nebraska Bred Certificate of Eligibility and require payment of late fees.

### **24.004.02 Annual Broodmare Report - Due September 1**

An annual Broodmare Report including the ownership of the mare, the location of the mare, the name of the stallion(s) to which the mare was bred, and the date of first and last service is due September 1.

### **24.004.03 Annual Stallion Report - Due September 1**

An Annual Stallion Report of mares bred by Nebraska registered stallions (see 24.005.01B Class "A" foals) is due September 1.

### **24.004.04 Report of Mares Leaving Nebraska - Due within 3 days**

Refer to Nebraska Revised Statutes Section 2-1213(2) which provides for exception to the requirement that a dam must be continuously in the state for either ninety days, or thirty days as specified in 2-1213(2) (c). This exception is for a dam placed on a nationally recognized sale, or for the treatment of an extreme sickness or injury. Written notice must be provided to the [Executive Director](#) of the Commission within 3 days of the date such horse is taken out of the state.

#### **24.004.05 Report of Mares Entering the State - Due within 3 days**

A Report of Mares Entering Nebraska will include the ownership of the mare; address of the owner(s), name and age of mare, Jockey Club or American Quarter Horse Association Certificate of Foal Registration number, and date mare enters Nebraska, destination in Nebraska, and reason for entering Nebraska. This report will be provided to the Nebraska Thoroughbred or Quarter Horse registrar within three days of the date the mare enters Nebraska if the mare left the State for medical or sale purpose. If the mare is purchased at a sale, the mare must be registered with the Nebraska Thoroughbred or Quarter Horse registry and in Nebraska for thirty days immediately prior to foaling.

#### **24.004.06 Late Fees**

Late fees will be assessed if the required Annual Broodmare Report is not provided to the official registrar by September 1, and if the required Report of Mares Entering Nebraska is not provided to the official registrar within three days of the date the mare enters Nebraska.

Late fees apply only when required reports are applicable to the processing of a Breeder's Certificate, and due at the time the Breeder's Certificate is submitted to the Nebraska Thoroughbred or Quarter Horse registrar.

Late fees will be established by the commission and will not be changed without commission approval.

### **24.005 REGISTRATION OF NEBRASKA-BRED FOALS**

#### **24.005.01 CLASS "A" AND CLASS "B" FOALS**

**24.005.01A** There will be two classifications for Nebraska-bred foals, which will be referred to as Class "A" and Class "B".

**24.005.01B** Class "A" foals must meet the following requirements:

(a) be conceived and foaled in the State of Nebraska out of a mare properly registered at the time of foaling with the Nebraska Thoroughbred or Quarter Horse registrar, (b) be sired by a stallion that was at the time of conception properly registered with the official registry (see 24.003), (c) the annual stallion Report of Mares Bred must be on file with the official registrar, and (d) the Annual Broodmare Report for the mare must be on file with the Nebraska Thoroughbred or Quarter Horse registrar when these requirements are met, the official registrar will issue a Certificate of Eligibility for a class "A" Nebraska-bred foal.

**24.005.01C** Class "B" foals must meet the following requirements:

(a) be foaled in the State of Nebraska out of a mare properly registered at the time of foaling with the Nebraska Thoroughbred or Quarter Horse registrar, (b) the

Stallion Report for a Class "B" Nebraska-bred foal must be on file with the Nebraska Thoroughbred or Quarter Horse registrar. The Stallion Report for a Class "B" Nebraska-bred foal is for a stallion standing outside the State of Nebraska or a stallion in Nebraska that is not registered with the official registrar at the time of conception.

#### **24.005.02 BREEDER'S CERTIFICATE**

**24.005.02A** To apply for Nebraska-bred certification the breeder must file with the Nebraska Thoroughbred or Quarter Horse registrar a Breeder's Certificate Application and the certification fee. The appropriate form will be provided by the Nebraska Thoroughbred or Quarter Horse registrar.

**24.005.02B** The breeder will certify on the Breeder's Certificate Application the breeder, the name of the broodmare, the name of the stallion, the date the foal was dropped, the state where the foal was dropped, and name, color, sex, and official registration number on the Jockey Club or American Quarter Horse Association registration certificate for the foal.

#### **24.005.03 CERTIFICATE OF ELIGIBILITY**

**24.005.03A** Upon approval by the Nebraska Thoroughbred or Quarter Horse registrar, a Certificate of Eligibility will be issued. The Jockey Club or American Quarter Horse Association registration certificate and the Nebraska-bred Certificate of Eligibility must be presented at the office of the Nebraska Racing and Gaming Commission. The Nebraska Racing and Gaming staff or an agent of the Commission will then affix its official seal and Nebraska-bred stamp to the Jockey Club or American Quarter Horse Association registration certificate.

**24.005.03B** Entries in Nebraska-bred races will not be accepted until the Jockey Club or American Quarter Horse Association registration certificate has been officially stamped by the Nebraska State Racing Commission.

**24.005.03C** Owners and breeders will not be eligible for Nebraska-bred breeder awards or purse supplements until the Jockey Club or American Quarter Horse Association registration certificate has been officially approved and stamped by the Nebraska State Racing Commission.

**24.006** The Nebraska Thoroughbred or Quarter Horse registrar will recommend in writing to the Nebraska Racing and Gaming Commission that the Nebraska-bred status be revoked if it is determined by a hearing conducted by the board or officers of the Nebraska Thoroughbred or Quarter Horse registry organization that a horse was not eligible to be certified as a Nebraska-bred. The recommendation will include an explanation of the basis for said recommendation, and a copy will be sent by certified mail to the breeder.

## **24.007 Repealed**

**24.008** The Nebraska Thoroughbred or Quarter Horse registrar may appoint investigators as necessary to assist in ascertaining compliance with statutes and rules relating to Nebraska-bred horses.

**24.009** Any person aggrieved at any action, finding, or recommendation of the Nebraska Thoroughbred or Quarter Horse registrar may request a hearing before the Nebraska Racing Gaming Commission within 30 days of notice of said action, finding, or recommendation. (See "Chapter 7 Practice and Procedure Before the Nebraska Racing Commission")

**24.010** A pamphlet, website or other communication tools explaining the procedures for registration of mares and stallions, certification of foals, and the basis for classification of Nebraska-bred foals will be made available by the Nebraska Thoroughbred or Quarter Horse registry to all interested parties. All updates contained in said communication tool must be submitted to the Commission for approval.

### **24.011 National Quarter Horse Racing Association (NQHRA) Embryo Transfer Guidelines**

A Quarter Horse foaled by a mare that is not its genetic dam, but was transferred to her by embryo/oocyte transfer technique shall be eligible for Nebraska Bred registration if the following conditions are met:

24.011.01 All requirements for an embryo transfer registration as defined by the American Quarter Horse Association national breed registry are fulfilled.

24.011.02 A mare must have been continuously in the State of Nebraska for ninety (90) days prior to foaling. This period may be reduced in days if the mares in foal were purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog and brought into this state must remain in the state for thirty (30) days prior to foaling. Mares purchased at private treaty must meet the ninety (90) day requirement.

24.011.03 The recipient mare owner must file an Embryo Transfer Recipient Mare registration form with the NQHRA registrar prior to foaling; and

24.011.04 The recipient mare and foal must remain continuously in Nebraska after foaling for a minimum of thirty (30) days and must be inspected by a designated representative of the NQHRA prior to being permitted to leave the state.

## **Chapter 25 - QUARTER HORSE RACING**

**25.001** No apprentice jockey allowances will be used in Quarter Horse Racing.

**25.002** All two-year-old races for quarter horses will be written at 118 lbs.

**25.003** No two-year-old races for quarter horses will be written for distances greater than 440 yards.

**25.004** All horses racing around a turn must be approved by the starter and the stewards. If a horse does not have a creditable race around a turn at a recognized track within the last year, such horse will be required to work under circumstances that are acceptable to the stewards before starting in a race around a turn.

**25.005** The Racing Secretary may accept the entry of a horse in a race when a transfer is in process through A.Q.H.A. only when the transfer has been sent to A.Q.H.A. by the Racing Secretary. In such cases, the Racing Secretary shall retain a photostatic copy of the registration papers.

**25.006** An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the stewards' stand.

**25.006.01** The starting point markers and distance poles must be marked as follows:

- (a) 1/4 poles - Red and white horizontal stripes
- (b) 1/8 poles - Green and white horizontal stripes
- (c) 1/16 poles - Black and white horizontal stripes
- (d) 220 yards - Green and white
- (e) 250 yards - Blue
- (f) 300 yards - Yellow
- (g) 330 yards - Black and white
- (h) 350 yards - Red
- (i) 400 yards - Black
- (j) 440 yards - Red and white
- (k) 550 yards - Black and white horizontal stripes
- (l) 660 yards - Green and white horizontal stripes
- (m) 770 yards - Black and white horizontal stripes
- (n) 870 yards - Blue and white horizontal stripes