



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: January 13, 2020

TIME: 10:05 AM

WSR 20-03-083

Agency: Washington Horse Racing Commission

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: To update duties and responsibilities of racing officials to reflect current model rules standards.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 260-24

Suspended:

Statutory authority for adoption: RCW 67.16.020

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-23-014 on November 7, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	3	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	3	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	3	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 10, 2020

Name: Douglas L Moore

Title: Executive Secretary

Signature:



WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each race meet are responsible to the executive secretary for the conduct of the race meet and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards will enforce the rules of racing in chapters 260-12 through 260-84 WAC, excluding chapters 260-49 and 260-75 WAC. The stewards will take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(c) The stewards' authority includes regulation of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to ~~((insure))~~ ensure compliance with these rules;

(d) All nominations, entries, and scratches will be monitored by a steward;

(e) The stewards have authority to resolve conflicts or disputes related to violations of the rules of racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards have the authority to interpret the rules and to decide all questions of racing. The stewards of the race meet are hereby given authority to exercise their full power, recommending to the commission the imposition of more severe penalties if necessary.

(2) The stewards' period of authority will commence and terminate at the direction of the executive secretary. One steward will be designated as the presiding steward by the executive secretary.

(3) Stewards ruling conference regarding violations of rules of racing:

(a) The stewards have authority to charge any licensee or other person with a violation of these rules, to make rulings and to impose penalties including the following:

(i) Issue a written reprimand or warning;

(ii) Assess a fine not to exceed \$~~((2,500.00))~~ 5,000.00, except as provided in chapter 260-84 WAC;

(iii) Assess multiple medication violation points;

~~((iv))~~ (iv) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

~~((iv))~~ (v) Place a licensee on probation;

~~((v))~~ (vi) Grant a license with conditions;

~~((vi))~~ (vii) Suspend a license or racing privileges for not more than one year per violation;

~~((vii))~~ (viii) Revoke or deny a license; or

~~((viii))~~ (ix) Exclude from facilities under the jurisdiction of the commission.

(b) The stewards' imposition of reprimands, fines and suspensions will be based on the penalties in chapter 260-84 WAC.

For any violation not specifically listed in chapter 260-84 WAC, the stewards have discretion to impose the penalties as provided in (a) of this subsection.

(c) The stewards may direct a jockey to meet with the film analyst whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst must appear when directed. Failure to appear when directed will be considered a violation of the rules of racing for which penalties may be imposed.

- (d) The stewards have the authority to conduct a ruling conference, and the authority to:
 - (i) Direct the attendance of witnesses and commission employees;
 - (ii) Direct the submission of documents, reports or other potential evidence;
 - (iii) Inspect license documents, registration papers and other documents related to racing or the rule violation;
 - (iv) Question witnesses; and
 - (v) Consider all relevant evidence.
- (e) The stewards must serve notice of a conference to person(s) alleged to have committed a violation, which must contain the following information:
 - (i) A statement of the time and place the conference will be held;
 - (ii) A reference to the particular sections of the WAC involved;
 - (iii) A short and plain statement of the alleged violation; and
 - (iv) A statement that if the person does not appear, the ruling will be made in his/her absence, and that failure to appear will be considered a separate violation of the rules of racing.
- (f) Failure to appear for a ruling conference will be considered a violation of the rules of racing for which penalties may be imposed.
- (g) It is the duty and obligation of every licensee to make full disclosure to the board of stewards and commission investigators conducting an investigation into any alleged violation of these rules, of any knowledge he/she possesses of a violation of any rule of racing. No person may refuse to respond to questions before the stewards or commission investigators on any relevant matter within the authority of the stewards or commission, except in the proper exercise of a legal privilege, nor may any person respond falsely before the stewards or to commission investigators.
- (h) At the ruling conference, the stewards will allow the person alleged to have committed a violation to make a statement regarding the alleged violation.
 - (i) All ruling conferences will be recorded.
- (j) Every ruling by the stewards from a ruling conference must be served in writing on the person(s) or parties found in violation within five days and must include:
 - (i) Time and place the ruling was made;
 - (ii) Statement of rules violated;
 - (iii) Details of the violation;
 - (iv) Penalties to be imposed;
 - (v) Procedure for requesting a hearing before the commission to challenge the ruling; and
 - (vi) Plain statement of the options of the person found in violation, which must include:
 - (A) Accepting the penalty imposed by the stewards; or
 - (B) Requesting a hearing before the commission challenging the stewards' ruling within seven days of service of the ruling, with the exception of riding violations which must be challenged within seventy-two hours of service of the ruling.
- (k) Penalties imposed by the stewards, except for those penalties in (l), (m), and (q) of this subsection, will be stayed if a request for hearing before the commission is filed within the seven days of service of the ruling, or seventy-two hours in the case of riding violations.
- (l) If the stewards determine that a person's actions constitute an immediate and/or substantial danger to human and/or equine health,

safety, or welfare, and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. The hearing before the commission will occur within thirty days of filing the request for hearing before the commission.

(m) If the stewards deny an application for license or suspend or revoke an existing license for any reasons listed in WAC 260-36-120(2), and a request for hearing before the commission is filed within seven days of service of the ruling, no stay will be granted except by a hearing before the commission. A hearing before the commission over whether or not to grant a stay will occur at the discretion of the commission.

(n) The stewards' ruling will be posted and a copy provided to the racing association.

(o) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-08 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days (or seventy-two hours for riding violations), if a request for hearing before the commission has not been filed, the stewards' penalty will be imposed. All fines are due immediately following the period a person has to challenge a ruling, unless otherwise approved by the stewards.

(p) "Service" of the notice of ruling conference or a stewards' ruling may be by either personal service to the person or by depositing the notice of ruling conference or stewards' ruling into the mail to the person's last known address in which case service is complete upon deposit in the U.S. mail.

(q) If the stewards determine that a person's actions constitute an immediate, substantial danger to human and/or equine health, safety, or welfare, the stewards may enter a ruling summarily suspending the license and/or ejecting the person from the grounds pending a ruling conference before the board of stewards. A summary suspension takes effect immediately on issuance of the ruling. If the stewards suspend a license under this subsection, the licensee is entitled to a ruling conference before the board of stewards, not later than five days after the license was summarily suspended. The licensee may waive his/her right to a ruling conference before the board of stewards on the summary suspension.

(4) Protests, objections and complaints. The stewards will ensure that an investigation is conducted and a decision is rendered in every protest, objection and complaint made to them.

(5) Stewards' presence:

(a) On each racing day at least one steward will be on duty at the track beginning three hours prior to first race post time.

(b) Three stewards must be present in the stewards' stand during the running of each race.

(6) Order of finish for parimutuel wagering:

(a) (i) The stewards will determine the official order of finish for each race in accordance with these rules of racing;

(ii) The order of finish will be determined when each horse's nose reaches the finish line. In the event the exact position of a nose cannot be determined, a dead heat may be declared.

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, is final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards will prepare a weekly report of their regulatory activities. The report will contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, protests, objections, horses sent to the test barn, euthanized or vanned off during the race card, complaints and conferences. The report will be filed with and approved by the executive secretary;

(b) Not later than seven days after the last day of a race meet, unless approved by the executive secretary, the presiding steward will submit a written report regarding the race meet to the executive secretary. The report will contain:

(i) The stewards' observations and comments regarding the conduct of the race meet, the overall conditions of the association grounds during the race meet; and

(ii) Any recommendations for improvement by the association or action by the commission.

(c) At a class 1 race meet, the stewards will prepare a daily report detailing their actions and observations during each day's race program. The report should contain the date, weather and track condition, scratches, claims, inquiries and objections, and any other information requested by the commission. The report will be made available to the public.

(9) Stewards' list:

(a) The stewards will maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse may be placed on the stewards' list when an unexcused scratch occurs per WAC 260-40-010;

(d) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

~~((d))~~ (e) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of the horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

~~((e))~~ (f) An owner or trainer who disagrees with the stewards' decision of placing or maintaining a horse on the stewards' list may request and be granted a stewards' ruling conference to challenge the decision of the stewards.

(10) The stewards will make recommendations for rule changes and protocols for the regulation of the race meet.

AMENDATORY SECTION (Amending WSR 08-05-088, filed 2/15/08, effective 3/17/08)

WAC 260-24-570 Paddock judge. The paddock judge is responsible for performing the following duties:

(1) Supervise the horses in the paddock and saddling enclosure and ensure that the saddling of all horses are done by or under the direct supervision of the trainer or their assistant trainer as listed in the program, unless prior approval has been granted by the stewards;

(2) Inspect all equipment of each horse to ensure safety;

(3) Monitor any equipment as requested by the board of stewards;

(4) Prohibit any change of equipment listed in WAC 260-44-010 without approval of the board of stewards;

(5) Ensure that all horses are generally mounted at the same time, and all horses leave the paddock for the post parade in the proper sequence;

(6) Supervise paddock schooling of all horses approved for schooling;

(7) Place and remove horses on the paddock list for poor or unruly behavior in the paddock. Horses placed on the paddock list will be refused entry until the horse has been satisfactorily schooled in the paddock. Schooling will be under the direct supervision of the paddock judge or his/her designee;

(8) Ensure that only properly authorized persons are permitted in the paddock; and

(9) Report to the stewards any unusual activities in violation of these rules.

AMENDATORY SECTION (Amending WSR 13-03-058, filed 1/11/13, effective 2/11/13)

WAC 260-24-580 Starter and assistant starters. (1) The starter is responsible for the following duties:

(a) Approve and submit a list of all horses which have never started to ensure that the horse is familiar with, and capable of, breaking from the starting gate;

(b) Ensure all participants have an equal opportunity to a fair start;

(c) Supervise the assistant starters;

(d) Provide a sufficient number of assistant starters for each race;

(e) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions, or assign a foreman to act in his behalf, before post time for each race;

(f) Assess and make recommendations to the board of stewards on the ability of each person applying for an initial jockey or exercise riders license in breaking from the gate and working a horse in the company of other horses;

(g) Load horses into the gate in any order necessary to ensure a safe and fair start;

(h) Recommend to the stewards horses that should be scratched because a horse at the starting gate is refusing to load or is unruly;

(i) Maintain a record of the horses schooling and their behavior at and in the starting gate under their supervision.

(2) The starter will place and remove horses on the starter's list for poor or unruly behavior in the starting gate. Horses placed on the starter's list will be refused entry until the horse has been satisfactorily schooled in the starting gate. Schooling will be under the direct supervision of the starter or his designee.

(3) The starter has complete authority over the starting gate, the starting of horses, and the authority to give orders, which are not in conflict with these rules.

(4) The starter will appoint all assistant starters. Assistant starters must first demonstrate they are adequately trained to safely handle horses in the starting gate. In emergencies the starter may appoint qualified licensed individuals to act as substitute assistant starters.

All assistant starters, and anyone appointed by the starter to act as a substitute assistant starter, must wear a securely fastened safety vests and helmets, which meet the standards in WAC 260-12-180 (1) and (2), at all times when performing their duties.

(5) Assistant starters may not:

(a) Handle or take charge of any horse in the starting gate without the expressed permission of the starter;

(b) Impede the start of a race;

(c) Strike a horse with ~~((a whip))~~ any object;

(d) Use a device, unless approved by the stewards, to assist in the loading of a horse into the starting gate;

(e) Ear a horse with anything other than a hand;

(f) Slap, boot or otherwise dispatch a horse from the starting gate;

~~((f))~~ (g) Strike or use abusive language to a jockey; or

~~((g))~~ (h) Accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

(6) The starter and assistant starters will report all unauthorized activities to the stewards.