

CHAPTER 6
--- PRACTICE AND PROCEDURES ---

100's --- AUTHORITY

Commission

6.100 - When the Commission determines, in compliance with the provisions of these Rules that a violation of these Rules or of the Law has occurred, the Commission may issue a letter of admonition to a licensee, and/or deny, suspend, or revoke a license, and/or impose a fine on a licensee, and/or exclude a licensee, or any person from any licensed racetrack or simulcast facility. The Commission shall have the power to alter, amend or modify any disciplinary action imposed by the Board or a hearing officer, and shall further have the power to reinstate any person without fine or suspension. This rule shall also apply to any person aiding, abetting or conspiring in the commission of any violation.

6.102 - The Commission or the Board in its discretion may waive, set aside, or modify any rule contained herein when a waiver, setting aside, or modifying of a rule shall be in the best interest of the State and the sport of racing.

Director

6.110 - The Commission delegates to the Director the authority to summarily exclude any person who willfully violates any of these rules or the law, until the next Commission meeting.

6.112 – The Director or the director’s designees may issue citations according to the Citation Violation List and Schedule of Penalties, whenever a citation is called for. The director shall have the authority to rescind any citation and cancel its associated penalty, with or without prejudice, in the event that the citation has not been issued according to the provisions of the Citation Violation List and Schedule of Penalties, or has, otherwise, been inappropriately issued.

The Board/Hearing Officers

6.120 - (Modified Effective date May 15, 2015) When the Board or a Hearing Officer determines, in compliance with the provisions of these Rules, that a violation of these Rules or of the law has occurred, it has the authority to suspend a license for a period not to exceed one hundred and eighty (180) days, or to impose a fine not in excess of Two Thousand Five Hundred Dollars (\$2500), or both except as described in Rule 3.437, and as it relates to the recommended minimum fine as set forth in rule 5.441 the RCI *uniform classification guide lines for foreign substances* or shown in the *penalty guideline listing* for class a, b, and c penalties for 1st, 2nd and 3rd violations where no aggravating factors are cited or except as restricted in the enforcement of citations by Rule 6.124.

In addition to the authority to conduct hearings, the Commission delegates the authority for the Board or Hearing Officer to sign and approve Settlement Stipulations proposed by the Division Director, assessment of fines and suspension terms, purse redistributions, and therefore such authority may constitute a final agency action. Licensees so suspended shall be denied all licenses and shall not be in good standing until the terms of the Board’s order have been satisfied. In addition, if the Board or a Hearing Officer believes a more severe penalty should be imposed, it may refer the case to the

Commission for further action. A fine or suspension may not be rescinded by the Board or a Hearing Officer except with approval of the Commission.

6.122 – *(Modified Effective date May 15, 2016)* The Board or a hearing officer has authority to summarily suspend a licensee where the Board or hearing officer has reasonable cause to believe and makes a finding upon full investigation that the licensee has engaged in deliberate or willful violation or that the public health, safety or welfare imperatively requires the emergency action, incorporates the findings in their order, and promptly institutes disciplinary proceedings. For purposes of this rule, “full investigation” means a reasonable ascertainment of the underlying facts on which the summary suspension is based.

If the Board or hearing officer summarily suspends a licensee, the Board or hearing officer shall set a hearing to be held within fourteen (14) days of the summary suspension. The licensee may request a continuance of the hearing, however no summary suspension imposed under this rule shall be lifted until a hearing is held or until the case is dismissed.

6.124 - When a licensee appeals a citation to the Board or to a Hearing Officer for a hearing, the director shall review the citation under the provisions of Rule 6.112. For any citation that the director determines should be heard on appeal, the director shall assign the appeal according to the provisions of Rule 6.300. The division shall provide notice to the licensee according to the provisions of rule 6.310, and shall conduct the hearing pursuant to the provisions of rule 6.330.

Provided the licensee appears for the hearing, the hearing shall be on the merits to determine whether the charged violation did occur. If it did occur, then the ruling from the hearing shall uphold the citation in full, shall not increase the penalty, shall require the fine(s) to be paid pursuant to rule 6.700, and shall reset the payment date based upon the date of the Ruling. If the charged violation(s) did not occur, then the ruling from the hearing shall dismiss the citation with prejudice and cancel the associated penalty. If the licensee fails to appear for the hearing and no continuance has been granted, the board or hearing officer shall call the case and make a record of the proceedings, the licensee’s request for an appeal hearing shall be deemed to be abandoned, the licensee shall have waived any right to a hearing forever, the original citation shall be upheld without change, and the citation’s fines ordered to be paid pursuant to Rule 6.700, with the payment date reset based upon the date of the ruling.

200’s --- PROCEEDINGS BY THE BOARD/HEARING OFFICERS

Protest and Objections to the Board

6.200 - *(Modified Effective date May 15, 2015)* Protests to a horse or jockey engaged in a race must be made to one of the Board members. Protests may be made only by a racing official or by an owner, trainer or jockey of some other animal engaged in the race.

6.202 – *(Modified Effective date May 15, 2016)* All protests shall be filed at least one (1) hour prior to the running of the first race of the day. Protests shall be made to the Board in writing and signed by the complainant. The written protest must include the grounds of the protest. However, the Board may scratch an ineligible horse or remove a jockey at any time.

6.204 - A protest cannot be withdrawn without the permission of the Board.

6.206 - (Modified Effective date May 15, 2015) Objections shall be filed with the Board in writing within forty-eight (48) hours after the running of that race except that in horse racing, objections relating to interference during the running of a race shall be filed verbally with the Board prior to the race being made official.

If an objection is declared valid against a horse or jockey which has finished in a position entitling it to a portion of the purse in a race, that horse may be disqualified.

6.208 - The Board's decision regarding an objection will in no way affect the outcome of pari-mutuel wagering after the race has been declared official.

6.210 - In all cases of fraud or willful deception no time limitations shall apply provided the Board is satisfied that the allegations are *bona fide*.

6.212 - The Board shall require the payment of fifty (\$50) dollars if the protest or objection should prove to be unreasonable or frivolous.

6.214 - Any prize which may have been won or may be won in a race by an animal against which a protest or objection has been lodged shall be withheld until the protest or objection is determined by the Board.

6.216 - The Board must decide every protest or objection pertaining to a race.

6.218 - If the protest or objection is lodged at a time or in a manner as to require immediate determination, one or more members of the Board may make the determination.

6.220 - Persons aggrieved by any initial decision of an individual Board member concerning an objection or protest shall have the right to request a reconsideration of that decision by the Board and shall have the right to a hearing concerning the reconsideration before the Board.

Appeals to the Board or Hearing Officer

6.230 - Except in the case of exclusions as provided by Section 6.900, parties aggrieved by any action of a racing official other than the Board, shall have the right to appeal the action to the Board or a hearing officer, and shall have the right to an appeal hearing before the Board or a hearing officer. With regard to a request for an appeal of a citation, the provisions of Rule 6.124 shall apply.

6.232 - Except as provided by Section 6.900, *et seq.*, all requests made to the Board or a hearing officer pursuant to Section 6.230 for an appeal hearing by any party aggrieved by any action, including all requests for an appeal of a citation, of a racing official other than the Board, must be made in writing within twenty (20) days of the action appealed from unless otherwise provided by these Rules. The request shall include the grounds for the appeal. If no written appeal is made within twenty (20) days, the aggrieved person shall be deemed to have waived any right to any appeal from the action.

Hearings before the Board or Hearing Officer

6.240 - The Board or a hearing officer may hold hearings to determine whether violations of these Rules or of the Law have occurred; and to determine whether disciplinary action should be taken by the Board or a hearing officer against any person. With regard to a request for an appeal of a citation, the provisions of Rule 6.124 shall apply.

6.242 - The Board or a hearing officer may, in addition, hold hearings for any reason consistent with the purposes and objectives of these Rules and the Law.

300's --- HEARING PROCEDURES BEFORE THE BOARD OR HEARING OFFICER

GENERAL

6.300 – (*Modified Effective date May 15, 2014*) –The Board or a hearing officer shall conduct hearings and administer oaths. The Board or a hearing officer may issue subpoenas for persons or documents and order the production of other evidence. In all proceedings before the Board or a hearing officer, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission, the Board or a hearing officer issue subpoenas for witnesses or documents. All hearings shall be recorded either stenographically or by tape recorder. After considering all the evidence, the Board by a majority vote or a decision of the hearing officer shall determine whether any violation of these Rules or of the Law has occurred, and shall issue a written ruling accordingly, a copy of which shall be mailed by first-class mail to the respondent, addressed to the last known address furnished by the respondent to the Commission, or the ruling may be hand delivered to the respondent. The Board or Hearing Officer shall also have discretionary authority to sign and approve Settlement Stipulations, and thereby can render a final agency action regarding fine amount and suspension length.

6.302 - At any time prior to issuing a final ruling on the matter, a Board may request the Director reassign all of a case before it to a hearing officer for good cause, and upon receipt of such a request, the Director may reassign all or part of the matter to a hearing officer, and the hearing officer shall resolve the issues assigned to it *de novo*.

6.304 - No person shall have standing to request assignment of a case to either a Board or a hearing officer, except by the filing in good faith of a timely and sufficient affidavit of personal bias of a member of a Board or a hearing officer with the Board or hearing officer, who shall forthwith rule upon the allegations in such affidavit as part of the record in the case, and thereafter request the reassignment of all or part of the matter as provided in Section 6.302.

Notice

6.310 - After receiving a written request for a hearing, the Board or a hearing officer or their authorized representative shall notify the party requesting the hearing of the date, place and time of the requested hearing. Notice of the date, place and time of the hearing shall either be sent to the respondent in writing by first-class mail to the last address furnished by the respondent to the Division or actual notice shall be given to the respondent.

6.312 - The Board or a hearing officer, or their authorized representative shall give written notice to the respondent of the date, time and place of any disciplinary hearing. The notice shall include a description of any violation alleged to have occurred, as well as the approximate date, time, and place of the alleged violation. Notice of the hearing and charges, as described herein, shall either be sent to the respondent in writing by first-class mail to the last address furnished by the respondent to the Division or actual notice shall be given to the respondent.

6.314 - Prior to conducting any hearing pursuant to Section 6.242, the Board or a hearing officer shall serve notice by first-class mail, actual notice or by conspicuously posting notice to all interested parties of the date, time and place of the hearing and the matters to be considered.

Scheduling of Hearings

6.320 - Hearings before the Board or a hearing officer held pursuant to Section 6.242 shall be scheduled and held promptly and in as expeditious a manner as possible. There shall be no minimum timetable for scheduling or holding these hearings. Continuances may be granted for good cause.

Conduct

6.330 - The Board or a hearing officer shall conduct all hearings and administer oaths. The Board or a hearing officer may issue subpoenas for persons or documents and order the production of other evidence. In all proceedings before the Board or a hearing officer, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission, the Board or a hearing officer issue subpoenas for witnesses or documents. All hearings shall be recorded either steno graphically or by tape recorder unless the recording is waived by the respondent. An appeal is not possible from the decision of the Board or a hearing officer if the recording is waived and the respondent shall be so advised. After considering all the evidence, the Board by a majority vote or a decision of the hearing officer shall determine whether any violation of these Rules or of the Law has occurred, and shall issue a written ruling accordingly, a copy of which shall be mailed by first-class mail to the respondent, addressed to the last known address furnished by the respondent to the Commission, or the ruling may be hand delivered to the respondent.

Failure to Appear

6.340 - Hearings before the Board or a hearing officer where no continuance has been granted and the respondent fails to appear may proceed in a normal manner in the respondent's absence. Furthermore, the Board or a hearing officer may take disciplinary action against the respondent for failure to obey an order of the Board or a hearing officer.

6.342 - In a case involving a hearing before the Board or a hearing officer which was requested by a party where no continuance has been granted and the respondent fails to appear, the request for the hearing shall be deemed to be abandoned and the respondent shall have waived any right to a hearing forever.

Waiver of Hearing

6.350 - Except as set forth in 5.434, any respondent or interested person may waive their right to a hearing before the Board or a hearing officer by signing a written waiver. Persons who waive their right to a hearing before the Board or a hearing officer also waive all their rights to appeal from the Board's or hearing officer's decision concerning the matter in question.

400's --- APPEALS/STAYS OF DECISION OF THE BOARD/HEARING OFFICERS TO THE COMMISSION

6.400 - Appeal hearings may be held when any party who is aggrieved by a final order or ruling of the Board or a hearing officer properly files an appeal with the Commission in accordance with these Rules.

6.401– *(Modified Effective date May 15, 2015)* A decision by the stewards regarding a disqualification, placement or derogatory comment of an animal during the running of the race is final and may not be appealed to the Commission, except as provided below.

1: A decision by the stewards regarding a disqualification, placement or derogatory comment of an animal during the running of the race may be appealed to the race review committee.

2: If a timely objection by a trainer concerning the disqualification, placement or derogatory comment of an animal during the running of the race is filed in accordance with the rules, the Division executive director may refer the objection to the race review committee. The Division shall issue and send, or deliver, to the objecting party a notice of hearing stating the date, time and place at which the race review committee will hear the appeal. The notice of hearing shall also be sent, or delivered, to any trainer or owner the placement of whose animal may be affected by the outcome of the appeal. The race review committee shall review the official tape or tapes of the race. Affected parties shall be given the opportunity to state their positions to the committee.

3: The objection shall be filed in writing and must clearly state the reason for disagreement and/or where the objection is lodged during the running of the race.

4: A non-refundable fee of one hundred dollars (\$100.00) for a horse race will be submitted to the Division with the written objection.

5: The committee shall state its conclusions as to the merits of the objection and shall make a recommendation to the Director as to whether to uphold the stewards' determination, or to revise the derogatory comment, or to revise the disqualification or placement to the order of finish. The Commission shall then make the final determination as to the order of finish. The race review committee and the Commission may only address the issues raised in the appeal filed.

6.402 - The filing of an appeal with the Commission does not automatically stay the appealed decision. However, any aggrieved party may petition the Commission in writing in accordance with the provisions of Section 6.520 for a stay of execution pending action on the appeal to the Commission.

6.404 - *(Modified Effective date May 15, 2015)* Any party who is entitled to appeal a decision of the Board or a hearing officer to the Commission and who wishes to appeal the decision must file written notice of appeal with the Commission within ten (10) days of the announcement of the Board's or hearing officer's order or ruling. The notice of appeal shall include a statement giving the basis and grounds for the appeal and a request for oral argument, if desired. Any party who fails to properly file a

notice of appeal within the time provided in these Rules shall be deemed to have waived the right to an appeal.

6.406 - Any party filing a notice of appeal with the Commission must, at their own expense, provide the Commission with a transcript of the Board's or the hearing officer's hearing to which the appeal is related, whether or not evidentiary questions are raised on appeal. The aggrieved party must furnish the transcript to the Director of the Commission at least seven (7) days prior to the appeal hearing date, or by another date as determined by the Commission.

500's --- PROCEEDINGS BY THE COMMISSION

Declaratory Orders

6.500 - Any person may petition the Commission for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any Rule or Order of the Commission.

6.502 - The Commission will determine, in its discretion and without notice to petitioner, whether to rule upon any petition. If the Commission determines that it will not rule upon a petition, it shall promptly notify the petitioner of its action and state the reasons for the action.

6.504 - In determining whether to rule upon a petition, the Commission will consider the following matters, among others:

:1 - Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or Rule or Order of the Commission.

:2 - Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court involving one or more of the petitioners.

:3 - Whether the petition involves any subject question or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court but not involving any petitioner.

:4 - Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.

:5 - Whether the petition has some other adequate legal remedy, other than an action for declaratory relief pursuant to the law which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the Law, Rule, or Order in question.

6.506 - Any filed petition shall set forth the following:

:1 - The name and address of the petitioner and whether the petitioner is properly licensed by the Commission.

:2 - The Law, Rule, or Order to which the petition relates.

:3 - A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the Law, Rule, or Order in question applies or potentially applies to the petitioner.

6.508 - The Commission may rule upon the petition based solely upon the facts presented in the petition. In such a case:

:1 - Any ruling of the Commission will apply only to the extent of the facts presented in the petition and any amendment to the petition.

:2 - The Commission may order the petitioner to file a written brief, memorandum or statement of position.

:3 - The Commission may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.

:4 - The Commission may dispose of the petition on the sole basis of the matters set forth in the petition.

:5 - The Commission may request the petitioner to submit additional facts, in writing, which will be considered as an amendment to the petition.

:6 - The Commission may take administrative notice of facts pursuant to the Law and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.

:7 - If the Commission rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.

6.510 - The Commission may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting a hearing shall set forth, to the extent known, the factual or other matters into which the Commission intends to inquire. For the purpose of a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the Law, Rule or Order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Commission to consider.

6.512 - The parties to any proceeding pursuant to this Rule shall be the Commission and the petitioner. Any other person may seek leave of the Commission to intervene in the proceeding, and leave to intervene will be granted at the sole discretion of the Commission. A petition to intervene shall set forth the same matters as required by this Rule. Any reference to a "petitioner" in this Rule also refers to any person who has been granted leave to intervene by the Commission.

6.514 - Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Law.

Appeal of Decision of the Board/Hearing Officers

6.520 - The filing with the Commission of an appeal from a Board's or hearing officer's ruling or order does not automatically stay the Board's or hearing officer's decision. However, any aggrieved party may file in conjunction with, or subsequent to, the filing of a notice of appeal, a request for a stay of execution pending the Commission's determination of the appeal. The request for a stay shall be filed in writing with the Director of the Commission, describing in detail the reasons why the stay should be granted.

Upon receipt of a request for a stay, each member of the Commission shall be polled for a majority determination as to whether the stay should be granted. In the event a majority determination cannot be made due to the unavailability of one or more of the Commissioners, the remaining available Commissioners or the Director shall make the determination.

In determining whether or not irreparable injury will be suffered by any party or entity and whether the requested stay should be granted, the Commission shall consider the following factors: a) the probable effect the granting of a stay would have on the betting public and upon racing in Colorado; and b) the probable effect the failure to grant a stay would have upon the person requesting the stay.

Referral by the Board/Hearing Officers

6.530 - Hearings may be held before the Commission whenever the Board or a hearing officer refers a matter to the Commission for review with the recommendation that the Commission impose a more severe penalty than the Board or hearing officer has authority to impose or when the Board or a hearing officer refers a matter to the Commission for any other reason.

By Order of the Commission

6.540 - Adjudicatory hearings may also be held before the Commission whenever the Commission orders that a hearing be held.

Appeal of License Denial

6.550 - Procedures to be followed when a license is denied. An applicant who has been denied a license may seek a hearing before the Board or the Commission. The aggrieved party must make a request for a hearing in writing within sixty (60) days after notice of the denial.

Surety Bonds

6.560 - Whenever the Commission, based upon information and belief, has reason to believe that a surety bond or its alternative is subject to forfeiture, the Commission shall notify the licensee and all of its sureties, guarantors and warrantors and shall afford the licensee and all financial warrantors, sureties and guarantors the right to appear before the Commission at a hearing held in accordance with the Law with not less than thirty (30) days' notice to the parties.

6.562 - Upon a finding that the licensee has failed to meet its obligations as set forth in the Law, the Commission shall request the Attorney General's Office or the district attorney of the county wherein

the licensee's meet is held to take whatever actions it deems necessary to protect the interests of the State and to resolve any matters concerning debts owed by the licensee, its guarantors, warrantors or sureties. These actions may include a hearing in accordance with the Law, the appointment of a master or receiver in accordance with the Law and any other action the Attorney General's Office deems necessary and appropriate.

6.564 - Any costs of any action to recover monies due the State taken by the Attorney General's Office on behalf of the Commission shall be paid out of the bond or its alternative.

600's --- PROCEDURES FOR HEARINGS BEFORE THE COMMISSION

General

6.600 - Unless referred by the Commission to a hearing officer, the Commission shall conduct all hearings. In addition, the Commission or its representatives may issue subpoenas for persons or documents, order the production of other evidence, administer oaths and question and cross-examine witnesses, and present evidence.

Notice of Hearing

6.610 - (*Modified Effective date May 15, 2015*) On receipt of a timely notice of appeal, the Commission shall schedule an appeal hearing at which the Commission shall consider the appeal, and shall send notice of the date, time and place of the hearing, and the Commission's decision concerning the request for oral argument, to the parties at least thirty (30) days prior to the hearing date, including but not limited to mailing the notice by first-class mail to the last address furnished by the respondent to the Commission.

6.612 - Whenever a matter is referred to the Commission from the Board or a hearing officer for a more severe penalty or other reason, the Commission shall schedule a hearing concerning the referral, and shall send notice of the date, time and place of the hearing, along with a copy of the Board's or hearing officer's ruling to the respondent at least thirty (30) days prior to the hearing date, by mailing the notice by first-class mail to the respondent's last known address.

6.614 - Whenever the Commission orders that an adjudicatory hearing shall be held in the first instance before the Commission, the Commission shall send notice of the date, time and place of the hearing to the respondent at least thirty (30) days prior to the hearing date, by mailing the notice by first-class mail to the last address furnished by the respondent to the Commission. The notice shall include a description of any violation alleged to have occurred, as well as the approximate date, time and place of the alleged violation.

Scheduling of Hearing

6.620 - Continuances may be granted for good cause.

6.622 - Adjudicatory hearings held before the Commission shall be held at the time and place as the Commission orders.

Conduct of Hearing

6.630 - Within the limits specified by Section 6.610 and Section 6.634, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission issue subpoenas for witnesses or documents.

All hearings shall be recorded either stenographically or by tape recorder. After considering all the evidence, the Commission shall, by majority vote, determine whether any violation of these Rules or of the Law has occurred, and/or what penalty, if any, is appropriate, and shall issue a ruling accordingly. The ruling shall be reduced to writing and a copy mailed by first-class mail to the respondent's last known address furnished by the respondent to the Commission, or the written ruling may be hand delivered to the respondent.

6.632 - *(Modified Effective date May 15, 2015)* At an appeal hearing, the transcript of the proceedings before the Board or a hearing officer may be made part of the record and considered in full by the Commission. The Commission may also hear oral argument from the parties.

Any party appealing a decision of the Board or a hearing officer to the Commission shall file with the Commission a brief setting forth its arguments in support of its appeal no later than fourteen (14) days prior to the scheduled appeal hearing. The opposing party may file a response no later than seven (7) days after the filing of the appellant's brief. Failure to file a brief in support of the appeal may result in a waiver of the right to an appeal.

6.634 - For the purpose of determining an appropriate penalty in a penalty referral hearing or otherwise, the Commission may consider all statements, evidence and arguments, whether or not hearsay, in aggravation or mitigation. However, where no appeal from the underlying Board's or hearing officer's ruling or order has been timely filed with the Commission, no evidence, arguments or statements shall be presented on the question of whether or not the violation found by the Board or hearing officer in fact occurred.

6.636 - Adjudicatory hearings held before the Commission shall be held in accordance with 24-4-104, C.R.S., *et seq.*, as amended, including, but not limited to, the procedures set out in Section 6.630.

Failure to Appear

6.640 - In disciplinary hearings before the Commission where a continuance has not been granted and the respondent fails to appear, the Commission may proceed with the disciplinary hearing in a normal manner. Furthermore, the Commission may take disciplinary action against the respondent for failing to obey an order issued by the Commission.

6.642 - *(Modified Effective date May 15, 2015)* In a case involving an appeal hearing before the Commission where oral argument has been granted and the respondent fails to appear, the respondent shall be deemed to have waived any right to a hearing on the matter.

6.644 - The Commission may fine or discipline an appellant if it determines that his/her appeal was frivolous.

Waiver of Hearing

6.650 – Any respondent or interested person may waive their right to a hearing before the Commission by signing a written waiver. Persons who waive their right to a hearing before the Commission also waive all their rights to appeal from the Commission’s decision concerning the matter in question.

700’s --- PENALTIES

6.700 - All fines must be paid within twenty (20) days of the date of mailing or personal service of the fine unless an extension of time to pay has been requested and granted before the fine is due. A fine will be deemed paid if the postmark on the envelope submitted to the Division reflects a date within twenty (20) days of the date of mailing or personal service of the fine to the licensee. Checks which are postdated or checks returned to the Division unpaid shall not be deemed timely. Any licensee who fails to pay a fine in a timely manner shall pay, in addition to the fine due, a penalty amount equal to the fine. Further disciplinary action, including denial, suspension or revocation of a license, and/or exclusion of a licensee may be taken against any person who fails to pay a fine and/or a penalty within the time required. The Division shall be responsible for the collection of fines and penalties and may delegate said collection responsibility to a Division representative.

6.702 - Disciplinary action taken by the Board, a hearing officer or the Commission at one racetrack or simulcast facility shall be effective on all racetracks or simulcast facilities under the jurisdiction of the Commission.

6.704 - Whenever the license of an owner is revoked or suspended, every animal owned in whole or in part by the owner shall be ineligible to be entered or to start in any race while the disciplinary action is in effect, unless the ownership of the animal has been transferred through a *bona fide* sale to a licensed owner in good standing, who is not an associated person as defined or has provided satisfactory proof to the stewards that no association exists.

6.706 - Whenever the license of a trainer is suspended or revoked, every animal which is under the trainer’s care shall be ineligible to be entered or to start in any race while the disciplinary action is in effect, unless care of the animal has been transferred to a licensed trainer in good standing, who is not an associated person as defined or has provided satisfactory proof to the stewards that no association exists.

6.708 - Whenever the license of any person is suspended or revoked, the person shall not be qualified, whether acting as agent or otherwise, to enter or run any animal in any race either in the person’s own name or in the name of any other person during the period the disciplinary action is in effect.

6.709 - Any licensee who has had their license denied or revoked may not reapply for licensure for one (1) year from the date of denial or revocation unless permitted by the commission or director. Any person denied, suspended or revoked in accordance with the law or these rules are denied access to restricted areas of the racetrack simulcast facility, any licensed kennel and any other licensed greyhound or horse facility.

6.710 - Whenever a licensee is found by the Board, a hearing officer or the Commission to have violated any of these Rules or the Law the licensee may be required by the Board, a hearing officer or the

Commission to return all money or prizes which the licensee has acquired by means of the practices which led to the violations.

6.712 - In determining an appropriate sanction in a medication violation, the Board, a hearing officer or the Commission may consider the following:

- :1 - Whether the unauthorized medication was a stimulant, depressant, anesthetic or narcotic;
- :2 - Whether the unauthorized medication could have altered the performance of the animal;
- :3 - Any previous medication violations by the licensee;
- :4 - Whether the licensee wagered on that race;
- :5 - The place of finish of the animal and whether the wagering public was or could have been misled.

6.714 - Pursuant to 12-60-507(2) and 24-30-202(25), C.R.S., any licensee which tenders a check or a draft to the Commission which is not honored by the financial institution upon which it is drawn, shall pay, in addition to the fine or fee due, a penalty amount equal to the fine or fee and an additional penalty as established in the State Fiscal Rules.

800's --- COMPLAINTS BY PATRONS, LICENSEES AND OTHERS

6.800 - Complaints made at the racetrack and simulcast facilities shall immediately be referred to an appropriate association representative or to the office of the Division of Racing Events.

6.802 - When a patron makes a complaint to an association regarding a racing or wagering matter, the association shall immediately provide a complaint form including:

- :1 - The name, address, and phone number of the complainant;
- :2 - The nature of the complaint;
- :3 - The name of the person(s), if any, against whom the complaint was made;
- :4 - The date of the complaint; and
- :5 - The action taken or proposed to be taken, if any, by the association.

6.806 - When a patron makes a complaint to a representative of the Division regarding a racing or wagering matter, the representative shall immediately provide a Division complaint form.

900's --- EJECTION/EXCLUSION

6.900 - The Division through the proper personnel may summarily eject from a racetrack or simulcast facility any licensed or unlicensed person whose conduct while on the racetrack or simulcast facility interferes with the orderly and proper conduct of a live or simulcast race meet. Conduct considered to interfere with the conduct of a live or simulcast race meet includes, but is not limited to: bookmaking or

acting as a runner for a bookmaker, touting, pickpocketing, altering pari-mutuel tickets, offering to cash altered pari-mutuel tickets, entering or attempting to enter that portion of a racetrack or simulcast facility open only to licensees or racing officials, entering or attempting to enter a racetrack or simulcast facility without first purchasing a ticket to enter, being intoxicated by the use of alcohol or drugs, and possession of a narcotic or drug which violates state or federal laws. In addition, persons will be ejected from the racetrack or simulcast facility for acting in a disorderly manner. Such conduct includes, but is not limited to: using abusive language towards another, making unreasonable noises, fighting, striking or threatening to strike another person, discharging a firearm, and displaying a firearm. A licensee who engages in the above conduct will be subject to disciplinary action in addition to summary ejection.

6.902 - A summary ejection from a racetrack or simulcast facility results in a person being immediately ejected from the racetrack or simulcast facility for a period of up to twenty-four (24) hours from the time of the ejection.

6.906 - The effect of an exclusion is to prohibit licensing or entry to any racetrack or simulcast facility in any capacity to any person excluded, for a period to be determined by the Commission or Division.

6.908 - Any person who is excluded shall be denied admission to and ejected from all racetracks or simulcast facility in Colorado until permission for entering has been obtained from the Commission or Division.

6.910 - Any person who is subject to ejection pursuant to Section 6.900 may be excluded.

6.912 - If a person is excluded without a hearing, a hearing will be held if the aggrieved party files a written notice with the Division requesting a hearing within ten (10) days of the exclusion.

CHAPTER 7
--- RULES OF THE RACE – HORSES ---

100's --- REGISTRATION, ELIGIBILITY, WORKOUTS

Registration

7.100 - After horses have been registered with the racing secretary, listing their owners, a horse will not be transferred (unless claimed at the meet) without permission of the stewards who will require a notarized bill of sale or the proper transfer authorization.

7.102 - The purchase or transfer of any horse at any racetrack, whether by private sale, claiming or public auction, does not guarantee the new owner a stall for the horse unless approved by the racing secretary. The management has the right to allocate stalls.

7.104 - Prior to entry in a race at a race meeting sanctioned by the Commission, double registered horses shall be declared by the owner or trainer in writing to the racing secretary as to under which single breed registry the horse shall compete. No changes shall be made after an entry has been accepted for such horse during that race meet. However, if such horse is entered in a claiming race, all certificates of registration must be in the racing secretary's office and will be transferred to any successful claimant.

Eligibility

7.108 – Either special conditions on eligibility, which have been officially adopted by the relevant horseman's association or racing association for any stake or trial race entry form, or specific conditions set forth in the racing condition book that were in place at the time of nomination or entry, shall override any racing rules determining eligibility to run in all races run in conjunction with that entry or condition, including but not limited to the finals and as approved by the Division Director.

7.110 - If any entry from any person whose license has been suspended or revoked and the suspension or revocation would be in effect at the time of the race or of any horse that is ineligible is received, the entry shall be void. If any entry fee has been paid and the entry is noticed before the draw has taken place, the entry fee shall be refunded; otherwise the entry fee shall be forfeited. Should the entry not be noticed until after the race has been run, any money or prize won by the entry shall be returned for redistribution. The entry shall not be void if the care of the horse is appropriately transferred to an eligible trainer prior to scratch time of the scheduled performance or if there is no scratch time then 9:00 a.m. the day after the draw. The transferee trainer shall sign in the presence of the stewards a form furnished by the Division of Racing Events accepting complete responsibility for the condition of the horse so transferred.

7.112 - Any horse that has been the subject of a fraudulent practice may be disqualified by the stewards of the meet for no longer period than the duration of the meet and they shall report the circumstances to the Commission for proper action.

7.114 - A horse on the stewards' veterinarian's, schooling or starter's list shall not be eligible to be entered.

7.116 - A horse which has started in a race which is not recorded by the *Daily Racing Form* or a similar publication approved by the stewards shall not be entered at a racetrack unless the owner and/or trainer has submitted to the racing secretary satisfactory performance records. Suitable publications and satisfactory performance records shall show where and when the horse raced, the distance, the weight carried, the horse's finishing position and time and the amount of money earned. Such information submitted to the racing secretary shall be signed and sworn to by the owner and/or trainer of the horse.

Workouts

7.120 - The stewards, the track veterinarian/a veterinarian approved by the Commission for such purpose or the Division veterinarian may, for cause, order a horse to be worked at a specific distance and effort.

7.122 - Before accepting the entry of any horse, the stewards may require the horse to have additional official workouts. If any owner or trainer refuses to work out a horse as directed by the stewards, entry of the horse shall be denied.

7.124 - *(Modified Effective date May 15, 2015)* Any horse that has not run at a meet in the sixty (60) days prior to the race in which it is sought to be entered shall have at least one (1) official workout before being eligible to start an official race. A horse that has never run at a meet or has not run in the six (6) months prior to the race in which it is sought to be entered must have a minimum of two (2) official workouts before being eligible to start in an official race. Workouts beyond sixty (60) days will not be accepted. All first time starters must have an approved workout from the starting gate prior to entry.

7.126 - A horse may not be permitted to race whose recent workouts have not been properly recorded with the clocker.

7.128 - Before any horse is permitted to start, the stewards shall be satisfied that its published past performance, whether in races or workouts, shall be of a sufficient number and acceptable time to enable the public to make a reasonable assessment of its capabilities.

7.130 - Every licensee exercising a horse shall correctly identify the horse being exercised, if requested, and if working, the licensee shall state the distance and the point on the racing strip where it is intended to start the workout.

7.132 - The trainer is responsible to the clocker for the proper identification of the horse working out.

7.134 - A workout other than an official workout may not be approved for publication.

7.136 - Absolutely no devices other than authorized riding equipment may be used for any workouts.

7.138 - Permission must be obtained from the stewards to exercise or work a horse between races. A public announcement must be made giving the name of the horse and explaining the purpose for the horse being on the racing strip.

7.140 - A horse shall not be worked while under the influence of any unauthorized medication.

200's & 300's --- ENTRIES AND NOMINATIONS

Entering

7.200 - *(Modified Effective date May 15, 2015)* Before a horse is eligible to race, it must be duly entered into that race. The licensed owner or trainer making the entry must be license prior to race time.

7.202 - At the time of entry a certificate of registration from the appropriate registry must be in the office of the racing secretary. A photo copy or a facsimile (FAX) of a certificate showing the current owner is acceptable when a horse is being entered into a race; however, the original certificate must be delivered to the racing secretary at a time designated by the Board.

7.204 - Entries will not be accepted on a horse unless the horse has been approved for racing at the meet by the association.

7.206 - Before being entered into any race, a horse, on race day, must be eligible and in fit condition to race.

7.207 – *(Modified Effective date May 15, 2016)* At the time of a horse's entry, any person authorized to enter a horse shall be responsible to enter the horse with the correct weight and with all of the horse's medications, pursuant to Colorado Racing Commission Rules concerning authorized medications, and all of the published equipment to be used. Any changes in medication or equipment shall be the responsibility of any person authorized to enter a horse and must be included on the entry card. Horses that have changes to medication pursuant to Rule 5.324 shall be approved by the Division veterinarian.

7.208 - A horse shall not be permitted to enter unless it is conditioned by a licensed trainer.

7.210 - All horses shall be registered with the racing secretary in the name of the true owner(s).

7.212 - The entry of a horse must be in the name of its true ownership. Registration certificates and leases of horses shall be filed with the racing secretary within forty-eight (48) hours of the horse's arrival at the racetrack. All transfers of ownership of horses racing at a meet shall be approved by the stewards.

7.214 - Any owner who has a share in a horse which is less than equal to the shares of any other owner is not entitled to enter that horse in a race as the owner without the written approval of the larger shareholders.

7.216 - All persons authorized to enter a horse shall, upon making an entry, be required to furnish the name of the jockey who rides their horse, or if this is not possible, then within one (1) hour after the time of draw. If a jockey has not been named within one hour, the stewards shall name the jockey that will ride the horse.

7.218 - 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, after consultation with the owner, trainer and jockey, 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 shall 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 shall be at the discretion of the stewards. All jockey protests must be filed prior to the race.

7.220 - A horse may be entered in two races on a single day provided that one of those races is either a stake or handicap race. A horse's first obligation to run is in the race where its first position has been drawn. A horse may not be carried on the program in two races.

7.222 - Except to correct an error or as provided in Section 7.110, an alteration shall not be made in a nomination or entry after closing.

Coupled Entries

7.230 - A trainer may not enter more than two (2) horses for any one (1) overnight event. When a trainer enters two (2) horses for the same overnight race, a preference must be expressed and in no case may two (2) horses under one (1) ownership or one (1) trainership be drawn into an overnight race to the exclusion of a single entry.

7.232 - Horses owned by the same owner(s) or leased by the same lessee(s) wholly or in part shall be coupled as a single wagering interest in any one race. For the purposes of this rule, the lessee is considered the owner. If the Director determines, in the exercise of his/her sole discretion, that the pool of horses for any given race meet may be insufficient to maintain a reasonable parimutuel racing program with coupled entries, or that other conditions exist which would, in the best interests of racing, make the uncoupling of entries desirable, then the Director may allow horses which would otherwise be coupled under this rule to be uncoupled.

7.234 - Entries of separate ownership but trained by the same trainer shall not run as an entry nor be coupled for wagering purposes.

7.236 - A trainer or assistant trainer of any horse shall not have any ownership interest in any other horse in the same race unless the horses are coupled as a single wagering interest. If after scratch time the number of separate interests in a race exceed the numerical capacity of the totalisator and/or tote board, once Section 7.232 has been complied with, any further necessary coupling shall be allowed until the coupling creates the maximum numerical capacity of the totalisator and/or tote board. If the Director determines, in the exercise of his/her sole discretion, that the pool of horses for any given race meet may be insufficient to maintain a reasonable parimutuel racing program with coupled entries, or that other conditions exist which would, in the best interests of racing, make the uncoupling of entries desirable, then the Director may allow horses which would otherwise be coupled under this rule to be uncoupled.

Nominations

7.240 - Pursuant to these Rules nominators to stakes may before the time set for the close of entries for a stake, transfer a horse's engagement. In the event a transfer is made, the nominator is relieved of any further liability for the continuation of the engagement. The person(s) to whom the engagement is transferred shall assume all liability from the time of the transfer forward and the horse shall be entered in the name of the person to whom the engagement was transferred.

7.242 - A person shall not be prohibited from nominating or sustaining a horse while the person is under suspension or revocation; however, the owner at the time set to pass the entry box must be in good standing.

7.244 - Nomination, sustaining, entry and starting fees are not refundable in the event a horse dies or fails to start for any reason, except as provided for in these Rules.

7.246 - In a stake race all horses nominated and entered shall be allowed to compete unless the specific conditions of the race state otherwise.

7.248 - Any stake or handicap races having six (6) or more separate interests at scratch time cannot be cancelled.

7.250 - If a stake race is cancelled, all subscriptions and fees paid in connection with that race shall be refunded.

Close of entry and draw

7.260 - For stakes races if a horse is not named through the entry box by the actual closing time for entries, the horse shall be considered declared.

7.262 - If any race fails to fill and is declared off, the names of all the horses that were entered shall be publicly posted in the office of the racing secretary not later than one (1) hour after the day's draw.

7.264 - Nominations shall close at an advertised time and no nomination shall be accepted thereafter, except that if an hour for closing of nominations for a stake race has not been designated, nominations may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

7.266 - The racing secretary may postpone the closing of the entry box for any race that has not been filled by closing time. If the closing of a race is postponed, the racing secretary shall publicly announce the postponement stating the reason for it.

7.268 - If a nomination or entry is not received or an error is made concerning the information contained in the nomination or entry, the nominator or person making the entry must provide sufficient proof prior to the completion of the draw that the nomination or entry was properly made and submitted or the entry shall not be considered.

7.270 - The racing secretary shall, without delay, compile and post a list of the entries after the close of entries.

7.272 - A race which has closed shall not be declared off except by the stewards.

7.274 - In determining the maximum number of starters which may run in a race the capacity of the starting gate and the width of the racing strip must be considered. The track width must allow a minimum of five (5) feet per starter.

7.276 - If a race is divided into two (2) or more divisions, horses under the same ownership or trainership shall be placed in separate divisions with horses under the same ownership being divided first. The division they shall compete in shall be drawn by lot.

7.278 - If any race is declared off because of insufficient entries, the association may split any overnight race.

7.280 - In the event the number of entries which could draw into an overnight race exceeds the number which because of racing strip or starting gate limitations may start, the starters shall be determined by lot or the race split. Likewise, in split races the starters and post positions shall be determined by lot.

7.282 - Post positions shall be determined publicly by lot in the presence of the racing secretary or assistant.

Also-Eligible and Preferred Lists

7.290 - A list of horses not to exceed six (6) may be drawn from the overflow entries as "also eligibles" to start if originally carded horses are scratched. Horses which gain a position in a race from the also eligible list shall take the outside post position in order drawn from the also eligible list.

7.292 - The racing secretary shall keep a list of all horses excluded from races because of too many entries, and they are to have preference in any race in which they may afterwards be entered in accordance with the system adopted by the racing secretary for the meet. This shall be known as the preferred list. Any system that is adopted shall be retained throughout the meet.

7.294 - A horse shall not be put on or remain on the preferred list if the owner and/or trainer rejects the opportunity to start the horse.

7.296 - Horses whose names appear in the entries and have an opportunity to start will be referred to as in-today horses and will not be given consideration should they be entered for the following race day and the race overfill. An in-today horse shall have preference over the second choice of an entry.

7.298 - A current preferred list will be posted and any claim of error must be made prior to the drawing of the races.

7.300 - When entering horses on the preferred list a claim of preference must be made at time of entry and noted on the entry or the preference shall be lost.

Engagements

7.310 - If a horse is sold by private treaty, or at a public auction, the written acknowledgement of both parties is necessary to prove the fact that it was sold with its engagements, but when a horse is sold or claimed out of a claiming race, the horse's engagements are included, unless the advertised conditions of the race state specifically to the contrary.

7.312 - Engagements or rights of entry are valid when a horse is sold with its engagements properly transferred. If a horse with engagements is registered in the name of a partnership, in the event of the death of one of the partners the horse's engagements remain valid for the surviving partners. No

engagement or right of entry shall become void upon the death of the nominator unless the conditions of a race state otherwise.

7.314 - A transfer of a horse or its engagements shall not be permitted until the horse has run in the race it has been entered to run, except as provided in Section 7.110.

7.316 - A horse's engagement shall become void whenever a payment that is due is unpaid. When this occurs all prior payments become forfeit. Race conditions may, however, specifically provide for late payments in order to make a horse eligible for a race.

400's --- DECLARATIONS AND SCRATCHES

Declarations

7.400 - The declaration of a horse out of an engagement is irrevocable.

Scratches

7.410 - An eligible horse shall not be declared from an engagement without the stewards' approval.

7.412 - The stewards shall have the authority to declare a horse from an engagement when it appears that there is a violation of the Law or of these Rules.

7.414 - In races other than stakes races, scratches below eight (8) interests may only be made by permission of the stewards and this right shall be determined by lot when necessary. Horses on the also eligible list shall have a preference to scratch over horses originally drawn in the race. However, all veterinarian and steward scratches shall supersede any other type scratch. In the alternative, the scratching of also eligibles will be determined at the commencement of the meet by the stewards.

A horse's primary obligation to start shall be the first race in which it originally draws a post position, except, within the time period specified by the Board and with the Board's approval, one-half of a coupled entry may be withdrawn with no penalty. The racing secretary shall post scratches and the horses that draw in from the also eligible list to start.

The owner or trainer of any horse eligible which is not intended to start shall notify the racing secretary not later than the designated scratch time for the race.

7.416 - The Division or association veterinarian(s) shall have the authority to declare a horse from a race at any time after making a determination that the horse is not in fit condition to race.

7.418 - Horses may be declared from a stakes race without cause no later than forty-five (45) minutes to post time for the race.

500's --- WEIGHTS

Allowances

7.500 - All allowances, except sex allowances, are optional and can only be claimed at time of entry by the trainer or the trainer's designee. In the event of a jockey change at the time of the draw, an apprentice jockey allowance may be claimed during the same time period permitted for a jockey change. Sex allowances must be claimed and cannot be waived.

7.502 - A horse shall start with only the allowance to which it is entitled at the time of starting, regardless of its allowance at the time of entry.

7.504 - Horses not entitled to the first allowance in a race shall not be entitled to the second, and so on.

7.506 - Omission to claim an allowance is not cause for disqualification.

7.507 – (*Added Effective date May 15, 2016*) Claim of a weight allowance to which a horse is not entitled will not disqualify said horse unless a timely protest as required by Rule 6.202 is made in writing and lodged with the board one hour prior to the running of the first race of the day.

7.508 - A horse shall not be given an allowance for failure to finish second or in any lower place in any race.

Penalties

7.510 - Horses incurring penalties for a race shall not be entitled to any of the weight allowances for that race.

7.512 - Penalties are mandatory.

7.514 - A horse shall not incur a penalty or be barred from any race for having been placed second or lower in any race.

7.516 - When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable for all penalties attached to the winning of that race until a winner has been adjudged.

7.518 - Penalties will not be recognized against horses or jockeys for winning races on racetracks that are not recorded by the *Daily Racing Form* or a similar publication approved by the stewards.

7.520 - A horse shall not incur a penalty for a placement from which it is disqualified, but a horse placed through a disqualification of another horse shall incur the penalties of that placement. No placement, however, shall make a horse ineligible to a race which has already been run.

7.522 - Except in handicap races which expressly provide otherwise, two year old fillies shall be allowed three pounds, and fillies and mares three years old and upward, shall be allowed five pounds before September 1 and three pounds thereafter in races where competing against male horses.

Scale of Weights

7.530 - In races of intermediate lengths, the weights for the shorter distance shall be carried.

600's --- RUNNING OF THE RACE (PADDOCK TO POST)

Equipment

7.600 - Under no circumstance shall the material to be used as a tongue tie be furnished by anyone other than the trainer of the horse on which it is to be used. An association employee shall not be permitted to tie the tongue or replace or repair a tongue tie.

7.602 – *(Deleted Effective date May 15, 2016)*

7.604 - Only the ordinary whip approved by the stewards may be applied to a horse at any time during the running of a race or in workouts or training.

7.606 – *(Deleted Effective date May 15, 2016)*

7.608 - Bar plates may be used only with the consent of the Division Veterinarian. No traction devices will be allowed that extend beyond the outer wall of the hoof more than 1/8 of an inch or that encases the sole of the hoof or completely encircles the hoof. The Commission may limit the height of toe grabs for any breed at a live race meet. Toe grabs with a height greater than the maximum set by the commission, bends, jar caulks, stickers and any other traction device worn on the front hooves of horses while racing or training on all surfaces, are prohibited. The horse shall be scratched and the trainer may be subject to fine for any violation of this rule.

Racing Numbers and Colors

7.610 - Associations shall furnish standard racing colors.

7.612 - Owners may use their own suitable colors in lieu of using those furnished by the association. All colors must be registered with the racing secretary by scratch time for the day they are to be used.

7.614 - International racing colors shall be used for helmet and saddlecloths unless otherwise approved by the Commission.

7.616 - Colors must be kept clean and in good repair.

7.620 - A jockey shall wear a number on the helmet cover and this number shall correspond to the saddle cloth number of the horse in the official program.

Jockey Requirements

7.630 - Maximum Overweight - A horse shall not carry more than two (2) pounds overweight without consent of its owner, the owner's agent, or the owner's representative but shall not carry more than seven (7) pounds overweight in any race.

7.632 - A jockey shall fulfill all duly scheduled riding engagements unless excused by the stewards. A jockey shall not be forced to ride a horse which is believed to be dangerous or be forced to ride over a racing strip believed to be unsafe. However, if the stewards determine that a jockey's refusal to fulfill a riding engagement is unwarranted by the facts, the jockey may be subject to disciplinary action.

7.633 – *(Deleted Effective date May 15, 2016)*

7.634 - Every jockey engaged to ride shall report to the scale room at the time required and shall report their riding weight to the clerk of scales. Once a jockey has reported, the jockey shall not leave the jockey's room except to ride until all engagements for that day have been fulfilled. Jockeys who are allowed to report late to the jockey's room and are not allowed in the grandstand area until their riding engagements are fulfilled.

7.636 - After leaving the jockey's room a jockey cannot re-enter the jockey's room except by permission of the jockey's room custodian. A jockey who is not riding on a given day may not enter the jockey's room during racing hours except by permission of the jockey's room custodian.

7.638 - A jockey shall not be permitted to perform whose abilities, in the opinion of the stewards, are such that the jockey would be unable to properly perform the jockey's duties. The stewards may require a jockey to be given a physical examination at State expense by a doctor designated by the stewards in order to determine a jockey's fitness.

7.640 - A jockey shall not be permitted to perform if, in the opinion of the stewards, his/her ability may be impaired by the use of alcohol or drugs. The stewards may consult with attending medical personnel in making a determination of such impairment.

7.642 - All owners, trainers, jockeys, exercise persons, pony persons and outriders shall wear a safety helmet of the type approved by the Commission, and all jockeys and other licensees performing the duties of an exercise person shall wear a safety vest of the type approved by the Commission, when they are performing their duties on the racetrack.

7.644 - Jockeys shall be weighed out by the clerk of the scales not less than ten (10) minutes before time for the race. In case of any change it shall be announced and posted.

7.646 - The jockey's weight shall also include clothing, boots, saddle and attachments and any other equipment except the number cloth, whip, bridle, bit, blinkers, goggles and safety equipment including helmet, vest, over-girth, reins and breast collar.

7.648 - A safety vest for jockeys shall weigh not more than two (2) pounds and shall be designed to provide shock-absorbing protection to the upper body with at least a rating of five, as defined by the British Equestrian Trade Association (BETA).

7.650 - The association shall provide the only attendants who will be permitted to assist jockeys on weighing out.

Paddock to Post

7.660 - All advertised post times must be promptly met. Emergencies which prevent the advertised post time from being met shall be reported to the stewards.

7.664 - Every horse must be saddled in the paddock.

7.666 - In the paddock a horse shall be attended by the trainer who shall supervise the saddling. If permission is obtained from the stewards, a trainer may send another licensed trainer to the paddock as a substitute.

7.668 - All horses shall parade and except for emergencies they shall do so in numerical order. A pony leading a horse in the parade shall not intentionally obstruct the public's view of the horse being led.

7.670 - After entering the racing strip, not more than twelve (12) minutes shall be consumed in the parade of horses to the post except in cases of unavoidable delay. After passing the grandstand once, horses will be allowed to break formation and canter, warm up or go as they please to the post. When horses have reached the post, they shall be started without unnecessary delay.

7.672 - All horses are required to carry their respective weights, except for emergencies declared by the stewards, from the time they leave the paddock for the post parade, through the start and running of the race, up to the finish of the race.

7.674 - If a horse leaves the racing strip during the post parade and goes out of sight of the stewards or causes an unnecessary delay in the start of the race, it shall be scratched.

Walkover

7.680 - If only one (1) horse remains at the time the horses are scheduled to leave the paddock for the post parade and is carrying its assigned weight, that horse shall be ridden past the stewards stand and shall be deemed the winner of the race by reason of a walkover.

7.682 - In match races where one (1) horse pays forfeit, the other need not walkover.

7.684 - In a stakes race, even if all of the horses but one (1) have declared forfeit, that horse shall walkover, except by the written consent of all persons who pay forfeit.

7.686 - A walkover by a horse entitles it to all of the added money and other fees in stakes.

700's --- RUNNING OF THE RACE (POST TO FINISH)

The Start

7.700 - If the conditions for a race include a starting fee, the fee shall be refunded to the owner of the horse prevented from starting the race through failure of the gates to open.

7.702 - The stewards after consulting with the starter shall make the sole decision on the question of what horse(s) is prevented from starting in the race through failure of the gates to open.

7.704 - In the event that a stall door does not open for any reason at the time the starter dispatches the field, but subsequently opens to allow a horse to start, the horse affected may retain any portion of the purse or qualification that may be obtained in the placement of that race. This rule does not affect the pari-mutuel refunds ordered by the pari-mutuel wagering Rules in Chapter 12.

7.706 - If, due to mechanical failure of the gate, horses are allowed to leave at irregular intervals instead of all horses leaving at one time, the decision as to whether the race is official shall be determined by the stewards.

Interference, Jostling, Striking, Disqualification

7.710 - A jockey shall not willfully or carelessly strike or touch any other jockey or another jockey's horse or equipment.

7.712 - A jockey shall not unnecessarily cause their own nor any other horse to shorten its stride.

7.714 - If a horse or jockey is impeded by another horse or jockey, the aggressor may be disqualified unless the impeded horse or jockey was partly the cause or another horse or jockey was the cause.

7.716 - In a straightaway race every horse must maintain position as nearly as possible in the lane in which it starts. Every horse in the race is entitled to racing room and may not be deliberately impeded. If a horse is ridden or drifts out of its lane in a manner that it interferes with or impedes another horse in any way, it is a foul, and the offending horse may be disqualified when, in the opinion of the stewards, the outcome of the race was affected by the foul. This shall apply whether the foul was caused by the horse or by the jockey, and whether it was caused by carelessness or willfulness. When the stewards rule that the foul was caused by the horse, in spite of obvious efforts of the jockey to maintain position in its lane, blame shall not be attached to the jockey. But when the stewards rule that the jockey did not make a sufficient effort to prevent the foul, or willfully rode the horse out of its lane, then the jockey may be penalized. A jockey who rides a horse out of its lane or fails to make a sufficient effort to hold a horse in its lane when the horse is lugging either in or out may be penalized even though no actual foul occurs.

7.718 - In races involving a turn(s), a horse is entitled to any part of the racing strip as long as it does not interfere with or impede the progress of any other horse(s). If, in the opinion of the stewards, a horse interferes with or impedes the progress of any other horse(s), the horse may be disqualified and the jockey may be penalized. Every horse in the race is entitled to racing room and may not be deliberately impeded. If a horse is ridden or drifts either in or out, in a manner that it interferes with or impedes another horse in any way, it is a foul, and the offending horse may be disqualified when, in the opinion of the stewards, the outcome of the race was affected by the foul. This shall apply whether the foul was caused by the horse or by the jockey, and whether it was caused by carelessness or willfulness. When the stewards rule that the foul was caused by the horse, in spite of obvious efforts of the jockey to maintain position in its lane, blame shall not be attached to the jockey. But when the stewards rule that the jockey did not make a sufficient effort to prevent the foul, or willfully rode the horse out of its lane, then the jockey may be penalized. A jockey who rides a horse out of its lane or fails to make a sufficient effort to hold a horse in its lane when the horse is lugging either in or out, may be penalized even though no actual foul occurs.

7.720 - 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 or trained by the same trainer, may also be disqualified.

7.722 - If a horse leaves the racing strip during the running of a race it shall be disqualified.

Horses Shall be Ridden Out

7.730 - Except where circumstances justify otherwise, every starter shall be ridden to win. Whenever a horse is ridden in a manner inconsistent with winning a race, the jockey shall immediately report the reason for doing so to the stewards who shall determine whether or not there was justification for the jockey's actions.

Use of Whips

7.740 - A whip shall not be applied by anyone in an abusive manner at any time.

7.742 - If a horse races without the use of a whip it shall be announced over the public address system.

Returning After the Finish

7.750 - After a race, jockeys shall be weighed immediately after pulling up and unsaddling unless excused by the stewards. If a jockey is prevented from riding the horse to the area where the scales are located, the jockey may be excused by the stewards.

7.752 - All horses shall be unsaddled by their respective jockeys upon pulling up at the end of a race. Attendants may hold a horse by the bridle only and may not otherwise assist a jockey in unsaddling. Exceptions to this rule must have the approval of the stewards.

Weighing In

7.760 - If a jockey fails to weigh in or weighs in more than two (2) pounds lighter than the weigh out weight or is guilty of any fraudulent practice with respect to weighing out and in, the clerk of scales shall report to the stewards and the horse may be disqualified and declared unplaced and an appropriate penalty assessed against the jockey.

7.762 - If a horse carries more than two (2) pounds over its proper or declared weight, the clerk of scales shall report to the stewards and appropriate action may be taken against the jockey; however, should the stewards rule that the excess weight was caused by rain or mud, action shall not be taken.

Dead Heats

7.770 - When horses run a dead heat all monies and prizes to which the horses would have been entitled shall be divided equally. When horses run a dead heat for first place, each horse shall be deemed a winner.

7.772 - If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the questions shall be determined by lot in the presence of one (1) or more of the stewards.

Protests, Objections, and Inquiries

7.780 - The stewards shall be cognizant of foul riding. Objections shall be considered only from the jockey, trainer or owner of a horse that has met interference. No frivolous claims of foul shall be made.

Winnings

7.790 - Winnings shall include all money up to the time appointed for the start, and shall apply to all races in any country, and embrace walking over or receiving forfeit, but not second and third money, or the value of any prize not of money or not paid in money. Winnings during the year shall be reckoned from January 1st, preceding.

7.792 - Winner of a certain sum shall mean winner of a single race of that value unless otherwise stated in the conditions.