

# Title 260 WAC

## HORSE RACING COMMISSION

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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 260-68 MEDICATION AND DRUGS

260-68-010	Commission may require association to set apart place for medication and testing. [Rules of racing, § 361, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.	260-997
260-68-020	Horses to be sent to testing enclosure, when. [Rules of racing, §§ 362, 363, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.	
260-68-030	Taking specimens—Presence of owner or representative required—Cooperation enjoined—Penalty. [Rules of racing, § 364, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.	
260-68-040	Transmittal of specimens to chief chemist. [Rules of racing, § 365, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.	
260-68-050	Sampling medicines and drugs. [Rules of racing, § 366, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.	
260-68-060	Identification of medicine prerequisite to action on report. [Rules of racing, § 367, filed 4/21/61.] Repealed	

by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Containers—Seals—Saliva test, distilled water to be used. [Rules of racing, § 368, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Testing horses of owner or trainer under investigation. [Rules of racing, § 369, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Persons permitted at testing place. [Rules of racing, § 370, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Attempted use or use affecting racing condition—Duty to protect horse—Penalties—Denial or return of prize—Eligibility of other horses. [Order 72-4, § 260-68-100, filed 6/27/72; Rules of racing, § 371, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Voiding track record. [Rules of racing, § 372, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Attempted use or use affecting speed of horse—Penalties. [Order 72-4, § 260-68-120, filed 6/27/72; Rules of racing, § 373, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Drugs, stimulants, narcotics—Attempted use or use affecting speed of horse—Duty to protect horse—Denial or return of prize—Eligibility of other horses. [Rules of racing, § 374, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Hypodermic instruments. [Rules of racing, § 375, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

Who may administer medications—Reports. [Rules of racing, § 376, filed 4/21/61.] Repealed by Order 74.1, filed 5/22/74, effective 7/1/74. Later promulgation, see chapter 260-70 WAC.

#### Chapter 260-997 INDEX TO TITLE 260 WAC (HORSE RACING COMMISSION)

Commission's index to Title 260 WAC. [Rules of racing, Index, filed 1/21/64.] Repealed by 82-09-016 (Order 82-03), filed 4/19/82. Statutory Authority: RCW 67.16.020 and 67.16.040.

#### Chapter 260-08 WAC PRACTICE AND PROCEDURE

##### WAC

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260-08-010	Appearance and practice before commission—Who may appear. [Regulation 08.010, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-300	Depositions and interrogatories in contested cases—Signing attestation and return. [Regulation 08.300, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-030	Appearance and practice before commission—Solicitation of business unethical. [Regulation 08.030, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-310	Depositions and interrogatories in contested cases—Use and effect. [Regulation 08.310, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-040	Appearance and practice before commission—Standards of ethical conduct. [Regulation 08.040, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-320	Depositions and interrogatories in contested cases—Fees of officers and deponents. [Regulation 08.320, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-050	Appearance and practice before commission—Appearance by former employee of commission or former employee of attorney general's staff. [Regulation 08.050, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-330	Depositions upon interrogatories—Submission of interrogatories. [Regulation 08.330, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-060	Appearance and practice before commission—Former employee as expert witness. [Regulation 08.060, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-340	Depositions upon interrogatories—Interrogation. [Regulation 08.340, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-070	Computation of time. [Regulation 08.070, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-350	Depositions upon interrogatories—Attestation and return. [Regulation 08.350, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-080	Notice and opportunity for hearing in contested cases. [Regulation 08.080, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-360	Depositions upon interrogatories—Provisions of deposition rule. [Regulation 08.360, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-090	Service of process—By whom served. [Regulation 08.090, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-370	Official notice—Matters of law. [Regulation 08.370, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-100	Service of process—Upon whom served. [Regulation 08.100, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-380	Official notice—Material facts. [Regulation 08.380, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-110	Service of process—Service upon parties. [Regulation 08.110, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-390	Presumptions. [Regulation 08.390, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-120	Service of process—Method of service. [Regulation 08.120, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-400	Stipulations and admissions of record. [Regulation 08.400, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-130	Service of process—When service complete. [Regulation 08.130, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-410	Form and content of decisions in contested cases. [Regulation 08.410, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-140	Service of process—Filing with commission. [Regulation 08.140, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-420	Definition of issues before hearing. [Regulation 08.420, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-230	Depositions and interrogatories in contested cases—Right to take. [Regulation 08.230, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-430	Prehearing conference rule—Authorized. [Regulation 08.430, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-240	Depositions and interrogatories in contested cases—Scope. [Regulation 08.240, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-440	Prehearing conference rule—Record of conference action. [Regulation 08.440, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-250	Depositions and interrogatories in contested cases—Officer before whom taken. [Regulation 08.250, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-450	Submission of documentary evidence in advance. [Regulation 08.450, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-260	Depositions and interrogatories in contested cases—Authorization. [Regulation 08.260, effective 4/7/60.]	260-08-460	Excerpts from documentary evidence. [Regulation 08.460, effective 4/7/60.] Repealed by 93-24-015, filed

- 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation 08.470, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Regulation 08.480, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Regulation 08.490, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 260-08-470 or 260-08-480. [Regulation 08.500, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-510 Continuances. [Regulation 08.510, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-520 Rules of evidence—Admissibility criteria. [Regulation 08.520, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Regulation 08.530, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-540 Petitions for rule making, amendment or repeal—Who may petition. [Regulation 08.540, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-550 Petitions for rule making, amendment or repeal—Requirements. [Regulation 08.550, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-560 Petitions for rule making, amendment or repeal—Commission must consider. [Regulation 08.560, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. [Regulation 08.570, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-580 Declaratory rulings. [Regulation 08.580, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-590 Forms. [Regulation 08.590, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-600 Disclaimer of public liability. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-600, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-610 Public records—Officer. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-610, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
- 260-08-640 Exemptions. [Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-640, filed 11/19/93, effective 12/20/93.] Repealed by 04-05-089, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.

**WAC 260-08-005 Horse racing commission—Composition—Duties.** The horse racing commission, composed of three members appointed by the governor, is responsible for licensing, regulating and supervising all horse racing meets in the state where the parimutuel system is used. The commission functions through periodic public meetings held throughout the state and where required, conducts hearings in accordance with this chapter. Various commission employ-

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ees, where required, assist the commission with the statutory duties and the enforcement of chapters 260-12 through 260-84 WAC. The public may obtain information and make submissions at the main commission office as well as the temporary field offices at each of the several licensed tracks when operating.

[Statutory Authority: RCW 67.16.040. 93-24-019, § 260-08-005, filed 11/19/93, effective 12/20/93. § 260-08-005, filed 10/6/67.]

**WAC 260-08-595 Role of the commission and the executive secretary.** The horse racing commission shall appoint an executive secretary who shall act as the chief operating officer for the agency. The executive secretary shall be responsible for the implementation of policies and to enforce rules of the commission. He/she shall also be responsible to carry out the administrative details and the day-to-day operation of the agency, to include the achievement of performance goals and objectives established by the commission and to administrate the agency's budget. The executive secretary shall also act as the appointing authority for agency staff, and as such has the authority and responsibility to hire, promote, assign work, determine duty stations, evaluate, take corrective action, and, where appropriate terminate staff. The executive secretary shall also be responsible to enter into contracts and agreements, and to exercise such other management oversight, decision-making and administrative action that are necessary to achieve agency mission and goals.

[Statutory Authority: RCW 67.16.020. 03-03-041, § 260-08-595, filed 1/10/03, effective 2/10/03.]

**WAC 260-08-620 Requests for public records.** Persons requesting opportunity to copy or inspect the commission's public records shall follow these procedures:

(1) All requests to copy or inspect public records shall be made in writing.

(2) All requests shall be submitted by mail, including e-mail, or personally to the commission's main office.

(3) Each request shall include the following information:

(a) The name of the person or persons making the request.

(b) The calendar date on which the request is made.

(c) The nature of the request, including description of the requested records by title, subject matter, date and other means of enabling the staff of the commission to identify the requested records and make them available.

(d) A signed statement that the material will not be used for commercial purposes, in the event that a list of any type is included in the material requested.

(4) The staff of the commission shall assist any person making a request in identifying the requested record or records, and return the request for resubmission with additional description of the requested records.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-620, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-620, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-630 Copying fees.** No fee shall be charged for the inspection of public records. The commission may charge a fee per page, as provided in RCW 42.17.300 for providing copies of public records and for use of the office's copy equipment, plus postage at actual cost if the records are

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mailed. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and mailing.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-630, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-630, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-650 Review of denials of public records.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the commission's main office. The written request shall specifically refer to the written statement by the staff member, which constituted or accompanied the denial and must be made in writing prior to the end of the second business day following the denial.

(2) After receiving a written request for review of a decision denying a public record, the staff member denying the request shall refer it to the executive secretary or his or her designee. The executive secretary or designee shall immediately consider the matter and either affirm or reverse such denial, in whole or in part, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the executive secretary or his or her designee has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-650, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-650, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-660 Protection of public records.** (1) No person shall knowingly alter, deface, or destroy public records of the commission.

(2) Original copies of public records shall not be removed from premises where maintained by the office.

(3) Care and safekeeping of public records of the commission, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Persons requesting, inspecting, or copying public records shall not disrupt the commission office.

[Statutory Authority: RCW 67.16.020. 04-05-089, § 260-08-660, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-660, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-670 Proceedings before the commission—Application.** An application for a hearing or proceeding before the commission may be on a form provided by the commission for that purpose or in other writing signed by the applicant. The application for hearing should specify the issue to be brought before the commission.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-670, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-680 Proceedings—Notice.** (1) In any proceeding held by the commission, all parties shall be served with a notice of hearing not less than seven days

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before the date of the hearing. Notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

(2) The notice shall state that if a limited English-speaking or hearing impaired party or witness needs an interpreter, a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate whether the party needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Defects in notice may not be waived unless:

(a) The chairperson of the commission determines that the waiver has been made knowingly, voluntarily and intelligently.

(b) The party's representative, if any, consents.

(c) If a party is an impaired person, the waiver is requested through the use of a qualified interpreter.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-680, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-690 Proceedings—Notice to limited English speaking parties.** When the commission is notified or otherwise made aware that a limited-English-speaking person is a party in a proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language or [of] the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to, if necessary, the notice.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-690, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-700 Computation of time.** In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of the time begins to run is not to be included. The last day of the period so computed is to be included.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-700, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-710 Continuances.** (1) Postponements, continuance, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

(2) A request for a continuance made prior to the hearing date may be oral or written and shall state that the party seeking the continuance has notified all other parties of the request and that either all other parties agree to the continuance or that all parties do not agree to the continuance. If all parties do not agree to the continuance, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-710, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-720 Filing and service of papers.** (1) All notices, pleadings, and other papers filed with the presiding

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officer shall be served upon all counsel and representatives or record and upon unrepresented parties or upon their agents designated by them of law.

(2) Service shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail, or by commercial parcel delivery company.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed. Service by commercial parcel delivery shall be regarded as completed upon delivery to the company with charges prepaid.

(4) Papers required to be filed with the commission shall be deemed filed upon actual receipt during office hours at the main office of the commission.

(5) Where proof of service is required by statute or rule, filing the papers with the commission, together with one of the following, shall constitute proof of service:

(a) An acknowledgement of service.

(b) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by delivering a copy thereof in person.

(c) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

(ii) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-720, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-730 Subpoenas.** (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.05.446.

(2) Every subpoena shall identify the party causing the issuance of the subpoena and shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at the time and place set for the hearing.

(3) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode with a person of suitable age and discretion of residing within. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (a) quash or modify the subpoena if it is unreasonable and oppressive or (b) condition denial of motion upon advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-730, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-740 Prehearing conference.** (1) The presiding officer upon his or her own motion or upon request of

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a party may direct the parties or their representatives to engage on a prehearing conference or conferences to consider:

(a) Simplification of the issues.

(b) The necessity or desirability of amendments to the pleadings.

(c) The possibility of obtaining stipulations, admissions of fact and admissions of genuineness of documents which will avoid unnecessary proof.

(d) Limitations on the number and, consolidation of the examination of witnesses.

(e) Procedural matters.

(f) Distribution of written testimony and exhibits to the parties prior to the hearing.

(g) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered. If no objection to such notice is filed within ten days after the date of such notice is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(4) In any proceeding the presiding officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

(5) Nothing in this rule shall be construed to limit the right of the commission to attempt informal settlement of a proceeding or hearing at any time.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-740, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-750 Evidence.** (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.05.452.

(2) Where practical, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing, or portions of the hearing, be submitted to the presiding officer and to the other parties sufficiently in advance to permit study in preparation of cross-examination and rebuttal evidence.

(b) That documentary evidence not submitted in advance as required in (a) of this subsection be not received in evidence in the absence of a clear showing that the offering party had good cause for his or her failure to produce the evidence sooner, unless it is submitted for impeachment purposes.

(c) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written statement.

(3) No former employee of the commission shall appear except with permission of the commission, as an expert witness on behalf of other parties in a proceeding in which he or she previously took an active part in the investigations as a representative of the commission.

(4) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for striking all testimony previously given by such witness on related matter.

(5) Any party bound by a stipulation or admission of record may, at any time prior to closure of the hearing, be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Statutory Authority: RCW 67.16.040. 93-24-017, § 260-08-750, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-760 Testimony under oath or affirmation.** (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all proceedings in a language or manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the commission, in the English language, to the best of the interpreter's skill and judgement.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-760, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-770 Reporting-recording.** All hearings shall be recorded by manual, electronic, or other type of recording device.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-770, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-780 Teleconference hearings.** (1) The presiding officer, with the concurrence of the commission, may conduct all or part of a hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and if technically feasible, to see the entire proceeding while it is taking place, provided the presiding officer shall grant the motion on any person showing good cause for having the hearing conducted in person at a rescheduled time.

(2) Documentary evidence shall be submitted in advance as provided in WAC 260-08-750.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-780, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-790 Cameras—Recording devices.** Photographic and recording equipment shall be permitted at hearings; however, the presiding officer may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing.

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[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-790, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-800 Presiding officer.** The presiding officer shall have the authority to:

- (1) Determine the order of presentation of evidence.
- (2) Administer oaths and affirmation.
- (3) Issue subpoenas.
- (4) Rule on procedural matters, objections and motions.
- (5) Rule on offers of proof and receive relevant evidence.
- (6) Interrogate witnesses in an impartial manner so as to develop any facts deemed necessary to fairly and adequately decide the matter.
- (7) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties.

(8) Take any appropriate action necessary to maintain order during the hearing.

(9) Permit or require oral argument or briefs and determine the time limits for submission thereof.

(10) Take any other action necessary and authorized by any applicable statute [statute] or rule.

(11) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-800, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-810 Initial or final order.** Every decision and order, whether initial or final, shall:

(1) Be correctly captioned as to the name of the commission and the name of the proceeding or hearing.

(2) Designate all parties and representatives participating in the proceeding.

(3) Include a concise statement, of the nature and background of the proceeding.

(4) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461.

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon.

(6) Contain an initial or final order disposing of all contested issues.

(7) Contain a statement describing post hearing remedies.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-810, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-820 Petition for rule making—Form, content and filing.** A petition for adoption, amendment or repeal of a rule shall generally adhere to the following form:

(1) At the top of the page shall appear the wording "Before the Washington horse racing commission". On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of the petitioning party) for rulemaking." Opposite the foregoing caption shall appear the word "petition".

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of

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a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of the petitioner's reason for the action sought.

(3) Petitions shall be dated and signed by the person or entity named in the first paragraph or by the petitioner's attorney. The original and two legible copies shall be filed with the commission.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-820, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-830 Consideration and disposition. (1)**

Each petition for the adoption, amendment, or repeal of a rule shall be considered by the commission and the commission, in its discretion, solicit comments or invite discussion concerning the matter prior to disposition of the petition.

(2) If the agency denies the petition, the denial shall be served upon the petitioner.

[Statutory Authority: RCW 67.16.040. 93-24-018, § 260-08-830, filed 11/19/93, effective 12/20/93.]

**Chapter 260-12 WAC  
GENERAL RULES**

**WAC**

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**WAC 260-12-001 Promulgation.** Chapter 55, Laws of 1933, created and established the Washington horse racing commission, and vested said commission with full powers to prescribe rules, regulations and conditions under which all horse racing, upon the result of which there shall be wagering, shall be conducted within the state of Washington.

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The rules of racing as adopted and herein set forth are published and declared the rules and regulations of racing for the state of Washington. They have been compiled with the hope that they will promote racing on a high plane and encourage the breeding and ownership of thoroughbred horses in this state.

Anyone who enters or causes a horse to run, or who owns a share of any horse which takes part in any race held at a meeting conducted under a license from the Washington horse racing commission, or any corporation, association, official or person participating in any such meeting in any capacity, is expected to be conversant with and to comply with the present rules governing racing.

Such persons, corporations and associations hereby agree to submit, without any reservation, to all the rules and consequences resulting therefrom.

WASHINGTON HORSE RACING COMMISSION

Will Bachofner, Chairman,  
Robert Mead, Commissioner,  
Warren Chinn, Commissioner,  
Blaine Johnson, Secretary.

[Rules of racing, Promulgation, filed 4/21/61.]

**WAC 260-12-010 Definitions.** In applying the rules herein set forth and all amendments thereof the following definitions, constructions and interpretations shall apply, except where otherwise indicated in said rules:

(1) Age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

(2) "Arrears" shall mean all moneys due for entrance forfeits, fees (including jockey's, etc. fees), forfeitures, subscriptions, stake, purchase money in claiming races, and also any default in money incident to the rules.

(3) "Authorized agent" shall mean a person appointed by a written instrument signed and acknowledged before a notary public by the owner and filed in accordance with the rules.

(4) "Association" shall mean any person or persons, associations, or corporations licensed by the commission to conduct racing for any stake, purse or reward.

(5) "Breeder" of a horse shall mean the owner of its dam at the time of foaling.

(6) "Breeding place" shall mean the place of horse's birth.

(7) "Calendar day" shall mean twenty-four hours ending at midnight.

(8) "Declaration" shall mean the act of withdrawing an entered horse from a race before the closing of overnight entries.

(9) "Entry" shall mean according to the requirement of the text (a) a horse made eligible to run in a race, (b) two or more which are entered or run in a race owned by the same owner or trained by the same trainer.

(10) "Equipment," as applied to a horse, shall mean whips, blinkers, tongue straps, muzzle, nosebands, bits, shadow rolls, martingales, breast plates, bandages, boots and plates.

(11) "Forfeit" shall mean money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

(12) "Grounds" shall mean all real property owned or leased by an association used in the conduct of a race meet.

(13) "Horse" includes filly, mare, colt, horse, gelding or ridgling.

(14) "Jockey" shall mean a race rider, whether a licensed jockey, apprentice or amateur.

(15) "Maiden" shall mean a horse which at the time of starting has never won a race on the flat in any country, at a track which is covered by a recognized racing publication showing the complete results of the race. A maiden which has been disqualified after finishing first is still to be considered a maiden.

(16) "Meeting" shall mean the entire consecutive period for which license to race has been granted to any one association by the commission.

(17) "Month" shall mean a calendar month.

(18) "Nominator" shall mean a person in whose name a horse is entered for a race.

(19) "Owner" includes sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

(20) "Place" in racing shall mean first, second or third and in that order is called "win," "place," and "show."

(21) "Post position" shall mean the position assigned to the horse at the starting line of the race.

(22) "Post time" shall mean the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displayed and clearly readable from the grandstand.

(23) "Race" shall mean a contest between horses for purse, stakes, or reward on any licensed course and in the presence of judge or judges. A race which overfills may be contested in two or more divisions.

(a) "Claiming race" shall mean a race in which any horse entered therein may be claimed in conformity with the rules.

(b) "Free handicap" shall mean a handicap in which no liability for entrance money is incurred.

(c) "Handicap" shall mean a race in which the weights to be carried by the entered horses are adjusted by a handicapper or board of handicappers for the purpose of equalizing their respective chances of winning.

(d) "Highweight handicap" shall mean a handicap in which the weight assigned to the top horse in that handicap is not less than 140 pounds.

(e) "Match" shall mean a private sweepstakes between two horses which are the property of two different owners. If prior to the running of the race either of the horses entered in the match dies, or if either owner dies the match is void. It remains a match even if money or any other award is added to the stakes.

(f) "Optional claiming race" shall mean a race restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race will be considered, for the purposes of these rules, a claiming race.

(g) "Overnight race" shall mean a race for which entries close seventy-two hours, or less, before the time set for the first race of the day on which such race is to be run.

(h) "Owner's handicap" shall mean a race wherein the owner fixes, at the time of entry, the weight his horse is to carry.

(i) "Post race" shall mean a race in which the subscribers announce at declaration time the horse, or horses, each intends to start, without limitations of choice other than prescribed by the rules and conditions of the race.

(j) "Private sweepstakes" shall mean a race to which no money or other prize is added, and which, previous to closing, has not been advertised, either by publication, or by circular or entry blank, or in any other way.

(k) "Produce race" shall mean a race to be run for by the produce of horses named or described at the time of entry.

(l) "Purse race" shall mean a race for money or any other prize to which the owners of the horses engaged do not contribute.

(24) "Race day" shall mean any period of twenty-four hours beginning at midnight and included in the period of a race meeting and in the matter of penalties the word "day" means a "calendar day."

(25) "Recognized meeting" shall mean any meeting wherever held under the sanction of a turf authority having reciprocal relations with the commission and other turf authorities (approved by said commission) for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

(26) "Rules" shall mean the rules herein prescribed and any amendments or additions thereto.

(27) "Scratch" shall mean the act of withdrawing an entered horse from the race after the closing of overnight entries.

(28) "Scratch time" shall mean the time set by the association for the closing of applications for permission to withdraw from races of that day.

(29) "Stake race" or "sweepstakes" shall mean a race for which nominations close more than seventy-two hours in advance of its running and for which subscribers contributed money toward its purse, or a race for which horses are invited by an association to run for a guaranteed purse of thirty thousand dollars or more without payment of stakes.

(30) "Starter." A horse is a "starter" for a race when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

(31) "Stewards" shall mean the stewards of the meeting or their duly appointed deputies.

(32) "Subscription" shall mean the act of nominating to a stake race.

(33) "Untried horse" shall mean a horse whose produce are maidens.

(34) "Walk over" shall mean a situation in which two horses in entirely different interest do not run in a race.

(35) "Weight for age" shall mean standard weight according to the rules. A "weight for age" race is one in which all horses carry weight according to the scale without penalties or allowances.

(36) "Year" shall mean a calendar year.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-12-010, filed 7/10/81; 81-08-013 (Order 81-01), § 260-12-010, filed 3/24/81; Rules of racing, Rule 1.22(22), filed 8/23/66; Rules of racing, §§ 1-1.47, filed 4/21/61; subsection (12) amended, filed 3/11/65; subsection (14) amended, filed 8/26/65.]

**WAC 260-12-020 To whom rules apply.** (1) The rules of racing herein prescribed, and any amendments or additions thereto, apply to all persons, associations, partnerships, or corporations holding or conducting a meeting within the state of Washington licensed by the commission where racing shall be permitted for any stake, purse or reward.

(2) The rules shall also apply to any participant in, or patron of, any such licensed meetings.

[Rules of racing, §§ 2, 3, filed 4/21/61.]

**WAC 260-12-030 Rules limited to Washington.** In reading the rules, unless the text otherwise specifies, it shall be understood, without constant reference thereto, that they apply only in Washington.

[Rules of racing, § 4, filed 4/21/61.]

**WAC 260-12-040 Licenses conditioned on observance.** Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe, and enforce said rules. Furthermore, it shall be the duty of each and every officer, director, and every official and employee of said licensee to observe and enforce the rules.

[Rules of racing, § 5, filed 4/21/61.]

**WAC 260-12-050 Execution, filing, of application for license.** Application to the Washington horse racing commission for a license to conduct a race meeting during the next succeeding season of racing must be filed with the secretary of the commission, over the signature of an executive officer of the association not later than February 1st. Once a license is granted, the commission may at any time, upon a showing of good cause, extend, reduce or otherwise modify the dates over which a racing association may conduct a race meet pursuant to that license.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-18-020 (Order 81-07), § 260-12-050, filed 8/25/81; Rules of racing, § 6, filed 4/21/61.]

**WAC 260-12-060 Application does not commit commission.** The application for racing dates and the allotment thereof shall not commit the commission to the granting of a license or licenses to conduct race meetings upon the dates allotted.

[Rules of racing, § 7, filed 4/21/61.]

**WAC 260-12-070 May refuse to issue license—Criteria.** The commission may refuse to issue a license to conduct a race meeting when in its judgment such refusal shall appear to be for the best interest of legitimate racing and of the public. The commission will consider especially the following matters:

- (1) Opportunity for the sport to properly develop;
- (2) Avoidance of competition with established tracks;
- (3) Extent of community support for the promotion and continuance of the tracks;
- (4) The character and reputation of the men identified with the undertaking.

[Rules of racing, § 8, filed 4/21/61.]

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**WAC 260-12-080 Assignment of license—Racing days.** No license or any part thereof shall be transferable or assignable in any manner or in any particular without the consent of the racing commission, and it shall not be permissible of any racing days other than those stipulated.

[Rules of racing, § 9, filed 4/21/61.]

**WAC 260-12-090 Amendment, etc., of rules.** Any and all of the rules may be amended, altered, repealed or supplemented by new and additional rules.

[Rules of racing, § 10, filed 4/21/61.]

**WAC 260-12-100 Laws and rules paramount—Misconduct, punishment.** The laws of Washington and the rules promulgated by the commission supersede the conditions of a race, or the regulations of a race meeting. The racing commission may punish independently any misconduct of any persons connected with racing.

[Rules of racing, § 11, filed 4/21/61.]

**WAC 260-12-110 Commission's right of entry.** Members of the commission and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds, and mutuel plants of the association licensed to conduct horse racing.

[Rules of racing, § 12, filed 4/21/61.]

**WAC 260-12-115 Equipment and apparatus subject to approval.** All equipment, devices or apparatus used to officially record, time, photograph, film or videotape the racing program, or used within the pari-mutuel department for the sale, calculation, display of odds, or encashment of tickets, is subject to the approval of the commission.

[Order 77.1, § 260-12-115, filed 4/22/77.]

**WAC 260-12-120 Commission offices and personnel.** Each association shall provide within its grounds an office for the use, and to be at the disposal of the commission and all its officials. The commission shall have such employees or inspectors, who shall perform such duties as may be assigned to them by the commission.

[Rules of racing, § 13, filed 4/21/61.]

**WAC 260-12-130 Participants, patrons, bound by rules.** Every person participating in and every patron of a licensed meeting shall abide by said laws and rules, and accept the steward's decisions on any and all question to which their authority extends, subject to the right of appeal to the commission.

[Rules of racing, § 14, filed 4/21/61.]

**WAC 260-12-140 Owners, etc., bound by rules.** All owners and trainers of horses, and their stable employees are subject to the laws of Washington and the rules promulgated by the commission beginning on the day an association accepts entries for the first day of racing of a meet. Said owners, trainers and stable employees shall abide by said laws and rules and accept the decision of the stewards on any and

all questions to which their authority extends, subject to their right of appeal to the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-12-140, filed 3/24/81; Rules of racing, § 15, filed 4/21/61.]

**WAC 260-12-150 Denial of admission to grounds—Suspended persons and horses.** No person or horse ruled off, by or under suspension, by any recognized turf authority, trotting association, quarter horse association included, shall be admitted to the grounds of any association. For exception, see WAC 260-12-170.

[Rules of racing, § 18, filed 4/21/61.]

**WAC 260-12-160 Denial of admission to grounds—Narcotics offenders.** No person who has been convicted for illegal possession, sale or giving away of any narcotic or controlled substance shall be permitted on the grounds of an association, except by permission of the board of stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-033 (Order 79-05), § 260-12-160, filed 12/17/79; Rules of racing, § 19, filed 4/21/61.]

**WAC 260-12-170 Eligibility of horses of suspended person.** When a person is ruled off a course or suspended, every horse owned in whole or part by him, or under his care, management, training or superintendence shall be ineligible to be entered or to start in any race until said horse or horses have been reinstated by the rescinding of said person's penalty, or by transfer through bona fide sale, or by placement of horse or horses in the hands of a licensed trainer approved by the stewards.

[Rules of racing, § 20, filed 4/21/61.]

**WAC 260-12-180 Safety equipment required.** All persons while on horseback shall wear a safety helmet and safety vest. Safety equipment shall be approved by the commission. This rule does not apply to nonracing related events conducted for entertainment purposes. Safety equipment for such entertainment events shall be at the discretion of the racing association.

[Statutory Authority: RCW 67.16.040. 01-01-035, § 260-12-180, filed 12/8/00, effective 1/8/01; Rules of racing, § 24, filed 4/21/61.]

**WAC 260-12-190 Racing hours.** Each association shall conduct horse racing only between the hours of 12 noon and 11:30 p.m., unless otherwise specifically authorized by the commission.

[Order 73.8, § 260-12-190, filed 10/23/73; Rules of racing, § 321, filed 4/21/61.]

**WAC 260-12-200 Number of races per day.** The total number of races and the number of exotic races (i.e., daily double, quinella, exacta and trifecta) allowed per day at all tracks shall be subject to the approval of the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-12-200, filed 3/9/82; Rules of racing, § 322, filed 4/21/61.]

**WAC 260-12-210 Post time of first race.** Post time of the first race at each meeting must be approved by the commission.

[Rules of racing, § 323, filed 4/21/61.]

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**WAC 260-12-220 Race conditions and rewards to be filed.** Each association conducting racing on Washington tracks shall file with the commission, the conditions of races it proposes to hold, together with the stakes, purse or rewards.

[Rules of racing, § 324, filed 4/21/61.]

**WAC 260-12-230 Information to be filed before opening of meeting.** In not less than ten days before opening of a race meeting, each association licensed to conduct a race meeting or meetings on Washington tracks shall file with the commission:

(1) A complete schedule of the rates of admission fees the association proposes to make at the meeting or meetings for which dates have been awarded.

(2) A financial statement of the association.

(3) A list of stockholders as of the date of application and the amount of stock held by each. Any change in the personnel of officers or stockholders, or in the holdings of any individual stockholder of an association shall be reported to the commission immediately. This rule shall apply during the life of any permit granted by the commission.

The commission may call for further data and information in writing, or it may ask the officers of any association to appear in person before it. There shall thereafter be no change made in any said admission fees except upon the desire changes being submitted to the commission in writing five days prior to the effective date of such changes.

[Rules of racing, § 326, filed 4/21/61.]

**WAC 260-12-235 Accepted conditions of race meeting.** (1) The commission, recognizing the necessity of an association to comply with the requirements of its license and to fulfill its obligation to the public and the state of Washington with the best possible uninterrupted services, in the comparatively short licensed period, herein provides that all associations, officials, horsemen, owners, trainers, jockeys, grooms, horseshoers, employees, and all licensees, who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said association engages and plans to conduct such race meeting, shall be bound thereby.

(2) Any association, officials, horsemen, owners, trainers, employees, and all licensees who so accept such conditions shall, before they terminate or discontinue their employment engagements or activities, give the commission and the association with whom they are engaged, at least fifteen days notice in writing of their intentions to terminate or discontinue their employment, engagements or activities under such conditions. The commission may upon notice to all parties of interest, conduct a hearing or hearings with respect to any termination or discontinuance of employment: Provided, however, That no group of licensees shall be required to comply with the notice requirements of this rule when track conditions are deemed to be unsafe or hazardous.

[Order 75-1, § 260-12-235, filed 2/18/75.]

**WAC 260-12-240 Commission to approve distribution of passes, etc.** Distribution to the public of free passes, tickets, badges or other forms of admission shall be subject to the approval of the commission.

[Rules of racing, § 327, filed 4/21/61.]

**WAC 260-12-250 Problem gambling information sign must be posted.** The legislature recognizes that some individuals in Washington state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, gambling commission and horse racing commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, gambling commission and horse racing commission shall jointly develop informational signs concerning problem and compulsive gambling, and that signs shall be placed in establishments of horse racing licensees, gambling licensees and lottery retailers.

All Class A, B and C licensees shall post problem and compulsive gambling informational signs in locations of their establishments, including satellite locations, which are clearly visible in patron traffic areas. The informational signs will be provided to the licensee by the horse racing commission and will contain a toll-free hot line number for problem and compulsive gamblers.

If a licensee fails to post the problem and compulsive gambling informational signs in its establishment or satellite locations, it shall be fined \$50.00 for the first violation, \$100.00 for the second violation and \$200.00 for each violation noted thereafter.

[Statutory Authority: RCW 67.16.040. 95-07-142, § 260-12-250, filed 3/22/95, effective 4/22/95.]

**Chapter 260-13 WAC**

**LICENSING REQUIREMENTS FOR NEW TRACKS AND TRANSFERS OF EXISTING TRACKS**

**WAC**

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- 260-13-490 Class C license criteria.

**CLASS A LICENSE**

**WAC 260-13-010 Identification of applicant for Class A license.** An application for a Class A license must include, on a form prepared by the commission, the name, address, and telephone number of the applicant and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-010, filed 6/16/86.]

**WAC 260-13-020 Applicant's affidavit.** An application for a Class A license must include, on a form prepared by the commission, an affidavit of the chief executive officer of a major financial participant in the applicant setting forth:

(1) That application is made for a Class A license to own and operate a horse racing facility at which parimutuel betting is conducted. The Class A license is granted directly to a licensee who will have complete control over the horse racing and the facility including all aspects of ownership and operation.

(2) That affiant is the agent of the applicant, its owners, partners, members, directors, officers, and personnel and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached.

(3) That the applicant seeks a grant of a privilege from the state of Washington, and the burden of proving the applicant's qualifications rests at all times with the applicant.

(4) That the applicant consents to inquiries by the state of Washington, its employees, the commission members, staff, and agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations.

(5) That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim

which otherwise could be made against the state of Washington, its employees, the commission, staff, or agents.

(6) That affiant has read the applicant's identification and disclosures and knows the contents; the contents are true to affiant's own knowledge, except matters therein stated on information and belief; as to those matters, affiant believes them to be true.

(7) That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information or significant deviation from representations in the application may result in denial, revocation, or suspension of a license or imposition of a fine.

(8) That the applicant will comply with chapter 67.16 RCW and all rules of the commission.

(9) The affiant's signature, name, organization, position, address, and telephone number.

(10) The date.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-020, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-020, filed 6/16/86.]

**WAC 260-13-030 Disclosure of ownership and control.** An applicant for a Class A license must disclose:

(1) The type of organizational structure of the applicant, whether individual business corporation, nonprofit corporation, partnership, joint venture, trust, association, or other.

(2) If the applicant is an individual, the applicant's full legal name, whether the applicant is a United States citizen, any aliases and business names currently used by the applicant, and copies of state and federal tax returns for the past five years.

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade names currently used by the applicant.

(b) The jurisdiction and date of incorporation.

(c) The date the applicant commenced doing business in Washington and, if the applicant is incorporated outside Washington, a copy of the applicant's certificate of authority to do business in Washington.

(d) Copies of the applicant's articles of incorporation, bylaws, and state and federal corporate tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) Whether the applicant is publicly held as defined by the rules and regulations of the securities and exchange commission.

(g) The classes of stock of the applicant. As to each class, the number of shares authorized, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed.

(h) If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted.

(i) The names, in alphabetical order, addresses and telephone numbers of the directors and, in a separate listing, officers of the applicant. As to each director and officer, the

number of shares held of record as of the application date or beneficially of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed.

(j) The names, in alphabetical order, addresses and telephone numbers of each record holder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed.

(k) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and securities and exchange commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of most recent registration statement and annual report filed with the securities and exchange commission.

(l) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met, and a copy of most recent registration statement filed with the securities regulator in that jurisdiction.

(m) Whether the securities registration and filing requirements of the state of Washington have been met. If they have not, the applicant must disclose the reasons why. The applicant must provide copies of all securities filing with the Washington department of licensing securities division during the past five years.

(4) If the applicant is an organization other than a corporation:

(a) The applicant's full name and any trade names currently used by the applicant.

(b) The jurisdiction of organization of the applicant.

(c) The date the applicant commenced doing business in Washington.

(d) Copies of any agreements creating or governing the applicant's organization and the applicant's state and federal tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) The names, in alphabetical order, address and telephone numbers of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, including options, or other voting interest, whether absolute or contingent, in the applicant.

(g) The names, in alphabetical order, addresses and telephone numbers of any individual or other entity holding a record or beneficial ownership interest, including options, as of the date of the application or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest.

(5) If a nonindividual record or beneficial holder of an ownership or other voting interest of one percent or more in the applicant is identified pursuant to subsection (3)(i) or (j) or (4)(f) or (g), the applicant must make its best effort to disclose the information required by those clauses as to record or beneficial holders of an ownership or other voting interest of one percent or more in that nonindividual holder. The disclosure required by those clauses must be repeated, in turn, until all indirect individual record and beneficial holders of owner-

ship or other voting interests in applicant are so identified. The term "best effort," as used in this and subsequent sections of this chapter, means an active and serious attempt which is made in good faith, and goes beyond due diligence, to provide the information required to be disclosed. When an applicant is unable, despite its best effort, to provide the information required, it shall explain fully and document its inability to do so.

(6) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control.

(7) Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding ownership or operation of applicant's horse racing facility, and copies of any written agreements.

(8) Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant, and copies of any written agreements.

(9) Whether the applicant, any partner, director, officer, other policymaker, holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant has held or holds a license or permit issued by a governmental authority to own and operate a horse racing facility or conduct any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-030, filed 6/16/86.]

**WAC 260-13-040 Disclosure of character information.** An applicant for a Class A license must make its best effort, as defined in WAC 260-13-030(5), to disclose whether the applicant or any individual or other entity identified above has:

(1) Been charged in a criminal proceeding with a felony or fraud, misrepresentation, theft, larceny, embezzlement, tax evasion, robbery, burglary, bribery, extortion, jury tampering, obstruction of justice, perjury, an antitrust violation or conspiracy to commit any of the foregoing. If so, the applicant must disclose the date charged, court, whether convicted, date convicted, crime convicted of, and sentence.

(2) Been a party in a civil proceeding and alleged to have engaged in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the date of commencement, court, circumstances, date of decision, and result.

(3) Had a horse racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(4) Been accused in an administrative or judicial proceeding of violation of a statute or rule relating to unfair labor practices, discrimination, horse racing, or gambling. If so, the

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applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(5) Commenced an administrative or judicial action against a governmental regulator of horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(6) Been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(7) Failed to satisfy any judgment, decree, or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances.

(8) Been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the date and circumstances.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-040, filed 6/16/86.]

**WAC 260-13-050 Disclosure of improvements and equipment.** An applicant for a Class A license must disclose with respect to the parimutuel horse racing facility it will own and operate:

(1) The address of the facility, its size, and geographical location, including reference to county and municipal boundaries.

(2) A site map which reflects current and proposed highways and streets adjacent to the facility.

(3) The types of racing for which the facility is designed, whether thoroughbred, harness, quarter horse, or other.

(4) Racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judges' stand to first turn and type of surface. If the facility has more than one racetrack, the applicant must provide a description of each.

(5) A description of horse stalls at the facility, giving the dimensions of stalls, separation, location, and total number of stalls.

(6) A description of the grandstand, giving total seating capacity, total reserved seating capacity, indoor and outdoor seating capacity, configuration of grandstand seating and parimutuel and concession facilities within the grandstand; the number and location of men's and women's restrooms, drinking fountains, and medical facilities available to patrons; and a description of public pedestrian traffic patterns throughout the grandstand.

(7) A description of the detention barn, giving distance from detention barn to track and paddock, number of sampling stalls, placement of viewing ports on each stall, location of postmortem floor, number of wash stalls with hot and cold water and drains and availability of video monitors; and a description of the walking ring.

(8) A description of the paddock, number of stalls in the paddock, height from the floor to lowest point of the stall ceiling and entrance, and paddock public address and telephone services.

(9) A description of the jockeys' and drivers' quarters, giving changing areas, a listing of equipment to be installed in each, and the location of the jockeys' quarters in relation to the paddock.

(10) A description of the parimutuel tote, giving approximate location of bettors' windows and cash security areas, and a description of the equipment, including the provider if known.

(11) A description of the parking, giving detailed attention to access to parking from surrounding streets and highways. Number of parking spaces available, distinguishing between public and other; a description of the road surface on parking areas and the distance between parking and the grandstand; and a road map of the area showing the relationship of parking to surrounding streets and highways.

(12) A description of the height, type of construction, and materials of perimeter fence; whether the perimeter fence is topped by a barbed wire apron at least two feet wide and directed outward at a forty-five degree angle; and whether there is a clear zone at least four feet wide around the outside of the entire perimeter fence.

(13) A description of improvements and equipment at the racetrack for security purposes in addition to perimeter fence, including the provider of equipment if known.

(14) A description of starting, timing, photo finish, and photo-patrol or video equipment, including the provider if known.

(15) A description of work areas for the commission members, officers, employees, and agents.

(16) A description of access of the facility to public transportation, specifics of the type of transportation and schedules, road maps of area indicating pick-up and drop-off points.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-050, filed 6/16/86.]

#### **WAC 260-13-060 Disclosure of development process.**

An applicant for a Class A license must disclose with regard to development of its horse racing facility:

(1) The total cost of construction of the facility, distinguishing between fixed costs and projections.

(2) Separate identification of the following costs, distinguishing between fixed costs and projections:

(a) Facility design;

(b) Land acquisition;

(c) Site preparation;

(d) Improvements and equipment, separately identifying the costs of WAC 260-13-050 (4) through (15) and other categories of improvements and equipment;

(e) Interim financing;

(f) Permanent financing;

(g) Organization, administrative, accounting, and legal.

(3) Documentation of fixed costs.

(4) The schedule for construction of the facility, including estimated completion date.

(5) Schematic drawings.

(6) Copies of any contracts with and performance bonds from the:

(a) Architect or other design professional;

(b) Project engineer;

(c) Construction engineer;

(d) Contractors and subcontractors; and

(e) Equipment procurement personnel.

(7) Whether the site has been acquired or leased by applicant. If so, the applicant must provide the documenta-

tion. If not, the applicant must disclose what actions the applicant must take in order to use the site.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-060, filed 6/16/86.]

#### **WAC 260-13-070 Disclosure of financial resources.**

An applicant for a Class A license must disclose the following with regard to financial resources:

(1) An audited financial statement reflecting the applicant's current assets, including investments in affiliated entities, loans and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity.

(2) Equity and debt sources of funds to develop, own, and operate the horse racing facility:

(a) With respect to each source of equity contribution, identification of the source, amount, form, method of payment, nature and amount of present commitment, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts.

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-070, filed 6/16/86.]

#### **WAC 260-13-080 Disclosure of financial plan.**

An applicant for a Class A license must disclose with regard to its financial plan the financial projections for the development period and each of the first five racing years, with separate schedules based upon the number of racing days and types of parimutuel betting the applicant requires to break even and the optimum number of racing and types of betting applicant seeks each year. The commission will utilize financial projections in deciding whether to issue Class A licenses. Neither acceptance of a license application nor issuance of a license shall bind the commission as to matters within its discretion, including, but not limited to, assignment of racing days and designation of types of permissible parimutuel pools. The disclosure must include:

(1) The following assumptions and support for them:

(a) The average daily attendance;

(b) Average daily per capita handle and average bet;

(c) Retainage;

(d) Admissions to track, including ticket prices and free admissions;

(e) Parking volume, fees, and revenues;

(f) Concessions, gift shop, and program sales;

(g) Cost of purses;

(h) Parimutuel expense;

(i) State taxes;

(j) Real estate taxes;

(k) Breeder fund;

- (l) Payroll;
- (m) Operating supplies and services;
- (n) Utilities;
- (o) Repairs and maintenance;
- (p) Insurance;
- (q) Travel expense;
- (r) Membership expense;
- (s) Security expense;
- (t) Legal and audit expense;
- (u) Debt service; and
- (v) Federal taxes;
- (2) The following profit and loss elements:
  - (a) Total revenue, including projected revenues from retainage and breakage, admissions, parking, and concessions, gift, and program operations;
  - (b) Total operating expenses, including anticipated expenses for:
    - (i) Purses;
    - (ii) Parimutuel;
    - (iii) Sales tax;
    - (iv) Breakage to state;
    - (v) Real estate tax;
    - (vi) Admissions tax;
    - (vii) Breeder fund;
    - (viii) Special assessments;
    - (ix) Cost of concession goods, gifts, and programs;
    - (x) Advertising and promotion;
    - (xi) Payroll;
    - (xii) Operating supplies and service;
    - (xiii) Maintenance and repairs;
    - (xiv) Insurance;
    - (xv) Security;
    - (xvi) Legal and audit; and
    - (xvii) Federal and state income taxes.
  - (c) Nonoperating expenses, including anticipated expenses for debt service, facility depreciation and identification of method used, and equipment depreciation and identification of method used;
- (3) Projected cash flow, including assessment of:
  - (a) Income, including equity contributions, debt contributions, interest income, operating revenue; and
  - (b) Disbursements, including land, improvements, equipment, debt service, operating expense, organizational expense; and
- (4) Projected balance sheets as of the end of the development period and each of the five racing years setting forth:
  - (a) Current, fixed, and other noncurrent assets;
  - (b) Current and long-term liabilities; and
  - (c) Capital accounts.

The applicant must also disclose an accountant's review report of the financial projections.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-080, filed 6/16/86.]

**WAC 260-13-090 Disclosure of governmental actions.** An applicant for a Class A license must disclose with regard to actions of government agencies:

- (1) The street and highway improvements necessary to ensure adequate access to applicant's horse racing facility, and the cost of improvements, status, likelihood of completion, and estimated date.

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- (2) The sewer, water, and other public utility improvements necessary to serve applicant's facility, and the cost of improvements, status, likelihood of completion, and estimated date.

(3) If applicant has obtained any required government approvals for its development, ownership, and operation of its horse racing facility;

(a) A description of the approval, unit of government, date, and documentation.

(b) Whether public hearings were held. If they were, the applicant must disclose when and where the hearings were conducted. If they were not held, the applicant must disclose why they were not held.

(c) Whether the unit of government attached any conditions to approval. If so, the applicant must disclose these conditions, including documentation.

(4) Whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date.

(5) Whether an environmental assessment of the facility has been or will be prepared. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any assessment.

(6) Whether an environmental impact statement is required for applicant's facility. If so, the applicant must disclose its status and the governmental unit with jurisdiction, and provide a copy of any statement.

(7) Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the development, ownership, and operation of its horse racing facility. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-090, filed 6/16/86.]

**WAC 260-13-100 Disclosure of management.** An applicant for a Class A license must disclose with regard to the development, ownership, and operation of its parimutuel horse racing facility:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function, job descriptions, and qualifications for each management position, and a copy of the organization chart;

(2) Management personnel to the extent known with respect to each:

- (a) Legal name, aliases, and previous names;
- (b) Current residence and business addresses and telephone numbers;

(c) Qualifications and experience in the following areas:

- (i) General business;
- (ii) Real estate development;
- (iii) Construction;
- (iv) Marketing, promotion, and advertising;
- (v) Finance and accounting;
- (vi) Horse racing;
- (vii) Parimutuel betting;
- (viii) Security; and
- (ix) Human and animal health and safety; and

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(d) Description of the terms and conditions of employment and a copy of the agreement;

(3) Consultants and other contractors who have provided or will provide management-related services to applicant to extent known and with respect to each:

- (a) Full name;
- (b) Current address and telephone number;
- (c) Nature of services;
- (d) Qualifications and experience;
- (e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants [in] [on] horse racing organizations;

(5) Description of the applicant's security plan, including:

(a) Number of deployment of security personnel used by [the] applicant during a race meeting, security staff levels, and deployment at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses and cash room;

(c) Specific plans to discover persons at the horse racing facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction or are a threat to the integrity of [a] racing in Washington;

(d) Description of video monitoring equipment and its use;

(e) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(f) Coordination of security with law enforcement agencies;

(6) Description of the applicant's plans for human and animal health and safety, including emergencies;

(7) Description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for concessions, including whether the licensee will operate concessions and, if not, who will, to the extent known;

(9) A description of training of the applicant's personnel;

(10) A description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of equal employment opportunity statement and policy of the applicant dated and signed by chief executive officer; and a copy of affirmative action policy and procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.; and

(11) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(12) A description of the applicant's plan for purses, including total purses, formula, minimum, stakes races, and purse handling procedures;

(13) A description of the applicant's plan for parimutuel betting, including, number of line divisions, windows, selling machines and clerks; use or duties of each; and accounting

procedures, including its proposed system of internal audit and supervisory controls.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-100, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-100, filed 6/16/86.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 260-13-110 Disclosure of public service.** An applicant for a Class A license must disclose its plans for promotion of the orderly growth of horse racing in Washington and education of the public with respect to horse racing and parimutuel betting.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-110, filed 6/16/86.]

**WAC 260-13-120 Disclosure of impact of facility.** An applicant for a Class A license must disclose the impact of its horse racing facility, including:

(1) Economic impact, including:

(a) Employment created and specifics as to number of jobs, whether permanent or temporary, type of work, compensation, employer, and how created;

(b) Purchases of goods and services and specifics as to money amounts and types of purchases;

(c) Public and private investment; and

(d) Tax revenues generated;

(2) Ecological impact;

(3) Impact on energy conservation and development of alternative energy sources; and

(4) Social impact.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-120, filed 6/16/86.]

**WAC 260-13-130 Disclosure of public support and opposition.** An applicant for a Class A license must disclose public support and opposition, whether by a governmental official or agency or private individual or group and must supply documentation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-130, filed 6/16/86.]

**WAC 260-13-140 Effects on competition.** An applicant for a Class A license must disclose the effects of its ownership and operation of its horse racing facility on competitors within the horse racing industry. This disclosure must analyze the impact on all other existing race tracks in Washington at the time and the racing dates are projected to commence.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-140, filed 6/16/86.]

**WAC 260-13-150 Disclosure of assistance in preparation of application.** An applicant for a Class A license must disclose the names, addresses, and telephone numbers of individuals who assisted applicant in preparation of its application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-150, filed 6/16/86.]

**WAC 260-13-160 Personal information and authorization for release.** In an application for a Class A license the applicant must make its best effort, as defined above to include the following with respect to each individual identified as an applicant, partner, director, officer, other policy-maker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant and each individual identified pursuant to WAC 260-13-030.

(1) Full name, business and residence addresses and telephone numbers, last five residence addresses, date of birth, place of birth, Social Security number, if the individual is willing to provide it, and two references; and

(2) An authorization for release of personal information, on a form prepared by the commission, signed by the individual and providing that he or she:

(a) Authorizes a review by and full disclosure to an agent of the Washington state patrol of all records concerning the individual, whether the records are public, nonpublic, private, or confidential;

(b) Recognizes the information reviewed or disclosed may be used by the state of Washington, its employers, the commission, members, staff and agents to determine the signer's qualifications for a Class A license; and

(c) Releases authorized providers and users of the information from any liability under state or federal data privacy law.

(3) This rule will not apply to information that properly comes within privileges recognized by the law such as between attorney and client.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-160, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-160, filed 6/16/86.]

**WAC 260-13-170 Class A license criteria.** The commission may refuse to issue a Class A license to conduct a race meeting when in its judgment such refusal shall appear to be for the best interest of legitimate racing and of the public. In making this determination, the commission must consider the following factors and indices:

(1) The integrity of the applicant, its partners, directors, officers, policymakers, managers, and holders of ownership or other voting interests or control, including:

(a) Criminal record;

(b) Involvement in litigation over business practices;

(c) Involvement in disciplinary actions over a business license or permit or refusal to renew a license or permit;

(d) Involvement in proceedings in which unfair labor practices, discrimination, or government regulation of horse racing or gambling was an issue;

(e) Involvement in bankruptcy proceedings;

(f) Failure to satisfy judgments, orders, or decrees;

(g) Delinquency in filing of tax reports or remitting taxes; and

(h) Any other indices related to integrity which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(2) The types and variety of parimutuel horse racing which applicant will offer;

(3) The quality of physical improvements and equipment in applicant's facility, including:

(a) Racetrack or tracks;

(b) Stabling;

(c) Grandstand;

(d) Detention barn;

(e) Paddock;

(f) Jockeys' and drivers' quarters;

(g) Parimutuel tote;

(h) Parking;

(i) Access by road and public transportation;

(j) Perimeter fence;

(k) Other security improvements and equipment;

(l) Starting, timing, photo finish, and photo-patrol or video equipment;

(m) Commission work areas; and

(n) Any other indices related to quality which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(4) Imminence of completion of facility;

(5) Financial ability to develop, own, and operate a parimutuel horse racing facility successfully, including:

(a) Ownership and control structure;

(b) Amounts and reliability of development costs;

(c) Certainty of site acquisition or lease;

(d) Current financial condition;

(e) Sources of equity and debt funds, amounts, terms and conditions and certainty of commitment;

(f) Provision for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other financial adversity;

(g) Feasibility of financial plan; and

(h) Any other indices related to financial ability which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(6) Status of governmental actions required by the applicant's facility, including:

(a) Necessary road improvements;

(b) Necessary public utility improvements;

(c) Required governmental approvals for development, ownership, and operation of the facility;

(d) Acceptance of any required environmental assessment and preparation of any required environmental impact statement; and

(e) Any other indices related to status of governmental actions which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(7) Management ability of the applicant, including:

(a) Qualifications of managers, consultants, and other contractors to develop, own, and operate a parimutuel horse racing facility;

(b) Security plan;

(c) Plans for human and animal health and safety;

(d) Marketing, promotion, advertising plans;

(e) Concessions plan;

(f) Plan for training personnel;

(g) Equal employment and affirmative action plans; and

(h) Any other indices related to management ability which the commission deems crucial to its decision making

as long as the same indices are considered with regard to all applicants;

(8) Compliance with applicable statutes, charters, ordinances, or regulations;

(9) Efforts to promote orderly growth or horse racing in Washington and educate public with respect to horse racing and parimutuel betting;

(10) Impact of facility, including;

(a) Economic impact, including employment created, purchases of goods and services, public and private investment and taxes generated;

(b) Ecological impact;

(c) Impact on energy conservation and development of alternative energy sources;

(d) Social impact;

(e) Costs of public improvements; and

(f) Any other indices related to impact which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(11) Extent of public support and opposition; and

(12) Effects on competition, with existing tracks, including:

(a) Number, nature, and relative location of other Class A licenses;

(b) Minimum and optimum number of racing days sought by the applicant; and

(c) Any other indices of the impact of competition which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants.

The commission also must consider any other information which the applicant discloses and is relevant and helpful to a proper determination by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-170, filed 6/16/86.]

### CLASS B LICENSE

**WAC 260-13-175 Definition of "applicant."** In all rules relating to applications of Class B licenses the term "applicant" shall mean lessee. As used in WAC 260-13-180; 260-13-200; 260-13-210; 260-13-230; 260-13-240; 260-13-320; 260-13-330; 260-13-350; 260-13-360; and 260-13-440, for all new track facilities constructed after January 1, 1991, the term "applicant" shall mean both lessee and lessor.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-175, filed 8/5/92, effective 9/5/92.]

**WAC 260-13-180 Identification of applicant for Class B license.** An application for a Class B license must include, on a form prepared by the commission, the name, address, and telephone number of the applicant, and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-180, filed 6/16/86.]

**WAC 260-13-190 Applicant's affidavit.** An application for a Class B license must include, on a form prepared by the commission, an affidavit of the chief executive officer of or a major financial participant in the applicant setting forth:

(1) That application is made for a Class B license to sponsor and manage horse racing on which parimutuel betting is conducted. The Class B license is granted directly to a licensee who will have complete control over the horse racing but who does not retain ownership of the facility itself as in a Class A license.

(2) That affiant is the agent of the applicant, its owners, partners, members, directors, officers, and personnel and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached.

(3) That the applicant seeks a grant of a privilege from the state of Washington, and the burden of proving the applicant's qualifications rests at all times with the applicant.

(4) That the applicant consents to inquiries by the state of Washington, its employees, the commission, members, staff, agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations.

(5) That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the state of Washington, its employees, the commission, staff, or agents.

(6) That affiant has read the applicant's identification and disclosures and knows the contents; the contents are true to affiant's own knowledge, except matters therein stated on information and belief; as to those matters, affiant believes them to be true.

(7) That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information, or significant deviation from representations in the application may result in denial, revocation, or suspension of a license or imposition of a fine.

(8) That the applicant will comply with chapter 67.16 RCW and all rules of the commission.

(9) Affiant's signature, name, organization, position, address, and telephone number.

(10) The date.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-190, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-190, filed 6/16/86.]

**WAC 260-13-200 Disclosure of ownership and control.** An applicant for a Class B license must disclose:

(1) The type of organizational structure of the applicant, whether individual, business corporation, nonprofit corporation, partnership, joint venture, trust, association, or other entity.

(2) If the applicant is an individual, the applicant's full legal name, whether the applicant is a United States citizen, any aliases and business names currently used by the applicant, and copies of state and federal tax returns for the past five years.

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade names currently used by the applicant.

(b) The jurisdiction and date of incorporation.

(c) The date the applicant commenced doing business in Washington and, if the applicant is incorporated outside Washington, a copy of the applicant's certificate of authority to do business in Washington.

(d) Copies of the applicant's articles of incorporation, bylaws, and state and federal corporate tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) Whether the applicant is publicly held as defined by the rules and regulations of the securities and exchange commission.

(g) Classes of stock of the applicant. As to each class, the number of shares authorized, number issued, number outstanding, par value per share, issue price, current market price, number of shareholders, terms, position, rights, and privileges must be disclosed.

(h) If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, the nature thereof, face or par value, number of units authorized, number outstanding, and conditions under which they may be voted.

(i) The names, in alphabetical order, addresses and telephone numbers of the directors and, in a separate listing, officers of the applicant. As to each director and officer, the number of shares held of record as of the application date or beneficially of each class of stock, including stock options and subscriptions, and units held of record or beneficially of other obligations or securities which bear voting rights must be disclosed.

(j) The names, in alphabetical order, addresses and telephone numbers of each record holder as of the date of application or beneficial owner of shares, including stock options and subscriptions, of the applicant or units of other obligations or securities which bear voting rights. As to each holder of shares or units, the number and class or type of shares or units must be disclosed.

(k) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and securities and exchange commission rules and regulations have been met in connection with issuance of applicant's securities, and copies of most recent registration statement and annual report filed with the securities and exchange commission.

(l) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation have been met, and a copy of most recent registration statement filed with the securities regulator in that jurisdiction.

(m) Whether the securities registration and filing requirements of the state of Washington have been met. If they have not, the applicant must disclose the reasons why. The applicant must provide copies of all securities filing with the Washington department of licensing securities division during the past five years.

(4) If the applicant is an organization other than a corporation:

(a) The applicant's full name and any trade names currently used by the applicant.

(b) Jurisdiction of organization of the applicant.

(c) Date the applicant commenced doing business in Washington.

(d) Copies of any agreements creating or governing the applicant's organization and the applicant's state and federal tax returns for the past five years.

(e) The general nature of the applicant's business.

(f) Names, in alphabetical order, addresses, and telephone numbers of any partners and officers of the applicant and other persons who have or share policymaking authority. As to each, the applicant must disclose the nature and extent of any ownership interest, including options, or other voting interest, whether absolute or contingent, in the applicant.

(g) Names, in alphabetical order, addresses and telephone numbers of any individual or other entity holding a record or beneficial ownership interest, including options, as of the date of the application or other voting interest, whether absolute or contingent, in the applicant. As to each, the applicant must disclose the nature and extent of the interest.

(5) If a nonindividual record or beneficial holder of an ownership or other voting interest of one percent or more in the applicant is identified pursuant to subsection (3)(i) or (j), or (4)(f) or (g) of this section, the applicant must make its best effort, as defined above, to disclose the information required by those clauses as to record or beneficial holders of an ownership or other voting interest of one percent or more in that nonindividual holder. The disclosure required by those clauses must be repeated, in turn, until all indirect individual record and beneficial holders of ownership or other voting interests in applicant are so identified.

(6) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of control.

(7) Any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding applicant's sponsorship or management of horse racing, and copies of any written agreements.

(8) Any agreements or understanding which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant, and copies of any written agreements.

(9) Whether the applicant, any partner, director, officer, other policymaker, holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant has held or holds a license or permit issued by a governmental authority to own and operate a horse racing facility or conduct any aspect of horse racing or gambling. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and termination.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-200, filed 6/16/86.]

**WAC 260-13-210 Disclosure of character information.** An applicant for a Class B license must make its best effort, as defined above, to disclose whether the applicant or any individual or other entity identified in WAC 260-13-200 (2) and (3) has:

(1) Been charged in a criminal proceeding with a felony or fraud, misrepresentation, theft, larceny, embezzlement, tax

evasion, robbery, burglary, bribery, extortion, jury tampering, obstruction of justice, perjury, an antitrust violation, or conspiracy to commit any of the foregoing. If so, the applicant must disclose the date charged, court, whether convicted, date convicted, crime convicted of, and sentence.

(2) Been a party in a civil proceeding and alleged to have engaged in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the applicant must disclose the date of commencement, court, circumstances, date of decision, and result.

(3) Had a horse racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(4) Been accused in an administrative or judicial proceeding of violation of a statute or rule relating to unfair labor practices, discrimination, horse racing, or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(5) Commenced an administrative or judicial action against a governmental regulator of horse racing or gambling. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(6) Been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(7) Failed to satisfy any judgment, decree, or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and circumstances.

(8) Been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the date and circumstances.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-210, filed 6/16/86.]

**WAC 260-13-220 Disclosure of improvements and equipment.** An application for a Class B license must disclose with respect to the facility at which it will sponsor and manage parimutuel horse racing:

(1) The address of the facility at which the applicant will sponsor and manage horse racing, size, and geographical location, including reference to county and municipal boundaries.

(2) A site map which reflects current and proposed highways and streets adjacent to the facility.

(3) The types of racing for which the facility is designed, whether thoroughbred, harness, quarter horse, or other.

(4) Racetrack dimensions by circumference, width, banking, location of chutes, length of stretch, distance from judges' stand to first turn and type of surface. If the facility has more than one racetrack, the applicant must provide a description of each.

(5) A description of horse stalls at the facility, giving the dimensions of stalls, separation, location, and total number of stalls.

(6) A description of the grandstand, giving total seating capacity, total reserved seating capacity, indoor and outdoor seating capacity, configuration of grandstand seating and parimutuel and concession facilities within the grandstand;

the number and location of men's and women's restrooms, drinking fountains, and medical facilities available to patrons; and a description of public pedestrian traffic patterns throughout the grandstand.

(7) A description of the detention barn, giving distance from detention barn to track and paddock, number of sampling stalls, placement of viewing ports on each stall, location of postmortem floor, number of wash stalls with hot and cold water and drains and availability of video monitors; and a description of the walking ring.

(8) A description of the paddock, number of stalls in the paddock, height from the floor to lowest point of the stall ceiling and entrance, and paddock public address and telephone services.

(9) A description of the jockeys' and drivers' quarters, giving changing areas, a listing of equipment to be installed in each, and the location of the jockeys' quarters in relation to the paddock.

(10) A description of the parimutuel tote, giving approximate location of bettors' windows and cash security areas; and a description of the equipment, including the provider if known.

(11) A description of the parking, giving detailed attention to access to parking from surrounding streets and highways, number of parking spaces available, distinguishing between public and other; a description of the road surface on parking areas and the distance between parking and the grandstand; and a road map of the area showing the relationship of parking to surrounding streets and highways.

(12) A description of the height, type of construction, and materials of perimeter fence; whether the perimeter fence is topped by a barbed wire apron at least two feet wide and directed outward at a forty-five degree angle; and whether there is a clear zone at least four feet wide around the outside of the entire perimeter fence.

(13) A description of improvements and equipment at the racetrack for security purposes in addition to perimeter fence, including the provider of equipment if known.

(14) A description of starting, timing, photo finish, and photo-patrol or video equipment, including the provider if known.

(15) A description of work areas for the commission members, officers, employees, and agents.

(16) A description of access of the facility to public transportation, specifics of types of transportation and schedules; and a road map of area indicating pick-up and drop-off points.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-220, filed 6/16/86.]

**WAC 260-13-230 Disclosure of authorization to use horse racing facility.** An applicant for a Class B license must disclose the terms and conditions of the lease or other agreement authorizing the applicant to sponsor and manage parimutuel horse racing at a licensed facility and provide a copy of the agreement.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-230, filed 6/16/86.]

**WAC 260-13-240 Disclosure of financial resources.**

An applicant for a Class B license must disclose the following with regard to financial resources:

(1) An audited financial statement reflecting the applicant's current assets, including investments in affiliated entities, loans and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity;

(2) Equity and debt sources of funds to sponsor and manage horse racing:

(a) With respect to each source of equity contribution, identification of the source, amount, form, method of payment, nature and amount of present commitment, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts;

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more certain commitments and commitments for additional amounts; and

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-240, filed 6/16/86.]

**WAC 260-13-250 Disclosure of financial plan.**

An applicant for a Class B license must disclose with regard to its financial plan the financial projections for any development period in each of the first or next three racing years, with separate schedules based upon the number of racing days and types of parimutuel betting the applicant requires to break even and the optimum number of racing and types of betting applicant seeks each year. The commission will utilize financial projections in deciding whether to issue Class B licenses. Neither acceptance of a license application nor issuance of a license shall bind the commission as to matters within its discretion, including, but not limited to, assignment of racing days and designation of types of permissible parimutuel pools. The disclosure must include:

(1) The following assumptions and support for them:

(a) The average daily attendance;

(b) Average daily per capita handle and average bet;

(c) Retainage;

(d) Admissions to track, including ticket prices and free admissions;

(e) Parking volume, fees, and revenues;

(f) Concessions, gift shop, and program sales;

(g) Cost of purses;

(h) Parimutuel expense;

(i) State taxes;

(j) Real estate taxes;

(k) Breeder fund;

(l) Payroll;

(m) Operating supplies and services;

(n) Utilities;

(o) Repairs and maintenance;

(p) Insurance;

(q) Travel expense;

(r) Membership expense;

(s) Security expense;

(t) Legal and audit expense;

(u) Debt service; and

(v) Federal taxes;

(2) The following profit and loss elements:

(a) Total revenue, including projected revenues from retainage and breakage, admissions, parking, and concessions, gift, and program operations;

(b) Total operating expenses, including anticipated expenses for:

(i) Purses;

(ii) Parimutuel;

(iii) Sales tax;

(iv) Breakage to state;

(v) Real estate tax;

(vi) Admissions tax;

(vii) Breeder fund;

(viii) Special assessments;

(ix) Cost of concession goods, gifts, and programs;

(x) Advertising and promotion;

(xi) Payroll;

(xii) Operating supplies and service;

(xiii) Maintenance and repairs;

(xiv) Insurance;

(xv) Security;

(xvi) Legal and audit; and

(xvii) Federal and state income taxes.

(c) Nonoperating expenses, including anticipated expenses for debt service, facility depreciation and identification of method used, and equipment depreciation and identification of method used;

(3) Projected cash flow, including assessment of:

(a) Income, including equity contributions, debt contributions, interest income, operating revenue; and

(b) Disbursements, including land, improvements, equipment, debt service, operating expense, organizational expense; and

(4) Projected balance sheets as of the end of the development period and three racing years setting forth current, fixed, and other noncurrent assets; current and long-term liabilities; and capital accounts.

An applicant must also disclose an accountant's review report of the financial projections.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-250, filed 6/16/86.]

**WAC 260-13-260 Disclosure of governmental**

**actions.** An applicant for a Class B license must disclose with regard to actions of government agencies:

(1) If the applicant has obtained any required government approvals for its management and sponsorship of horse racing:

(a) A description of the approval, unit of government and date, and documentation.

(b) Whether public hearings were held. If they were, the applicant must disclose when and where the hearings were conducted. If they were not held, the applicant must disclose why they were not held.

(c) Whether the unit of government attached any conditions to approval. If so, the applicant must disclose these conditions, including documentation.

(2) Whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date.

(3) Whether the applicant is in compliance with all statutes, charter provisions, ordinances, and regulations pertaining to the sponsorship and management of horse racing. If the applicant is not in compliance, the applicant must disclose the reasons why the applicant is not in compliance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-260, filed 6/16/86.]

**WAC 260-13-270 Disclosure of management.** An applicant for a Class B license must disclose with regard to its management of parimutuel horse racing:

(1) A description of the applicant's management plan, with budget and identification of management personnel by function; job descriptions and qualifications for each management position; and a copy of the organization chart;

(2) Management personnel to the extent known with respect to each:

(a) Legal name, aliases, and previous names;

(b) Current residence and business addresses and telephone numbers;

(c) Qualifications and experience in the following areas:

(i) General business;

(ii) Marketing, promotion, and advertising;

(iii) Finance and accounting;

(iv) Horse racing;

(v) Parimutuel betting;

(vi) Security;

(vii) Human and animal health and safety; and

(d) Description of the terms and conditions of employment, and a copy of the agreement;

(3) Consultants and other contractors to extent known who have provided or will provide management-related services to applicant and with respect to each:

(a) Full name;

(b) Current address and telephone number;

(c) Nature of services;

(d) Qualifications and experience;

(e) Description of terms and conditions of any contractor's agreement, and a copy of the agreement;

(4) Memberships of the applicant, management personnel, and consultants in horse racing organizations;

(5) A description of the applicant's security plan, including:

(a) Number and deployment of security personnel used by applicant during a race meeting; security staff levels; and deployment at other times;

(b) Specific security plans for perimeter, stabling facilities, parimutuel betting facilities, purses, and cash room;

(c) Specific plans to discover persons at the horse racing facility who have been convicted of a felony, had a license suspended, revoked, or denied by the commission or by the horse racing authority of another jurisdiction, or are a threat to the integrity of racing in Washington;

(d) Description of video monitoring equipment and its use;

(e) Whether the applicant will be a member of the Thoroughbred Racing Protective Bureau or other security organization; and

(f) Coordination of security with law enforcement agencies;

(6) A description of applicant's plans for human and animal health and safety, including emergencies;

(7) A description of the applicant's marketing, promotion, and advertising plans;

(8) A description of the applicant's plan for conduct of horse racing, including types of racing, number of days, weeks, specific dates, number of races per day, time of day, and special events;

(9) A description of applicant's plan for purses, including total purses, formula, minimum, stakes races, and purse-handling procedures;

(10) A description of the applicant's plan for parimutuel betting, including number of line divisions, windows, selling machines, and clerks; use or duties of each; and accounting procedures, including its proposed system of internal audit and supervisory controls;

(11) A description of the applicant's plan for concessions, including whether licensee will operate concessions and, if not, who will to the extent known;

(12) A description of training of the applicant's personnel; and

(13) A description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of equal employment opportunity statement and policy of the applicant dated and signed by chief executive officer; a copy of affirmative action policy and procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-270, filed 6/16/86.]

**WAC 260-13-280 Disclosure of public service.** An applicant for a Class B license must disclose its plans for promotion of the orderly growth of horse racing in Washington and education of the public with respect to horse racing and parimutuel betting.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-280, filed 6/16/86.]

**WAC 260-13-290 Disclosure of economic impact.** An applicant for a Class B license must disclose the economic impact of its sponsorship and management of horse racing, including:

(1) Employment created, including specifics as to number of jobs, permanent or temporary, type of work, compensation, employer, and how created;

(2) Purchases of goods and services, including specifics as to money amounts and types of purchases; and

(3) Tax revenues generated.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-290, filed 6/16/86.]

**WAC 260-13-300 Disclosure of public support and opposition.** An applicant for a Class B license must disclose public support and opposition, whether by a governmental official, agency, private individual, or group, and provide documentation.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-300, filed 6/16/86.]

**WAC 260-13-310 Effects on competition.** An applicant for a Class B license must disclose the effects of its sponsorship and management of horse racing on competitors within the horse racing industry.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-310, filed 6/16/86.]

**WAC 260-13-320 Disclosure of assistance in preparation of application.** An applicant for a Class B license must disclose the names, addresses, and telephone numbers of individuals who assisted applicant in preparation of its application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-320, filed 6/16/86.]

**WAC 260-13-330 Personal information and authorization for release.** In an application for a Class B license the applicant must make its best effort, as defined in WAC 260-13-030(5), to include the following with respect to each individual identified pursuant to WAC 260-13-200 as an applicant, partner, director, officer, other policymaker, or holder of a direct or indirect record or beneficial ownership interest or other voting interest or control of one percent or more in the applicant and each individual identified in WAC 260-13-200:

(1) Full name, business and residence addresses, and telephone numbers, last five residence addresses, date of birth, place of birth, Social Security number, if the individual is willing to provide it, and two references; and

(2) An authorization for release of personal information, on a form prepared by the commission, signed by the individual and providing that he or she:

(a) Authorizes a review by and full disclosure to an agent of the Washington state patrol of all records concerning the individual, whether the records are public, nonpublic, private, or confidential;

(b) Recognizes the information reviewed or disclosed may be used by the state of Washington, its employers, the commission, members, staff and agents to determine the signer's qualifications for a Class B license; and

(c) Releases authorized providers and users of the information from any liability under state or federal data privacy law.

(3) This rule will not apply to information that properly comes within privileges recognized by the law such as between attorney and client.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-330, filed 10/16/86. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-330, filed 6/16/86.]

**WAC 260-13-340 Class B license criteria.** The commission may refuse to issue a Class B license to conduct a

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race meeting when in its judgment such refusal shall appear to be for the best interest of legitimate racing and of the public. In making this determination, the commission must consider the following factors and indices:

(1) The integrity of the applicant, its partners, directors, officers, policymakers, managers, and holders of ownership or other voting interests or control, including:

(a) Criminal records;

(b) Involvement in litigation over business practices;

(c) Involvement in disciplinary actions over a business license or permit or refusal to renew a license or permit;

(d) Involvement in proceedings in which unfair labor practices, discrimination, or government regulation of horse racing or gambling was an issue;

(e) Involvement in bankruptcy proceedings;

(f) Failure to satisfy judgments, orders, or decrees;

(g) Delinquency in filing of tax reports or remitting taxes;

(h) Any other indices related to integrity which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants;

(2) The types and variety of parimutuel horse racing which applicant will offer;

(3) The quality of physical improvements and equipment applicant will use, including:

(a) Racetrack or tracks;

(b) Stabling;

(c) Grandstand;

(d) Detention barn;

(e) Paddock;

(f) Jockeys' and drivers' quarters;

(g) Parimutuel tote;

(h) Parking;

(i) Access by road and public transportation;

(j) Perimeter fence;

(k) Other security improvements and equipment;

(l) Starting, timing, photo finish, and photo-patrol or video equipment;

(m) Commission work areas; and

(n) Any other indices related to quality which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants;

(4) Financial ability to sponsor and manage parimutuel horse racing facility successfully, including:

(a) Ownership and control structure;

(b) Terms and conditions of the applicant's authorization to use facility;

(c) Current financial condition;

(d) Sources of equity and debt funds, amounts, terms and conditions, and certainty of commitment;

(e) Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other financial adversity;

(f) Feasibility of financial plan; and

(g) Any other indices related to financial ability which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;

(5) Status of necessary government approvals and compliance with applicable statutes, charters, ordinances, and regulations;

- (6) Management ability of the applicant, including:
- (a) Qualifications of managers, consultants, and other contractors manage parimutuel horse racing;
  - (b) Security plan;
  - (c) Plans for human and animal health and safety;
  - (d) Marketing, promotion, and advertising plans;
  - (e) Plan for conducting horse racing;
  - (f) Plan for purses;
  - (g) Plan for parimutuel betting;
  - (h) Concessions plan;
  - (i) Plan for training personnel;
  - (j) Equal employment and affirmative action plans; and
  - (k) Any other indices related to management which the commission deems crucial to its decision making as long as the same indices are considered with regard to all applicants;
- (7) Efforts to promote orderly growth of horse racing in Washington and educate public with respect to horse racing and parimutuel betting;
- (8) Economic impact, including employment, purchases, and taxes;
- (9) Extent of public support and opposition; and
- (10) Effects on competition, including:
- (a) Number, nature, and relative location of other Class B licenses;
  - (b) Minimum and optimum number of racing days sought by the applicant; and
  - (c) Any other indices related to effects on competition which the commission deems crucial to decision making as long as the same indices are considered with regard to all applicants.

The commission also must consider any other information which the applicant discloses and is relevant and helpful to a proper determination by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-340, filed 6/16/86.]

## CLASS A AND B LICENSES

**WAC 260-13-350 Class A and B license application disclosures.** An applicant for a Class A or B license in its disclosures must:

- (1) Provide disclosures in printed or typewritten form on 8-1/2 by 11 inch paper. Immediately preceding each response, an applicant must restate what disclosure is sought. Any attachments or exhibits must be lettered or numbered separately. An applicant must provide photographs of any three-dimensional exhibits.
- (2) Make its best effort, as defined above, to provide all information required to be disclosed.
- (3) Provide only information relevant to disclosures requested by the commission.
- (4) Upon request of the commission or its agents, provide copies of any documents used in the preparation of its application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-350, filed 6/16/86.]

**WAC 260-13-360 Class A and B license application submission.** An applicant for a Class A or B license must submit to the executive secretary of the racing commission:

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(1) All documents which are part of its application as a single assemblage; and

(2) A letter of transmittal to the commission and, in sealed envelopes, an original and twenty copies of the application.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-360, filed 6/16/86.]

**WAC 260-13-370 Investigation fee for Class A and B licenses.** An applicant for a Class A or B license must submit to the commission's designee at the time of application a certified check or bank draft to the order of the state of Washington in the amount of fifty thousand dollars to cover the costs of the investigation mandated by these rules. Upon completion of the investigation, the commission must refund promptly to the applicant any amount by which the fifty thousand dollars exceeds the actual costs of investigation. If costs of the investigation at any time exceed fifty thousand dollars, the applicant must remit the amount of the difference by certified check or bank draft within ten days after receipt of a bill from the commission. Should an applicant fail to pay additional amounts when billed, the commission shall suspend all further action or investigation on the application until receipt of all monies due and owing. The commission may, at its discretion require an additional amount by way of deposit if necessary to complete its investigation. An individual or other entity applying for Class A and B licenses simultaneously must submit only one fifty thousand dollar investigation fee.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-370, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-370, filed 6/16/86.]

**WAC 260-13-380 Clarification of Class A and B license application requirements.** The commission must designate an individual who will clarify Class A and B license application requirements upon the oral or written request of a potential applicant. The designee must respond to clarification requests in writing within five days. No interpretation of application requirements by any other person will be binding upon the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-380, filed 6/16/86.]

**WAC 260-13-390 Changes in Class A and B license applications.** The commission may only consider a substantive amendment to a Class A or B license application after its submission if such amendment is made at the direction of the commission and/or is deemed by the commission to be in the best interests of the racing industry.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-390, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-390, filed 6/16/86.]

**WAC 260-13-400 Deadlines for submission of Class A and B license applications.** Deadlines for submission of a Class A or B license application may be specified by the commission.

[Statutory Authority: RCW 67.16.040. 92-17-002, § 260-13-400, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-400, filed 6/16/86.]

**WAC 260-13-410 Oral presentation by applicant for a Class A or B license.** The commission must provide an applicant for a Class A or B license an opportunity to make an oral presentation of its application to the commission before the commission decides whether to issue a license. This part does not require that the commission afford an applicant more than one opportunity to make an oral presentation before the commission makes its decision.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-410, filed 6/16/86.]

**WAC 260-13-420 Payment of Class A and B license fees.** A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Washington equal to two hundred dollars times the optimum number of racing days sought in the license application and is void if the license fee is not received within ten days after issuance.

The commission must refund promptly to the licensee any amount by which the fee paid exceeds two hundred dollars times the number of actual days of racing sponsored and managed by the licensee.

[Statutory Authority: RCW 67.16.020, 03-11-015, § 260-13-420, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-420, filed 6/16/86.]

**WAC 260-13-430 Class A and B license application information.** False or misleading information in a Class A or B license application, omission of required information, or substantial deviation from representations in the application is cause for denial, revocation, or suspension of a license or imposition of a fine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-430, filed 6/16/86.]

**WAC 260-13-440 Delay in completion of racetrack facility.** Failure of a Class A or B licensee to complete substantially the construction of its racetrack facility and installation of equipment within thirty days after the completion date stated in its license application is cause for revocation or suspension of the license, and the commission may impose a penalty of one thousand dollars on the licensee for each day of delay. The penalty does not apply if and to the extent the licensee proves that the delay arose out of causes beyond the control and without the fault or negligence of the licensee, its contractors and subcontractors. Such causes may include, but are not restricted to, acts of God or enemies of the United States, acts of government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the delay must be beyond the control and without fault or negligence of the licensee, its contractors and subcontractors. If the cause of delay is the default of a contractor or subcontractor and if the licensee proves the default arose out of causes beyond the control of the licensee, its contractors and subcontractors, the above penalty may not be imposed for the delay unless the supplies or services to be furnished by contractor or subcontractor were obtainable from other sources in sufficient time to permit the licensee to meet the completion date.

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[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-440, filed 6/16/86.]

**WAC 260-13-450 Construction, expansion, extension, alteration, or remodeling of facilities.** No Class A or B licensee may construct, expand, extend, or alter, or remodel a racetrack facility at a cost in excess of ten thousand dollars without the approval of the commission. Failure to obtain approval is cause for revocation or suspension of a license or imposition of a fine.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-450, filed 6/16/86.]

**WAC 260-13-460 Identification of applicant for Class C license.** An application for a Class C license must include, on a form prepared by the commission, the name, address, telephone number of the applicant and the name, position, address, telephone number, and authorized signature of an individual to whom the commission may make inquiry.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-460, filed 10/16/86.]

**WAC 260-13-470 Applicant's affidavit.** An application for a Class C license must include, on a form prepared by the commission, an affidavit of the applicant or director of racing, setting forth:

(1) That application is made for a Class C license to sponsor and manage horse racing at which pari-mutuel betting is conducted. The Class C license is granted directly to the licensee who will have the responsibility for operating a nonprofit race meet or special fair meet.

(2) That affiant is the agent of the applicant, its owners, partners, members, directors, officers, and personnel and is duly authorized to make the representations in the application on their behalf. Documentation of the authority must be attached.

(3) That the applicant seeks a grant of a privilege from the state of Washington and the burden of proving the applicant's qualifications rests at all times with the applicant.

(4) That the applicant consents to inquiries by the state of Washington, its employees, the commission members, staff, and agents into the financial, character, and other qualifications of the applicant by contacting individuals and organizations.

(5) That the applicant, its owners, partners, members, directors, officers, and personnel accept any risk of adverse public notice, embarrassment, criticism, or other circumstance, including financial loss, which may result from action with respect to the application and expressly waive any claim which otherwise could be made against the state of Washington, its employees, the commission, staff, or agents.

(6) That affiant has read the applicant's identification and disclosures and knows the contents; the contents are true to affiant's own knowledge, except matters therein stated on information and belief; as to those matters, affiant believes them to be true.

(7) That the applicant recognizes all representations in the application are binding on it, and false or misleading information in the application, omission of required information or significant deviation from representations in the appli-

cation may result in denial, revocation, or suspension of a license or imposition of a fine.

(8) That the applicant will comply with chapter 67.16 RCW and all rules of the commission.

(9) Affiant's signature, name, organization, position, address, and telephone number.

(10) The date.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-470, filed 10/16/86.]

**WAC 260-13-480 Other requirements for Class C license.** An application for a Class C license must include a short and concise statement providing the information required under WAC 260-13-030 through 260-13-160. If information of a more detailed nature is necessary for consideration of the application, a request for it will be made by the executive secretary of the commission and the request must be complied with.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-480, filed 10/16/86.]

**WAC 260-13-490 Class C license criteria.** The Class C criteria shall be the same as for Class A license or Class B license set forth in WAC 260-13-170 and 260-13-340.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-13-490, filed 10/16/86.]

## Chapter 260-14 WAC

### SPECIAL RULES RELATING TO COMMISSIONERS AND COMMISSION EMPLOYEES

#### WAC

260-14-010	Definitions.
260-14-020	Prohibited acts.
260-14-030	Ownership interest in associations.
260-14-040	Wagering.
260-14-050	Ownership interests in race horses.
260-14-060	Performance of compensated services on behalf of associations.
260-14-070	Violations.

**WAC 260-14-010 Definitions.** For the purposes of chapter 260-14 WAC, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Commissioner," shall mean any member of the Washington state horse racing commission, and any member of the immediate family of such commissioner.

(2) "Employee," shall mean any full or part time employee of the commission not normally engaged in direct regulatory functions. Included in such group are the executive secretary, Olympia office personnel, and registration clerks.

(3) "Regulatory employee," shall include all of the officials named in WAC 260-24-010 and any other employee engaged in direct regulatory functions.

(4) "Thing of economic value," shall have the same meaning as that term has in chapter 42.52 RCW.

[Statutory Authority: RCW 67.16.020. 04-05-090, § 260-14-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 83-19-054 (Order 83-04), § 260-14-010, filed 9/19/83; Order 73.3, § 260-14-010, filed 6/28/73.]

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**WAC 260-14-020 Prohibited acts.** No commissioner, employee or regulatory employee shall accept any thing of economic value from any association except as set forth in these rules.

[Order 73.3, § 260-14-020, filed 6/28/73.]

**WAC 260-14-030 Ownership interest in associations.** (1) No employee or commissioner during his term of office, shall acquire any ownership interest in any association which seeks race meet dates. Any ownership interest in any such association owned prior to such membership on the commission or employment by the commission shall be disposed of within thirty days of the time such employee or commissioner accepts employment or takes office unless the commissioner or employee elects to place such ownership in a trust for the duration of his term of office or employment. In such case, said employee, or commissioner shall place such ownership interest in a trust approved by the commission, such trust to provide that any dividends or other profit distribution shall redound to the benefit of a charitable purpose approved by the commission, and that no ownership interest shall be returned to such commissioner or employee at the expiration of such trust unless an amount equal to any increment in value which may have occurred during such trust shall be paid by the commissioner or employee to a charity approved by the commission. In determining whether an increment in value has occurred the trust instrument may provide that a normal rate of interest on the ownership interest, had it been reduced to cash, need not be included in ascertaining such increment.

(2) No regulatory employee shall have an ownership interest in any association conducting a race meeting at which he is employed by the commission.

(3) Copies of any trust agreement by which a commissioner or employee retains an interest or potential interest in an association shall be filed with the commission and maintained in a separate file in the Olympia offices of said commission. Such file shall be open and available for public inspection during regular office hours of the commission.

[Order 73.3, § 260-14-030, filed 6/28/73.]

**WAC 260-14-040 Wagering.** (1) No commission employee shall make any wager at a facility under the jurisdiction of the commission.

(2) No commission employee shall make any wager on the outcome of any horse race at a meeting under the jurisdiction of the commission. Commission employee means both regulatory employee and employee as defined in WAC 260-14-010.

(3) No commissioner shall make any wager on the outcome of any horse race at a meeting under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-14-040, filed 10/18/04, effective 11/18/04; Order 73.3, § 260-14-040, filed 6/28/73.]

**WAC 260-14-050 Ownership interests in race horses.** (1) No regulatory employee or employee shall have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission.

(2) No commissioner shall have any ownership interest in any race horse running at any race meet under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.020, 04-19-046, § 260-14-050, filed 9/13/04, effective 10/14/04; Order 75.2, § 260-14-050, filed 4/17/75; Order 73.3, § 260-14-050, filed 6/28/73.]

**WAC 260-14-060 Performance of compensated services on behalf of associations.** (1) No commissioner or employee of the commission shall receive any compensation whatsoever for any services performed for or on behalf of an association.

(2) No regulatory employee shall receive any compensation from an association for services performed during a race meet for which he is employed by the commission.

(3) Nothing in this rule shall be deemed to prohibit the performance of such services by a regulatory employee either before or after a race meet if authorization in writing is granted by the commission prior to the time any services for which compensation may be reasonably expected are performed. Such authorization may be obtained only in accordance with subparagraph (4) hereof.

(4) Upon receiving a request to perform services for which compensation shall be due for or on behalf of an association by a regulatory employee or an association or both, the executive secretary shall investigate and determine whether the performance of such services is bona fide. If he determines that the performance of such services is bona fide and that the compensation to be paid therefor is reasonably related to the performance of such services, he may authorize in writing such services to be performed pending final action by the commission. Should the commission later determine that the executive secretary was in error in granting such authorization, it shall promptly notify the regulatory employee and the association and such services shall thereupon immediately cease and no compensation may be paid such regulatory employee for services performed after such notification.

(5) Copies of written authorizations issued pursuant to this section shall be maintained in a separate file in the offices of the commission in Olympia, Washington, and shall be open and available for public inspection during regular office hours of said commission.

[Order 73.3, § 260-14-060, filed 6/28/73.]

**WAC 260-14-070 Violations.** (1) Any wilful violation of any of the foregoing rules by any commissioner shall be deemed to be official misconduct in office and shall be reported to the governor for appropriate action.

(2) Any wilful violation by any employee or regulatory employee shall be deemed to be misconduct and shall be grounds for immediate discharge. In the event that such violation occurs between race meets by an employee normally employed for the duration of a race meet, such employee shall be deemed to be ineligible for employment by the commission at the pertinent race meet for a period of at least one year.

[Order 73.3, § 260-14-070, filed 6/28/73.]

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## Chapter 260-16 WAC SPECIAL TYPES OF RACES

### WAC

260-16-010	Harness racing.
260-16-020	Quarter horse racing.
260-16-030	Produce races.
260-16-040	Washington-bred horses.
260-16-050	Certification of Washington-bred horses.
260-16-060	Certification of Washington-bred horses—Thoroughbreds.
260-16-065	Washington bred owners bonus distribution formula.
260-16-070	Racing commission funds.
260-16-080	Certification of Washington-bred horses—Standardbreds.
260-16-090	Arabian horses—Certification.

**WAC 260-16-010 Harness racing.** Harness racing, when conducted by licensees of the Washington horse racing commission shall be conducted in accordance with the rules and regulations of one of the recognized trotting associations. The racing commission reserves the right to refuse a license to any person or association proposing to hold a race meeting under rules and regulations not satisfactory to the racing commission. Persons and horses ruled off under authority of any recognized trotting association shall stand ruled off the courses licensed by the Washington horse racing commission.

[Rules of racing, § 29, filed 4/21/61.]

**WAC 260-16-020 Quarter horse racing.** The official stud book and registry of the American Quarter Horse Association shall be recognized as the sole official registry for American quarter horses.

The rules of the commission govern quarter horse racing wherever they are applicable. When not applicable the stewards may enforce rules of the American Quarter Horse Association, so long as they are not inconsistent with the rules of the commission.

[Rules of racing, § 30, filed 4/21/61.]

**WAC 260-16-030 Produce races.** (1) In making an entry for a produce race, the produce is entered by specifying the dam and the sire or sires.

(2) If the produce of a mare is foaled before the 1st of January, or if there is no produce, or if the produce is dead when dropped, or if twins are foaled, the entry of such mare is void.

(3) In produce races, allowances for the produce of untried horses must be claimed before the time of closing, and are not lost by subsequent winnings.

[Rules of racing, §§ 207, 208, 209, filed 4/21/61.]

**WAC 260-16-040 Washington-bred horses.** For the purpose of encouraging the breeding within this state, of valuable thoroughbred race horses, at least one race of each day's meeting shall consist exclusively of Washington-bred horses. If sufficient competition cannot be had among such class of horses, said race may be eliminated for said day and a substitute race, also for Washington-bred horses, provided instead. (Section 8, chapter 55, Laws of 1933.)

Proof that horses entered in such races were bred in Washington rests with the owner. Certificate of registration or the evidence of a breeder or other responsible person will

be accepted. Affidavits may be demanded at the discretion of the stewards.

Eligibility for the owners bonus and the breeder awards under RCW 67.16.075, 67.16.102, and 67.16.175 are provided for in WAC 260-16-060.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-040, filed 10/16/86; Rules of racing, § 320, filed 4/21/61.]

**WAC 260-16-050 Certification of Washington-bred horses.** (1) For purposes of the distribution of the owners bonus and breeder awards, a Washington-bred horse is one that meets the following requirements:

(a) The horse was foaled within the boundaries of the state of Washington; and

(b) It is officially certified by the associations designated by the racing commission.

(2) The following associations presently comprised of a majority of owners and/or breeders of their respective breeds in the state of Washington are recognized by the racing commission for the purpose of certification of Washington-bred horses for the distribution of the owners bonus and breeder awards provided for in RCW 67.16.075 and 67.16.102:

(a) The Washington Thoroughbred Breeders Association, for thoroughbreds;

(b) The Washington State Standardbred Association, for standardbred harness horses;

(c) The Northern Racing Quarter Horse Association, for quarter horses;

(d) The Washington State Appaloosa Racing Association, for appaloosas;

(e) The Washington State Arabian Horse Racing Association, for Arabian horses; and

(f) The Washington State Paint Horse Association, for paint horses.

(3) The racing commission may determine that other organizations should participate in the certification process if the organization is one that represents a majority of the owners and/or the breeders and, it is deemed to be in the best interests of racing. For other breeds specified in the racing act, organizations may present to the racing commission documentation that they represent a majority of the owners and/or the breeders.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-050, filed 10/16/86.]

**WAC 260-16-060 Certification of Washington-bred horses—Thoroughbreds.** (1) Certification of thoroughbreds foaled prior to 1987 shall be as follows:

(a) All thoroughbreds foaled prior to the year 1987 shall be certified Washington-breds provided (i) that the horse was foaled within the boundaries of the state of Washington; and (ii) that the jockey club certificate of foal registration shall state that said foal was foaled in the state of Washington.

(2) Certification of thoroughbreds foaled in 1987 and thereafter shall, contingent on funding being provided by the legislature, be as follows:

(a) All thoroughbreds foaled in 1987 and thereafter shall be certified Washington-breds provided (i) that the horse was foaled within the boundaries of the state of Washington; (ii) that the jockey club certificate of foal registration shall state

that said horse was foaled in the state of Washington; and (iii) that the jockey club certificate of foal registration shall have affixed to it the certification stamp or seal of the Washington Horse Breeders Association. Said certification stamp or seal shall be affixed to each foal's jockey club certificate of foal registration only after the owner or breeder of a foal shall make application to the Washington Horse Breeders Association for certification as a Washington-bred and said association shall complete the certification process.

(b) Applications for certification of Washington-breds shall be processed by the Washington Horse Breeders Association at a cost of seventy-five dollars per foal, which cost shall be paid to the association by the Washington horse racing commission. If said application shall be filed prior to September 30 of the foals' weaning year, there shall be no additional cost to the owner or breeder.

(c) Applications for certification of Washington-breds made after September 30 of the foal's weaning year or prior to September 30 of the foal's yearling year shall be processed at an additional cost of twenty-five dollars, which cost shall be paid to the association by the owner or breeder of the foal at the time of filing the application.

(d) Applications for certification of Washington-breds made after September 30 of the foal's yearling year or prior to January 1 of the foal's two year old year shall be processed at an additional cost of seventy-five dollars, which cost shall be paid to the association by the owner or breeder of said foal at the time of filing the application.

(e) Applications for certification of Washington-breds made after January 1 of the foals's two year old year and prior to January 1 of the foal's three year old year shall be processed at an additional cost of one hundred fifty dollars, which cost shall be paid to the association by the owner or breeder of said foal at the time of filing the application.

(f) Applications for certification of Washington-breds made after January 1 of the foal's three year old year shall be precluded and such foals shall be ineligible for certification as Washington-breds.

(3) It shall be the responsibility of the owner or breeder to ensure that all Washington-breds he or she owns or has bred are certified pursuant to the standards established by the Washington horse racing commission.

(4) Owners and breeders of thoroughbreds foaled in 1987 and thereafter shall be precluded from receiving any owners bonus or breeder awards based on the race earnings of said foals prior to their certification as a Washington-bred.

(5) Owners and breeders of certified Washington-breds foaled in 1987 and thereafter who shall receive an owners bonus or breeder awards shall refund to the Washington horse racing commission any amount so received in the event it is later determined that any information provided to the association during the certification process which formed the basis for certification as a Washington-bred was incorrect or false.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-060, filed 10/16/86.]

**WAC 260-16-065 Washington bred owners bonus distribution formula.** The one percent Washington bred owners bonus funds shall be collected and distributed as required in RCW 67.16.102. The one percent owners bonus

funds collected from each licensee shall be paid in accordance with RCW 67.16.102 at the end of the race meet to the licensed owners of Washington bred horses finishing first, second, third and fourth in the licensee's race meet. The formula for the equitable distribution of the one percent Washington bred owners bonus funds shall be as follows:

(1) Calculate the payment factor by dividing the total one percent Washington bred owners bonus funds collected at the race meet by the total amount of winnings (earnings) of the Washington bred horses finishing first, second, third, and fourth in the race meet.

(2) Multiply the winnings (earnings) of each Washington bred owner by the payment factor to determine the amount of the one percent Washington bred owner's bonus to be paid to the owner.

[Statutory Authority: RCW 67.16.020 and 67.16.102. 04-05-091, § 260-16-065, filed 2/18/04, effective 3/20/04.]

**WAC 260-16-070 Racing commission funds.** Racing commission funds generated through parimutuel handle by a particular breed shall not be used for certification of any other breed.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-070, filed 10/16/86.]

**WAC 260-16-080 Certification of Washington-bred horses—Standardbreds.** (1) Certification of standardbreds foaled prior to 1987 shall be as follows:

(a) All standardbreds foaled prior the year 1987 shall be certified as Washington-breds provided that (i) the horse was foaled within the boundaries of the state of Washington; (ii) the United States Trotting Association Registration Certificate shall state that said foal was foaled in the state of Washington; and, (iii) the Washington State Standardbred Association Certificate of Washington-bred has been issued for said horse.

(b) Application for certification shall be made by the owner (registered as such by the United States Trotting Association) of the standardbred to be certified as Washington-bred, at a cost of twenty-five dollars to said owner. The application fee shall accompany the application.

(c) Application for certification shall be made no later than twelve months from the effective date of these rules or thirty days prior to racing, whichever is sooner.

(2) Certification of standardbreds foaled in 1987 and thereafter shall, contingent on funding being provided by the legislature, be as follows:

(a) All standardbreds foaled in 1987 and thereafter shall be certified Washington-breds provided that (i) the horse was foaled within the boundaries of the state of Washington; (ii) the United States trotting association registration certificate shall state that said foal was foaled in the state of Washington; and (iii) that the Washington State Standardbred Association Certificate of Washington-bred has been issued for said horse.

Said certificate shall be issued only after the owner or breeder of a foal shall have made application to the Washington State Standardbred Association for certification as a Washington-bred, and said association shall have completed the certification process.

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(b) Applications for certification of Washington-breds shall be processed by the Washington State Standardbred Association at a cost of seventy-five dollars per foal, which cost shall be paid to the association by the Washington horse racing commission. If said application shall be filed prior to December 31st of the year of foaling, then there shall be no additional cost to the owner or breeder.

(c) Applications for certification of Washington-breds made after December 31st of the year of foaling, but prior to May 15th of the foal's yearling year, shall be processed at an additional cost of twenty-five dollars, which cost shall be paid to the association by the applicant at the time of filing the application.

(d) Applications for certification of Washington-breds made after May 15th of the foal's yearling year but no later than December 31st of the foal's yearling year shall be processed at an additional cost of seventy-five dollars, which cost shall be paid to the association by the applicant at the time of filing the application.

(e) After December 31st of the foal's yearling year, no application can be made for certification of a Washington-bred, and further, any such foal not previously registered shall be ineligible for certification as a Washington-bred.

(3) It shall be the responsibility of the owner to ensure that all Washington-breds so owned are certified pursuant to the process of certification established by the Washington State Standardbred Association. In the event the owner does not certify the Washington-bred foal in a timely manner, then the breeder may, at its option, make application for, and receive certification of said foal as a Washington-bred. However, said application must be made no later than December 31st of the foal's yearling year.

(4) Owners and breeders of standardbreds foaled in 1987, and thereafter, shall be precluded from receiving any owners bonus or breeders award based on the race earnings of said foals prior to certification of said foals as Washington-breds.

(5) Owners and breeders of certified Washington-breds foaled in 1986, and thereafter, who shall receive an owners bonus, or breeders award, shall refund to the Washington horse racing commission any amount so received, in the event it is later determined that any information provided to the association during the certification process which formed the basis for certification as a Washington-bred, was incorrect or untrue.

[Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-16-080, filed 10/16/86.]

**WAC 260-16-090 Arabian horses—Certification.** (1) Certification of Arabian horses shall be as follows: The breeder or owner of an Arabian horse shall apply to the Washington State Arabian Horse Racing Association (WSAHRA) for such certification. Forms will be provided by the WSAHRA for the applicant to complete and return to WSAHRA. These include a form to be completed by the owner or manager (or an authorized agent of the owner or manager) of the farm on which the horse was foaled, and a form to be completed by the current owner of the horse.

(2) Certification of Arabian horses foaled in 1987 or before shall be as follows: Arabian horses foaled in Washington in 1987 or before shall be certified as "Washington-

bred" by the WSAHRA when application for such certification has been approved by the WSAHRA, and provided that the completed application forms are accompanied by a fee of ten dollars per horse and are received by the WSAHRA by December 31, 1988. No applications for certification of horses born in 1987 or before shall be accepted after December 31, 1988.

(3) Certification of Arabian horses foaled in 1988 or thereafter shall be as follows: Arabian horses foaled in Washington in 1988 or thereafter shall be certified as "Washington-bred" by the WSAHRA for a fee of ten dollars, provided that the completed application forms and proper fees for such certification are received by the WSAHRA by December 31 of the year in which they are foaled.

If such application forms or fees for certification are received by the WSAHRA after December 31 of the year they are foaled, but by December 31 of the year after the horse is foaled, then there will be a charge of fifty dollars for such certification. However, no application for certification will be accepted beyond December 31 of the year after the horse is foaled.

[Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-16-090, filed 2/24/88.]

## Chapter 260-20 WAC

### ASSOCIATION GROUNDS AND FACILITIES

#### WAC

260-20-010	Duty to maintain race track.
260-20-020	Duty of commission employees relative to health, safety, and order.
260-20-030	Fire prevention.
260-20-040	Credentials for admission to grounds, stables, and enclosures.
260-20-050	Badges and passes.
260-20-060	Unauthorized persons—Exclusion from stables.
260-20-070	Unauthorized persons—Exclusion from paddock.
260-20-075	Firearms prohibited on association grounds.
260-20-090	Associations to maintain police and watchman service—List.
260-20-100	Responsibility of police and watchmen—Letter of instructions.
260-20-110	Stable enclosures—Fencing—Admission to.
260-20-120	Report by bureau or security officer of arrests and bookings.
260-20-130	Report by officer in charge of night force.
260-20-140	Electric timing apparatus.
260-20-150	Patron gates.
260-20-160	Ambulances.
260-20-170	First-aid equipment and personnel.
260-20-180	Sanitary facilities for jockeys.
260-20-190	Living quarters for stable employees.
260-20-200	Drinking water, toilets, for patrons and invitees.
260-20-210	Manure and refuse disposal.
260-20-220	Standard color designations for distance poles.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-20-035	Nonparimutuel wagering prohibited. [Statutory Authority: RCW 61.16.020 [67.16.020] and 67.16.040. 82-18-050 (Order 82-06), § 260-20-035, filed 8/30/82.] Repealed by 03-11-016, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020.
260-20-080	Exclusion of certain horses, five years or older. [Rules of racing, § 23, filed 4/21/61.] Repealed by 91-17-074, filed 8/21/91, effective 9/21/91. Statutory Authority: RCW 67.16.040.

**WAC 260-20-010 Duty to maintain race track.** Racing associations shall at all times maintain their race tracks in

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

[Rules of racing, § 335, filed 4/21/61.]

**WAC 260-20-020 Duty of commission employees relative to health, safety, and order.** Designated employees of the commission shall give his or their attention to matters pertaining to the safety and health of the public; and conveniences provided for it; the traffic conditions, and the order maintained.

[Rules of racing, § 342, filed 4/21/61.]

**WAC 260-20-030 Fire prevention.** Associations shall make reasonable provisions for fire prevention, protection against fire, and fire suppression within the enclosure. Smoking is prohibited in barns (except tackrooms), stables, shedrows, hay sheds, and any area prohibited by state or local law.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-033 (Order 79-05), § 260-20-030, filed 12/17/79; Rules of racing, § 26, filed 4/21/61.]

**WAC 260-20-040 Credentials for admission to grounds, stables, and enclosures.** No one shall be permitted to enter in or about the grounds, stables or stable enclosures who does not have in his possession a license issued by the commission as owner, trainer, jockey, apprentice, agent, stable foreman, groom, exercise boy, plater, valet or veterinarian, or proper credentials issued by the association, and a full record of these credentials shall [be] compiled and open to inspection at all times.

[Rules of racing, § 339, filed 4/21/61.]

**WAC 260-20-050 Badges and passes.** No tax free badge or pass may be issued to any horseman, in any capacity, without the approval of the commission; all badges or passes so approved must be recorded in a book kept by the racing secretary and each badge or pass must be numbered and kept in numerical order in the records; the commission shall have the right at all times to inspect such records.

[Rules of racing, § 244, filed 4/21/61.]

**WAC 260-20-060 Unauthorized persons—Exclusion from stables.** Each racing association shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the stables, excepting those being duly licensed by the commission, or authorized by the association. If the commission finds that the stables of an association are not being properly policed and unauthorized persons are found in and around the stables, the association may be fined an amount not exceeding \$200.00, in the discretion of the commission for each day in which the infraction was found to occur.

[Order 73.7, § 260-20-060, filed 12/3/73; Rules of racing, § 21, filed 4/21/61.]

**WAC 260-20-070 Unauthorized persons—Exclusion from paddock.** Racing associations shall exclude from the paddock, in the interest of public safety, all those persons who have no immediate business with the horses entered, except members of the commission, their duly assigned representatives and those having special permission from the association.

[Rules of racing, § 22, filed 4/21/61.]

**WAC 260-20-075 Firearms prohibited on association grounds.** Each racing association shall exclude from its grounds any person found to have firearms in his possession, except security personnel employed by the association or commission and law enforcement officers. Any licensee or permit holder who brings firearms onto the grounds of any racing association, except security personnel and law enforcement officers, may be subject to revocation or suspension of such license or permit, and any other authorized penalty the stewards may deem necessary.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-20-075, filed 3/24/81.]

**WAC 260-20-090 Associations to maintain police and watchman service—List.** Each association shall maintain and furnish complete police and watchman service night and day in and about all stable enclosures and furnish to the commission each day a complete tabulation list thereof, showing name, duty, place stationed and portions of enclosures supervised by such policeman and watchman.

[Rules of racing, § 336, filed 4/21/61.]

**WAC 260-20-100 Responsibility of police and watchmen—Letter of instructions.** Watchman and policeman so employed shall be individually responsible for the certain part of the stable enclosure where they are on duty and shall immediately investigate and report the presence of any one during the night or day who may be within said stable enclosure without possessing proper credentials. A letter of instructions to all watchmen and policemen shall be addressed to each of them by the race track association covering fully their duties and their strict obligation to keep stable enclosures free from outsiders and hangers-on, and a copy thereof furnished to the commission.

[Rules of racing, § 337, filed 4/21/61.]

**WAC 260-20-110 Stable enclosures—Fencing—Admission to.** All such stable enclosures must be properly fenced and admission granted only on proper license or credentials actually shown to the gateman.

[Rules of racing, § 338, filed 4/21/61.]

**WAC 260-20-120 Report by bureau or security officer of arrests and bookings.** A written report shall be made to the commission daily by the head of the thoroughbred racing protective bureau or security officer if [the] thoroughbred racing protective bureau is not in charge at each race track stating in detail all arrests or persons booked in their office. This report further shall include all persons picked up for drunkenness, touting, disorderly conduct, fraudulent use of badges, or other misdemeanors, giving in

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detail the charges together with the names and addresses of such offenders.

[Rules of racing, § 340, filed 4/21/61.]

**WAC 260-20-130 Report by officer in charge of night force.** A nightly report shall also be given by the officer in charge of the night force stating in detail any disturbances, drunkenness, or disorderly conduct in and about the back stretch and stable area, giving in detail the names, badge numbers, and license numbers of any horsemen committing any offenses whatsoever.

[Rules of racing, § 341, filed 4/21/61.]

**WAC 260-20-140 Electric timing apparatus.** Where electric timing is used the apparatus must be of a type approved by the commission.

[Rules of racing, § 278, filed 4/21/61.]

**WAC 260-20-150 Patron gates.** All gates used for admission of patrons must be of a type approved by the commission.

[Rules of racing, § 328, filed 4/21/61.]

**WAC 260-20-160 Ambulances.** Racing associations shall furnish and maintain both a man ambulance and a horse ambulance each day that their tracks may be opened for racing or exercising horses, equipped and ready for immediate duty.

[Rules of racing, § 329, filed 4/21/61.]

**WAC 260-20-170 First-aid equipment and personnel.** Each racing association shall equip and maintain at its track temporary facilities with not less than two beds, equipped with such first-aid appliances and material as shall be approved by the commission, and shall provide the attendance of a competent physician and one licensed nurse, registered nurse, or physician's assistant, at the option of the track, thereat during racing hours. A racing association conducting a meet with an average daily handle of one hundred twenty thousand dollars or less may provide at its track a licensed paramedic in lieu of a physician if the services of a competent physician cannot be obtained.

[Statutory Authority: RCW 67.16.075, 67.16.020 and 67.16.040. 88-06-017 (Order 88-01), § 260-20-170, filed 2/24/88. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-20-170, filed 7/10/81; Rules of racing, § 330, filed 4/21/61.]

**WAC 260-20-180 Sanitary facilities for jockeys.** Each racing association shall make such sanitary arrangements as baths, toilets, etc., for the use of jockeys, as may be reasonably required by the commission, the same to be conveniently located on the grounds.

[Rules of racing, § 331, filed 4/21/61.]

**WAC 260-20-190 Living quarters for stable employees.** Each racing association shall provide adequate and sanitary living quarters, with proper sanitary arrangements pertaining thereto, for stable employees.

[Rules of racing, § 332, filed 4/21/61.]

**WAC 260-20-200 Drinking water, toilets, for patrons and invitees.** Each racing association shall on every racing day provide and maintain [in] a strictly sanitary condition such adequate toilets and facilities for furnishing drinking water for its patrons and persons having business at the track, as may be reasonably required by the commission.

[Rules of racing, § 333, filed 4/21/61.]

**WAC 260-20-210 Manure and refuse disposal.** Each racing association shall provide proper and well located boxes or pits for separately receiving stable manure and other refuse, situated well distant from living quarters, and such boxes and pits shall be emptied and their contents entirely removed from the premises of the association daily, and the area sprayed or dusted for insects each day.

[Rules of racing, § 334, filed 4/21/61.]

**WAC 260-20-220 Standard color designations for distance poles.** The distance poles shall be as follows:

1/4 Poles	Red and White
1/8 Poles	Green and White
1/16 Poles	Black and White

[Rules of racing, § 424, filed 3/11/65.]

## Chapter 260-24 WAC

### ASSOCIATION OFFICIALS AND EMPLOYEES

#### WAC

260-24-030	Submittal of roster to commission—Approval—Substitutions.
260-24-500	Racing officials.
260-24-510	Stewards.
260-24-520	Racing secretary.
260-24-530	Horsemen's bookkeeper.
260-24-540	Mutuel manager.
260-24-550	Official veterinarian(s).
260-24-560	Horse identifier.
260-24-570	Paddock judge.
260-24-580	Starter.
260-24-590	Security director, association.
260-24-600	Commission security inspector(s).
260-24-610	Commission auditor.
260-24-620	Clerk of scales.
260-24-630	Jockey room supervisor.
260-24-640	Film analyst.
260-24-650	Clockers(s).
260-24-660	Race timer.
260-24-670	Paddock plater.
260-24-680	Mutuel inspector.
260-24-690	Outrider(s).
260-24-700	Any other person designated by the commission.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-24-010	Officials enumerated. [Order 75.7, § 260-24-010, filed 4/30/76; Order 75.4, § 260-24-010, filed 9/4/75; Order 73.7, § 260-24-010, filed 12/3/73; Order 72-6, § 260-24-010, filed 10/13/72; Rule 233, filed 1/30/67; Rule 233, filed 8/23/66; Rule 233, filed 5/4/66; Rule 233, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-020	Officials—Duties—Qualifications. [Order 72-4, § 260-24-020, filed 6/27/72; Rule 234, filed 1/30/67; Rule 234, filed 8/23/66; Rule 234, filed 5/4/66; Rule 234, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-040	Disqualification for acting at unrecognized meeting. [Rule 235, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-050	Trafficking in horses, contracts, insurance, prohibited. [Rule 236, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-060	Wagering prohibited. [Rule 237, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-070	Duty to report violations of rules. [Rule 238, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-080	Clerk of the scales. [Order 75-1, § 260-24-080, filed 2/18/75; Rule 58, filed 1/30/67; Rules 58 through 63, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-090	Handicapper. [Rule 138, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-100	Mutuel manager. [See chapter 260-48 WAC.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-110	Paddock judge. [Rules 184, 185, and 186, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-120	Patrol judges. [Rules 200 and 201, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-130	Placing judges. [See WAC 260-52-050.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-140	Racing secretary—General duties. [Rule 239, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-150	Racing secretary—Official program for each racing day. [Rules 240 and 241, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-160	Racing secretary—To keep record of all races. [Rule 242, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-170	Racing secretary—Duties with regard to stabling. [Rule 243, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-180	Racing secretary—List of entries—Posting—Available to newspapers. [Rule 246, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-190	Starter—Duties at start of race. [See WAC 260-52-030.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-200	Starter—Appointment of assistants—Misconduct toward jockeys. [Rule 250, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-210	Starter—Schooling of horses. [Rule 251, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-220	Starter—To approve entries of two year olds. [Rule 252, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-230	Starter—May fine and suspend jockeys. [Order 73-8, § 260-24-230, filed 10/23/73; Rule 253, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-240	Stewards—Responsibility to commission. [Rule 255, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-250	Stewards—Authority over personnel and grounds. [Rule 256, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-260	Stewards—Powers as to cases not covered by rules—Increased penalties. [Rule 257, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.
260-24-270	Stewards—Supervision of entries and declarations. [Rule 258, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-280 Stewards—Authority to award punishment. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-019 (Resolution No. 87-02), § 260-24-280, filed 7/8/87; 81-08-013 (Order 81-01), § 260-24-280, filed 3/24/81; Order 72-6, § 260-24-280, filed 10/13/72; Rule 259, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-290 Stewards—Inspection of documents. [Rule 260, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-300 Stewards—Determining disqualifications in case of fouls. [Rule 261, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-310 Stewards—Duty hours—Sessions. [Rule 262, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-320 Stewards—Substitutes. [Rule 263, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-330 Stewards—Deputies. [Rule 264, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-340 Stewards—Stewards pro tem. [Rule 265, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-350 Stewards—Report of appointment of deputy. [Rule 266, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-360 Stewards—Number in stand during race. [Rule 267, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-370 Stewards—Duty to notice questionable conduct. [Rule 268, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-380 Stewards—Substitution of jockeys. [Rule 289, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-390 Stewards—Placing horse in the temporary charge of trainer. [Rule 270, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-400 Stewards—Getting horses to gate at post time. [Rule 271, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-410 Stewards—Accident before offtime—Excusing horse. [Rule 272, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-420 Stewards—Settlement of protests and complaints. [Rule 273, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-430 Stewards—Infractions—Reports to commission. [Rule 274, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-440 Stewards—Violation of rule other than a rule of the race—Procedure. [Rule 275, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-450 Timers. [Rule 276, filed 4/21/61.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-460 Veterinarians. [Rules 358, 359 and 360, filed 4/21/61; subsection (1) amended, filed 5/4/66; subsection (3) amended, filed 8/26/65.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-465 Veterinarians—Disposal, sterilization of instruments. [Rule 426, filed 8/23/66.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-470 Clocker-identifier. [Statutory Authority: RCW 67.16.020. 79-06-002 (Order 79-1), § 260-24-470, filed 5/4/79; Rule 427, filed 1/30/67.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

260-24-480 Film analyst. [Rule 428, filed 1/30/67.] Repealed by 98-01-145, filed 12/19/97, effective 1/19/98. Statutory Authority: RCW 67.16.040.

**WAC 260-24-030 Submittal of roster to commission—Approval—Substitutions.** At least ten days prior to the first day of a race meeting the association shall submit in writing to the commission the names of all association racing officials engaged for the meeting, and no association racing official shall be qualified to act until he shall have been approved by the commission. In the event of incapacitation of any such approved association official the association may, with the approval of the commission, appoint a substitute.

[Rule 232, filed 1/30/67; Rule 232, filed 4/21/61.]

**WAC 260-24-500 Racing officials.** (1) Officials at a race meeting include the following:

- (a) Stewards;
- (b) Racing secretary;
- (c) Horsemen's bookkeeper;
- (d) Mutuel manager;
- (e) Official veterinarian(s);
- (f) Horse identifier;
- (g) Paddock judge;
- (h) Starter;
- (i) Security director, association;
- (j) Commission security inspector(s);
- (k) Commission auditor;
- (l) Clerk of scales;
- (m) Jockey room supervisor;
- (n) Film analyst;
- (o) Clocker(s);
- (p) Race timer;
- (q) Paddock plater;
- (r) Mutuel inspector;
- (s) Outrider(s);
- (t) Any other person designated by the commission.

(2) The commission officials of a race meeting shall be designated prior to each race meeting and those commission officials shall be compensated by the commission.

The association officials of a race meeting shall include but are not limited to: Racing secretary, mutuel manager, starter, horsemen's bookkeeper, association security director, jockey room supervisor and outrider(s).

(3) Eligibility:

- (a) To qualify as a racing official, the appointee shall be:
  - (i) Of good character and reputation;
  - (ii) Familiar with the duties of the position and with the commission's rules of racing;
  - (iii) Mentally and physically able to perform the duties of the job; and
  - (iv) In good standing and not under suspension or ineligible in any racing jurisdiction.
- (b) To qualify for appointment as a steward the appointee shall be an Association of Racing Commissioners International-accredited steward and be in good standing with all Association of Racing Commissioners International member jurisdictions. The commission may waive this requirement for Class C race meetings.

(4) The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion,

tion, may approve or disapprove any such official for licensing.

(5) While serving in an official capacity, racing officials and their assistants shall not:

(a) Participate in the sale or purchase, or ownership of any horse racing at the meeting; unless disclosed in advance and approved by the board of stewards;

(b) Sell or solicit horse insurance on any horse racing at the meeting;

(c) Be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards;

(d) Wager on the outcome of any race for which parimutuel wagering is conducted under the jurisdiction of the commission; or

(e) Consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(6) Racing officials and their assistants shall immediately report to the stewards every observed violation of these rules.

(7) Complaints against officials:

(a) Complaints against any steward shall be made in writing to the commission and signed by the complainant;

(b) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards;

(c) A racing official may be held responsible by the stewards or the commission for the actions of their assistants;

(8) Appointment:

(a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the commission;

(b) The commission shall appoint or approve its officials for each race meeting, the officials shall perform the duties as outlined herein and such other duties as are necessary as determined by the commission or its executive secretary.

(9) Where an emergency vacancy exists among racing officials, the stewards or the association, with the stewards' approval, shall fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(10) Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-500, filed 12/19/97, effective 1/19/98.]

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

(a) The stewards for each meeting shall be responsible to the executive secretary for the conduct of the race meeting

and the initial agency determination of alleged rule violations in accordance with these rules;

(b) The stewards shall enforce the rules of racing in chapters 260-12 through 260-84 WAC;

(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 compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards;

(e) The stewards shall 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 shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning of each race meet, or at such other time as is necessary in the opinion of the executive secretary, and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission.

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

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

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

(i) Issue a reprimand;

(ii) Assess a fine not to exceed \$2,500.00, except as provided in WAC 260-70-690;

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

(iv) Place a licensee on probation;

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

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(c) Except as provided in (d) of this subsection, the stewards' imposition of reprimands, fines and suspensions shall be based on the following penalty matrixes:

Class A & B Licensed Facilities			
Violations within calendar year	1st Offense	2nd Offense	3rd Offense
Smoking in restricted areas WAC 260-20-030	\$25	\$50	\$100
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$50	\$100	\$250 plus possible suspension

<b>Class A &amp; B Licensed Facilities</b>			
Violations within calendar year	1st Offense	2nd Offense	3rd Offense
Disturbing the peace WAC 260-80-140	Warning - \$200 and/or suspension	Warning - \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150
Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230	\$500		
Licensing - failure to divulge a felony WAC 260-36-120	\$100 or possible denial of license		
Licensing - failure to divulge a gross misdemeanor or misdemeanor WAC 260-36-120	Warning - \$50		
Licensing - providing false information on application WAC 260-36-120	\$50 - \$250 or possible denial of license		
Licensing - nonparticipation WAC 260-36-080	License canceled		
Violation of any claiming rule in chapter 260-60 WAC	\$200 - \$500 plus possible suspension		
Use of improper, profane or indecent language to a racing official WAC 260-80-130	\$50	\$100	\$250
Unsafe vehicle operation WAC 260-20-020	Warning - \$50	\$100 and recommend racing association revoke vehicle pass	
Financial responsibility WAC 260-28-030	Resolve 30 days or before the end of the meet (whichever is sooner) to resolve or suspension		
Failure to appear - hearing WAC 260-24-510	Suspension pending appearance		
Failure to honor riding engagements (call) - agents WAC 260-32-400	\$75	\$100	\$200
Reporting incorrect weight - jockeys WAC 260-32-150	\$50	\$100	\$200
Failure to appear for films - jockeys WAC 260-24-510	\$50	\$100	\$200
Failure to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Easing mount without cause WAC 260-52-040	\$250	\$250 and/or suspension	\$500 and/or suspension
Jockey failing to maintain straight course or careless riding WAC 260-52-040	Warning - \$750 and/or suspension (riding days)		
Jockey's misuse of whip WAC 260-52-040	Warning - \$2500		
Use of stimulating device (may include batteries) WAC 260-52-040	1 year suspension plus mandatory referral to commission for revocation		
Possession of stimulating device (may include batteries) WAC 260-52-040, WAC 260-80-100	1 year suspension plus mandatory referral to commission for revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020	1 year suspension plus mandatory referral to commission for revocation		
Entering ineligible horse WAC 260-80-030	\$50	\$100	\$100
Arriving late to the paddock WAC 260-28-200	Warning - \$50	Warning - \$50	\$50 - \$100
Failure to have registration papers on file - resulting in a scratch WAC 260-40-090	\$50 - \$100	\$100	\$100
Failure to handle business properly - late equipment change, etc. WAC 260-44-010	Warning - \$50	\$100	\$100
Insufficient workouts - resulting in scratch WAC 260-40-100	\$50 - \$100	\$100	\$100

<b>Class C Licensed Facilities</b>			
Violation within calendar year	1st Offense	2nd Offense	3rd Offense
Smoking in restricted areas WAC 260-20-030	\$25	\$50	\$100
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$50	\$100	\$250 plus possible suspension
Disturbing the peace WAC 260-80-140	Warning - \$100 and/or suspension	\$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010	\$50	\$100	\$150

<b>Class C Licensed Facilities</b>			
Violation within calendar year	1st Offense	2nd Offense	3rd Offense
Unlicensed or improperly licensed personnel (trainer's responsibility) WAC 260-28-230	\$100		
Licensing - failure to divulge a felony WAC 260-36-120	\$100 or possible denial of license		
Licensing - failure to divulge a misdemeanor or gross misdemeanor WAC 260-36-120	Warning - \$25		
Licensing - providing false information on application WAC 260-36-120	\$50 - \$250 or possible denial of license		
Licensing - nonparticipation WAC 260-36-080	License canceled		
Violation of any claiming rule in chapter 260-60 WAC	\$100 - \$250 plus possible suspension		
Use of improper, profane or indecent language to a racing official WAC 260-80-130	\$50	\$100	\$250
Unsafe vehicle operation WAC 260-20-020	Warning - \$50		
Financial responsibility WAC 260-28-030	Resolve 30 days or before the end of the fall meet (whichever is sooner) to resolve or suspension		
Failure to appear - hearing WAC 260-24-510	Suspension pending appearance		
Failure to honor riding engagements (call) - agents WAC 260-32-400	\$25	\$50	\$100
Reporting incorrect weight - jockeys WAC 260-32-150	\$25	\$50	\$100
Failure to appear for films - jockeys WAC 260-24-510	\$25	\$50	\$100
Failure to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding WAC 260-52-040	Warning - \$750 and/or suspension (riding days)		
Jockey's misuse of whip WAC 260-52-040	Warning - \$2500		
Use of stimulating device (may include batteries) WAC 260-52-040	1 year suspension plus mandatory referral to commission for revocation		
Possession of stimulating device (may include batteries) WAC 260-52-040, WAC 260-80-100	1 year suspension plus mandatory referral to commission for revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010 and 260-80-020	1 year suspension plus mandatory referral to commission for revocation		
Entering ineligible horse WAC 260-80-030	\$25	\$50	\$50
Arriving late to the paddock WAC 260-28-200	Warning - \$25	\$50	\$50
Failure to have registration papers on file - resulting in a scratch WAC 260-40-090	\$50	\$100	\$100
Failure to handle business properly - late equipment change, etc. WAC 260-44-010	Warning - \$50	\$50	\$50

<b>Class A, B &amp; C Licensed Facilities</b>			
Violation within calendar year	1st Offense	2nd Offense	3rd Offense
Failure to pay or default on L&I payment WAC 260-28-220	Suspension until paid plus \$25 for each quarter payment is late		
Failure to maintain employee L&I records for grooms and assistant trainers (trainer's responsibility) WAC 260-28-230	Warning - \$50		
Unlicensed person on the backside WAC 260-20-040	Report violation to the racing association		

For any other violation not specifically listed above, the stewards shall have discretion to impose the penalties as provided in (b) of this subsection. For violations considered minor, the fine can be up to \$500 and/or suspension for up to sixty days. Fines for violations considered major can be up to \$2,500 and/or suspension up to one year.

(d) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

- (i) The impact of the offense on the integrity of the parimutuel industry;
- (ii) The danger to human and/or equine safety;

(iii) The number of prior violations of the rules of racing or violations of racing rules in other jurisdictions; and/or

(iv) The deterrent effect of the penalty imposed.

(e) For violations covered by chapter 260-70 WAC, Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690.

(f) The stewards may place a jockey on a film list whenever a jockey is involved in questionable, unsafe or potentially dangerous riding. Jockeys referred to the film analyst or stewards shall appear when directed. Failure to appear when directed shall be considered a violation of the rules of racing for which penalties may be imposed.

(g) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter. A stewards' ruling shall not prevent the commission from imposing a more severe penalty.

(h) The stewards shall 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.

(i) The stewards shall serve notice of a conference to person(s) alleged to have committed a violation, which shall 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.

(j) Failure to appear for a ruling conference shall be considered a violation of the rules of racing for which penalties may be imposed.

(k) It is the duty and obligation of every licensee to make full disclosure to the board of stewards 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 on any relevant matter within the authority of the stewards, except in the proper exercise of a legal privilege, nor shall any person respond falsely before the stewards.

(l) At the ruling conference, the stewards shall allow the licensee to make a statement regarding the alleged violation.

(m) All ruling conferences shall be recorded.

(n) Every ruling by the stewards must be served in writing on the person(s) found in violation within five days and shall 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 licensees' options, which shall include:

(A) Accepting the penalty imposed by the stewards; or

(B) Requesting a hearing before the commission challenging the stewards' determination within seven days.

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

(p) If a person does not file a request for hearing before the commission within seven days or in the format required by chapter 260-88 WAC, then the person is deemed to have waived his or her right to a hearing before the commission. After seven days, if a request for hearing before the commission has not been filed, the stewards' penalty shall be imposed.

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

(r) If the stewards determine that a licensee'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 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 shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track beginning three hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meet, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

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

(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, shall be 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 shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

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

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

(9) Stewards' list:

(a) The stewards shall 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 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) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said 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.

[Statutory Authority: RCW 67.16.020, 04-17-082, § 260-24-510, filed 8/16/04, effective 9/16/04; 03-13-074, § 260-24-510, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.040, 98-01-145, § 260-24-510, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-520 Racing secretary.** (1) The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches. The racing secretary may employ one or more assistants who may assist in performing the following duties. An assistant racing secretary shall assume the duties of the racing secretary in that person's absence.

(2) Foal, health and other eligibility certificates:

(a) The racing secretary shall be responsible for receiving, inspecting and safeguarding the foal and health certificates, Equine Infectious Anemia (EIA) test certificates and

other documents of eligibility for all horses competing at the track or stabled on the grounds;

(b) The racing secretary shall record the alteration of the sex of a horse on the horse's foal certificate and report such to the appropriate breed registry and past performance services;

(c) The racing secretary shall record on a horse's registration certificate when a posterior digital neurectomy (heel nerving) is performed on that horse.

(3) The racing secretary shall maintain a list of nerved horses which are on association grounds and shall make the list available for inspection by other licensees participating in the race meeting.

(4) The racing secretary shall maintain a list of all fillies or mares on association grounds who have been covered by a stallion. The list shall also contain the name of the stallion to which each filly or mare was bred and shall be made available for inspection by other licensees participating in the race meeting.

(5) It shall be the duty of the racing secretary to assign to applicants such stabling as he may deem proper to be occupied by horses in preparation for racing. He/she shall determine all conflicting claims of stable privileges and maintain a record of arrivals and departures of all horses stabled on association grounds.

(6) Conditions and eligibility:

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office:

(b) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race;

(c) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(7) Listing of horses, the racing secretary shall:

(a) Examine all entry blanks to verify information as set forth therein; and

(b) Select the horses to start and the also eligible horses from those entries received in accordance with these rules.

(8) Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available.

(9) The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

(a) Sequence of races to be run and post time for the first race;

(b) Purse, conditions and distance for each race, and current track record for such distance;

(c) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;

(d) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried;

(e) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;

(f) Identification of each horse by name, color, sex, age, sire and dam; and

(g) Such other information as may be requested by the association or the commission.

(10) The racing secretary shall examine nominations received for early closing events, late closing events and stakes events to verify the eligibility of all such nominations and compile lists thereof for publication.

(11) The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-520, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-530 Horsemen's bookkeeper.** The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

(1) Records:

(a) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account;

(b) The records shall include a file of all required statements: Of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents;

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association;

(d) All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time;

(e) The association licensee is subject to disciplinary action by the commission for any violations of or noncompliance with the provisions of this rule.

(2) Monies and funds on account:

(a) All monies and funds on account with the horsemen's bookkeeper shall be maintained;

(i) Separate and apart from monies and funds of the association;

(ii) In an account designated as Horsemen's Account; and

(iii) In an account insured by the Federal Deposit and Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations;

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

(3) Payment of purses:

(a) The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of commission rules;

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due;

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(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money;

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing;

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory and provided further that no protest or appeal has been filed with the stewards or the commission;

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-530, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-540 Mutuel manager.** The mutuel manager is responsible for the operation of the parimutuel department and shall:

(1) Be responsible for the correctness of all pay-off prices;

(2) Maintain records of all wagers and provide information regarding betting patterns;

(3) Employ licensed individuals to aid in the operation of the parimutuel department;

(4) Make emergency decisions regarding the operation of the parimutuel department; and

(5) Be responsible for the enforcement of the association policy and procedures relating to the mutuel department.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-540, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-550 Official veterinarian(s).** The official veterinarian(s) shall:

(1) Be employed by the commission;

(2) Be a graduate veterinarian and be licensed to practice in this jurisdiction;

(3) Recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;

(4) Place horses on the veterinarian's list and remove horses from the veterinarian's list;

(5) Place horses on the bleeder list and remove horses from the bleeder list;

(6) Supervise and control the test barn;

(7) Supervise the taking of all specimens for testing according to procedures approved by the commission;

(8) Provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;

(9) Provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples;

(10) Have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;

(11) Report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

(12) Maintain all required records of postmortem examinations performed on horses which have died on association grounds;

(13) Be available to the stewards prior to scratch time each racing day at a time designated by the stewards to inspect any horses and report on their condition as may be requested by the stewards;

(14) Be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(15) Inspect any horse when there is a question as to the physical condition of such horse;

(16) Recommend scratching a horse to the stewards if, in his/her opinion the horse is physically incapable of exerting its best effort to win;

(17) Inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the stewards;

(18) Refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(19) Review and consult with the applicants and the stewards regarding commission license applications of practicing veterinarians;

(20) Cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

(21) Periodically review all horse papers under the jurisdiction of the commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules; and

(22) Be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-550, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-560 Horse identifier.** The horse identifier shall:

(1) When required, ensure the safekeeping of registration certificates and racing permits for horses stabled and/or racing on association grounds;

(2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) Examine every starter in the paddock, or other designated location approved by the commission, for sex, color, markings and lip tattoo or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity; and

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(4) Supervise the tattooing, branding or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(5) The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

[Statutory Authority: RCW 67.16.040. 99-05-048, § 260-24-560, filed 2/12/99, effective 3/15/99; 98-01-145, § 260-24-560, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-570 Paddock judge.** (1) The paddock judge shall:

(a) Supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

(b) Maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change thereof to the stewards;

(c) Prohibit any change of equipment without the approval of the stewards;

(d) Ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are generally mounted at the same time, and leave the paddock for the post in proper sequence;

(e) Supervise paddock schooling of all horses approved for such by the stewards;

(f) Report to the stewards any observed cruelty to a horse;

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

(h) Report to the stewards any unusual or illegal activities.

(2) Paddock judge's list:

(a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing;

(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards;

(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-570, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-580 Starter.** (1) The starter shall:

(a) Have complete jurisdiction over the starting gate, the starting of horses and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(b) Appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

(c) Ensure that a sufficient number of assistant starters are available for each race;

(d) Assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective

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stall positions more than 10 minutes before post time for the race;

(e) Assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the stewards; and

(f) Load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(2) Assistant starters, with respect to an official race, shall 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) Apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;

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

(e) Strike or use abusive language to a jockey; or

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

(3) No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. Such horse shall be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter.

(4) The starter and assistant starter shall report all unauthorized activities to the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-580, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-590 Security director, association.** The security director shall be employed by the association and shall be directly responsible for maintaining the security and safety of the racing association's grounds. He/she shall issue daily reports to the commission security inspector outlining staffing and any incidents or occurrences which may constitute a violation of the "rules of racing." The security director will work closely with the board of stewards and commission security inspector(s) to facilitate the licensing, regulation and supervision of licensees and the racing association grounds. The security director may be requested to perform such other specific duties as are mutually agreed upon between the board of stewards and the racing association.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-590, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-600 Commission security inspector(s).** The commission security inspector(s) shall be employed by the commission and report to the commission executive secretary and the stewards. His/her duties shall include investigation of allegations of wrongdoing and violations of the "rules of racing," presentation of cases before the stewards and other duties as set forth by the commission or the stewards.

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[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-600, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-610 Commission auditor.** The commission auditor shall be responsible for:

(1) Verifying the calculations of the parimutuel department;

(2) Calculating and/or verify the monetary commissions due;

(3) Maintaining the Washington bred owners bonus fund (including filing of tax information); and

(4) Various accounting and auditing services as requested by the commission or the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-610, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-620 Clerk of scales.** The clerk of scales shall:

(1) Verify the presence of all jockeys in the jockeys' room at the appointed time;

(2) Verify that all such jockeys have a current jockey's license issued by the commission;

(3) Verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;

(4) Oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;

(5) Promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct;

(6) Record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

(7) Maintain the record of applicable winning races on all apprentice certificates at the meeting;

(8) Release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and

(9) Assume the duties of the jockey room supervisor in the absence of such employee.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-620, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-630 Jockey room supervisor.** The jockey room supervisor shall:

(1) Supervise the conduct of the jockeys and their attendants while they are in the jockey room;

(2) Keep the jockey room clean and safe for all jockeys;

(3) Ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;

(4) Keep a daily video list as dictated by the stewards and have it displayed in plain view for all jockeys;

(5) Keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;

(6) Keep unauthorized persons out of the jockey room; and

(7) Report to the stewards any unusual occurrences in the jockey room.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-630, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-640 Film analyst.** The film analyst, when utilized, shall be responsible for assisting the stewards and other commission officials in the interpretation of video coverage of each race. The analyst shall perform such other duties as are designated by the board of stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-640, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-650 Clocker(s).** (1) The clocker(s) shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(2) Each day, the clocker(s) shall prepare a list of workouts that describes the name of each horse which worked, along with the distance and time of each horse's workout.

(3) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary.

(4) The clocker(s) and his/her representative shall report the time and distance of the horse that best represents the workout which is in the best interest of the public.

(5) Whenever training occurs at other than a racing association within its scheduled race meet and training dates, only individuals licensed by the commission may clock workouts. Off-season clocking can only be performed at approved training centers, in the method prescribed by the commission, and in compliance with WAC 260-40-100. Prior to conducting off-season clocking, all clockers must be approved and licensed by the commission. Approval shall be based on the clockers' knowledge of and proficiency in performing clocking activities.

[Statutory Authority: RCW 67.16.020. 04-07-074, § 260-24-650, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 00-20-028, § 260-24-650, filed 9/27/00, effective 10/28/00; 98-01-145, § 260-24-650, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-660 Race timer.** (1) The timer shall accurately record the time elapsed between the start and finish of each race.

(2) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(3) At the end of a race, the timer shall post the official running time on the infield totalisator board.

(4) At a racetrack equipped with an appropriate infield totalisator board, the timer shall post the quarter times (splits) for races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths of a second.

(5) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the stewards or their designees.

(6) The timer shall maintain a written record of fractional and finish times of each race and have same available for inspection by the stewards or the commission on request.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-660, filed 12/19/97, effective 1/19/98.]

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**WAC 260-24-670 Paddock plater.** The paddock plater shall be available during racing hours to perform emergency shoeing repairs on horses in either the receiving barn, the paddock or during the parade to post. When directed by the board of stewards, the paddock plater shall report horses which are wearing caulks and on which feet. With permission of the stewards the paddock plater may assume other duties as requested by the association.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-670, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-680 Mutuel inspector.** The mutuel inspector shall oversee parimutuel wagering activity, including but not limited to, testing of the totalisator system, working with the board of stewards, commission auditor and mutuel manager as related to chapter 260-48 WAC and shall perform other duties as directed by the commission.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-680, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-690 Outrider(s).** The duty of the outrider(s) shall be to maintain safety on the racetrack during training hours insuring that all persons entering onto the race-track have the proper safety equipment. During racing hours, prior to each race, the outrider(s) shall be responsible for maintaining order during the post parade and insuring that the horses arrive at the starting gate at post time. The outrider(s) shall inform the stewards of any questionable conduct and shall perform other duties as directed by the stewards.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-690, filed 12/19/97, effective 1/19/98.]

**WAC 260-24-700 Any other person designated by the commission.** The commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in this chapter.

[Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-700, filed 12/19/97, effective 1/19/98.]

## Chapter 260-28 WAC

### OWNERSHIPS, TRAINERS AND EMPLOYEES

#### WAC

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

260-28-140	Employment of persons under sixteen. [Rules of racing, § 182, filed 4/21/61.] Repealed by 04-05-092, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.020.
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**WAC 260-28-010 Authorized agent.** An authorized agent is an agent appointed by document signed by the owner before a notary public and lodged with the secretary. An agent so appointed will be recognized by the commission as having authority to handle any and all matters pertaining to the stable for which he is authorized to act, and the acts of such agent shall be deemed the acts of the owner, and owner accepts responsibility for his agent's acts. The term of the license shall expire December 31st of each year, unless the agent's appointment is revoked by the owner in writing or until revoked for cause by the commission.

[Rules of racing, § 32, filed 4/21/61.]

**WAC 260-28-020 Stable names—Registration fees and restrictions.** Each stable name must be duly registered with the commission.

(1) In applying to race under a stable name the applicant must disclose the identity or identities behind a stable name. If a partnership is involved in the identity behind a stable name, the rules covering partnerships must be complied with.

(2) Changes in identities must be reported immediately to and approval obtained from the commission.

(3) No person can use his real name for racing purposes so long as he has a registered one, without permission of the board of stewards.

(4) A trainer who is a licensed owner or part owner may use a stable name as owner or part owner. However, no trainer may be licensed as trainer other than in his legal name.

(5) Any person who has been registered under a stable name may, at any time, cancel it after he has given written notice to the commission.

(6) A stable name may be changed at any time by registering a new stable name and by paying the fee as required above.

(7) A person cannot register as his stable name one which has been registered by any other person with an association conducting a recognized meeting, or the Jockey Club (N.Y.) or with another racing authority.

(8) A person may not register as his stable name one which is the real name of any owner of race horses, nor one which is the real or assumed name of any prominent person not owning race horses.

(9) A stable name shall be plainly distinguishable from that of another duly registered stable name.

(10) No stable name shall be used if in the judgment of the stewards it is being used for advertising purposes.

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(11) Any combination of more than three owners will be required to race under a stable name.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-28-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-034 (Order 79-06), § 260-28-020, filed 12/17/79; Order 71-9, § 260-28-020, filed 6/2/71; Rules of racing, § 31, filed 3/11/65; subsection (4) amended, filed 8/26/65; § 31, filed 4/21/61.]

**WAC 260-28-030 Financial responsibility.** (1) No licensee shall willfully fail or refuse to pay money due for services, supplies, or fees connected with his or her operations as a licensee. No licensee shall falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

(a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and

(b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account. The fact that such a check is returned to the payee by the bank as refused is a grounds for a license suspension pending satisfactory redemption of the returned check.

[Statutory Authority: RCW 67.16.040. 03-07-056, § 260-28-030, filed 3/14/03, effective 4/14/03; Rules of racing, § 27, filed 4/21/61.]

**WAC 260-28-040 Feed and supplies may be bought at open market.** Owners of stables participating in meetings operating under license of Washington horse racing commission shall be privileged to purchase feed and supplies at the open market. No association shall grant exclusive concessions which will operate to interfere with this privilege.

[Rules of racing, § 25, filed 4/21/61.]

**WAC 260-28-050 Colors—Registration and fees.** (1) Racing colors must be registered, and authority for their use sanctioned. Such registration shall be made annually, upon issuance of an owner's license.

(2) Colors registered with any racing commission or with the Jockey Club of New York shall be respected in Washington and only the registrant shall be permitted to use them.

(3) No person shall start a horse in racing colors other than those registered in his own or assumed name, but a temporary change from the recorded racing colors may be approved by the stewards.

(4) Any disputes between claimants to the right of particular racing colors shall be decided by the stewards.

(5) Any temporary change from the recorded colors of the owner must be approved by the stewards and posted by the clerk of the scales on the notice board.

[Statutory Authority: RCW 61.16.020 and 67.16.040. 82-14-012 (Order 82-05), § 260-28-050, filed 6/25/82; Rules of racing, § 64, filed 4/21/61.]

**WAC 260-28-060 Engagements and transfer of same.**

(1) When a horse is claimed out of a claiming race, the horses engagements are included.

(2) Subscriptions and all entries or rights of entry are valid when a horse is sold with his engagements duly transferred; in duly registered partnerships when subscriptions, entries and rights of entries survive in the remaining partners; and when entries under the decedent's subscription has been made previous to the decedent's death by the transfer of the right of entry.

(3) Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in case of duly registered partnerships or except subject to the sanction of the stewards, when the personal representative of an estate shall in writing, request that the benefits of such accrue to the estate of the decedent subscriber for the privilege of transfer, and shall agree to assume any and all obligations incident to the original entries.

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

(5) Should a horse be sold with his engagements, or any part of them, the seller cannot strike the horse out of any such engagements.

[Rules of racing, §§ 88 through 92, filed 4/21/61.]

**WAC 260-28-070 Ownerships to be filed with racing secretary.** All ownerships in a horse, except a trainer's percentage of his winnings, shall be filed with the racing secretary, before the horse shall start, as also shall every change in ownership thereafter during the meeting.

[Rules of racing, § 107, filed 4/21/61.]

**WAC 260-28-080 Corporate ownership and leases.**

No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless such corporation shall have no more than ten stockholders or members each of whom shall be the registered and beneficial owner of stock or membership in such corporation; nor shall any cor-

poration having more than ten such stockholders have the power to lease for racing purposes to any natural person or persons or partnership any horse owned or controlled by it. Each stockholder must file an application for an owner's license: Provided, That the commission, through its board of stewards, may waive the requirement of ten or less stockholders and permit a corporation which has up to twenty-five stockholders to be licensed if all of the stockholders have sufficient local connections so that the process of checking applications is not unduly burdensome.

All the stockholders or members of a corporation which owns or leases horses for racing purposes in the state of Washington and also all such corporations shall make and file with the commission as and when requested by it, a report or reports containing such information as the commission may specify; and upon refusal or failure to file such report or reports the commission may refuse a license to any lessee or lessees of such corporation or may revoke any such license which it may have granted.

[Order 75-1, § 260-28-080, filed 2/18/75; Rules of racing, § 107(a), filed 4/21/61.]

**WAC 260-28-090 Owner to register horses with racing secretary.** Each owner shall register with the racing secretary at each track all of his horses, giving the name, color, sex, age and breeding of each.

[Rules of racing, § 176, filed 4/21/61.]

**WAC 260-28-100 Change of trainers.** If an owner changes trainers, he must notify the racing commission and require the new trainer to sign his name on said owner's registration.

[Rules of racing, § 178, filed 4/21/61.]

**WAC 260-28-110 Employment of jockey to prevent riding.** No owner shall employ a jockey for the purpose of preventing him from riding in any race.

[Rules of racing, § 179, filed 4/21/61.]

**WAC 260-28-120 Bribes and gratuities.** No owner shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race, or tend to do so.

[Rules of racing, § 180, filed 4/21/61.]

**WAC 260-28-130 May not employ nonlicensed veterinarian—Report of certain illnesses and treatments.** No owner or trainer or their representative, shall employ a veterinarian who is not licensed as such by the state board of veterinary examiners. Licensed associations shall use all reasonable efforts to prevent nonlicensed veterinarians from practicing on their premises. Every such veterinarian who shall prescribe or use any medication or treatment which contains a drug or drugs which he has reason to believe are of such character as would affect the racing condition of a horse in a race, shall at the time of prescribing or use deliver to the trainer of the horse under treatment a written statement, setting forth the date, the name of the horse and of the owner, and the name of said drug or drugs so prescribed or used. A copy of this statement shall also be delivered to the board of

stewards. Any illness with unusual symptoms shall immediately be reported by the trainer or attending veterinarian to the stewards.

[Rules of racing, § 181, filed 4/21/61.]

**WAC 260-28-150 Registration of stable personnel.**

The personnel of every stable and changes thereof shall be registered by the owner with the racing commission.

[Rules of racing, § 183, filed 4/21/61.]

**WAC 260-28-160 Partnerships.** (1) All partnerships, and the name and address of every individual having any interest in a horse, the relative proportions of such interest, and the terms of any sale with contingencies, of any lease or of any arrangement, must be signed by all the parties or by their authorized agents and be lodged at the office of the commission before any horse which is a joint property or which is sold with contingencies or is leased can start in any race, and all the partners and each of them shall be jointly and severally liable for all stakes and obligations.

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

(2) In case of emergency, authority to sign declarations or partnership may be given to the commission by a telegram promptly confirmed in writing.

(3) A part owner of any horse cannot assign his share or any part of it, without the written consent of the other partners. The said consent to be lodged with the commission.

[Rules of racing, §§ 197, 198, 199, filed 4/21/61.]

**WAC 260-28-170 Duty to name jockey upon making entry.** Every owner or trainer shall upon making an entry, be required to furnish the name of the jockey who rides his horse, or if this be not possible, he shall in any event be required to furnish it not later than scratch time the day of the race. If no jockey has been named by that hour, the stewards shall name the best available rider and he shall ride the horse.

[Rules of racing, § 279, filed 4/21/61.]

**WAC 260-28-180 Trainer—Insurer of condition of horse.** The trainer shall be responsible for and be the absolute insurer of the condition of the horses he enters regardless of the acts of third parties.

[Rules of racing, § 280, filed 4/21/61.]

**WAC 260-28-190 Trainer—Authority to represent owner.** A trainer may represent the owner in the matter of entries, declarations, and the employment of jockeys.

[Rules of racing, § 281, filed 4/21/61.]

**WAC 260-28-200 Trainer—Paddock duties.** (1) A trainer shall have his horse in the paddock at the time appointed.

(2) A trainer shall attend his horse in the paddock, and shall be present to supervise his saddling, unless he has

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obtained the permission of a steward to send another licensed trainer as substitute.

[Rules of racing, §§ 282, 283, filed 4/21/61.]

**WAC 260-28-210 Trainer—Substitute for absent trainer.** If a trainer is to be absent from the track where his horses are participating in races, he must obtain a licensed trainer to substitute for him during his absence. Such a substitute trainer must be approved by the board of stewards upon forms approved by the racing commission. The original trainer is the absolute insurer of the horse he has entered. The substitute trainer will then become the absolute insurer of any additional horses he may enter.

[Order 4, § 260-28-210, filed 12/24/69; Rules of racing, § 284, filed 4/21/61.]

**WAC 260-28-220 Trainer—Duty to register horses with racing secretary.** Each trainer shall register with the racing secretary all the horses in his charge, giving the name, age, sex, breeding and ownership of each.

[Rules of racing, § 285, filed 4/21/61.]

**WAC 260-28-230 Trainer—Duty to register personnel—Occupational licenses—Safety equipment.** Each trainer shall register with the racing commission every person in his/her employ and be responsible for all his/her employees securing occupational licenses.

He/she shall also be responsible for every jockey and all his/her employees wearing a safety helmet and safety vest while on horse back. The safety helmet and safety vest shall be of a type approved by the commission and any changes in the helmet or the vest must be approved in writing by the stewards.

[Statutory Authority: RCW 67.16.040. 00-06-072, § 260-28-230, filed 3/1/00, effective 4/1/00; Rules of racing, § 286, filed 4/21/61.]

**WAC 260-28-235 Trainer—Duty to provide employees financial relief from injury.** As a proper means of financial relief from injury, the Washington horse racing commission requires as a condition to issuance of a license that the applicant file proof of compliance with one of the following coverages:

(1) That the trainer cover his employees under state industrial insurance through the Washington state department of labor and industries.

(2) Trainers obtain coverage from private insurance carrier duly licensed to do business in the state of Washington, and approved by the Washington horse racing commission.

(3) Posting of surety bond with sureties to be approved by the commission, in such amount as designated by the Washington horse racing commission.

[Rules of racing, § 425, filed 5/4/66.]

**WAC 260-28-240 Trainer—Restriction as to horses owned by disqualified person.** A trainer shall not have in charge or under his supervision any horse owned, in whole or in part, by a disqualified person.

[Rules of racing, § 287, filed 4/21/61.]

**WAC 260-28-250 Trainer—Bribery prohibited.** No trainer shall accept, directly or indirectly any bribe, gift, or gratuity in any form which might influence the result of any race or which would tend to do so.

[Rules of racing, § 288, filed 4/21/61.]

**WAC 260-28-260 Trainer—Removing horses from grounds.** No trainer shall move or permit to be moved any horse or horses in his care from the grounds of an association without written permission from the stewards.

[Rules of racing, § 289, filed 4/21/61.]

**WAC 260-28-270 Trainer—Employing jockey to prevent riding.** No trainer shall employ a jockey for the purpose of preventing him from riding in any race.

[Rules of racing, § 290, filed 4/21/61.]

**WAC 260-28-280 Trainer—Reporting sickness of horse.** A trainer shall see to it that a report is made promptly to the racing secretary and track veterinarian of any and all sickness of his horse or horses.

[Rules of racing, § 291, filed 4/21/61.]

## Chapter 260-32 WAC

### JOCKEYS, APPRENTICES AND AGENTS

#### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-32-200	When suspension commences. [Rules of racing, § 161, filed 4/21/61.] Repealed by 04-19-044, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.020.
260-32-360	Apprentice allowances and extensions. [Statutory Authority: RCW 67.16.020 and 67.16.040. 83-08-057 (Order 83-01), § 260-32-360, filed 4/4/83; Order 77.1, § 260-32-360, filed 4/22/77; Order 73.7, § 260-32-360, filed 12/3/73; Order 3, § 260-32-360, filed 5/12/69; Rules of racing, § 173, filed 4/21/61, subsections 1(a) amended, filed 3/11/65; 1(c) amended, filed 8/26/65; 2(d) added, filed 1/21/64.] Repealed by 98-07-070, filed 3/17/98, effective 4/17/98. Statutory Authority: RCW 67.16.040.

### JOCKEYS

**WAC 260-32-010 License required—Minimum age.**

(1) Each jockey must obtain a license from the commission.

(2) No boy under sixteen years shall be granted a jockey's license.

[Rules of racing, §§ 139, 140, filed 4/21/61.]

**WAC 260-32-020 Riding prior to licensure.** (1) A boy may be allowed to ride in two races before applying for his first license.

(2) The stewards may permit a jockey to ride pending action on his application.

[Rules of racing, §§ 141, 142, filed 4/21/61.]

**WAC 260-32-030 Apprentice may ride in same race with jockeys.** An apprentice jockey may be permitted to ride in the same race with professional jockeys.

[Rules of racing, § 143, filed 4/21/61.]

**WAC 260-32-040 Jockey may not be owner or trainer.** No licensed jockey shall be the owner or trainer of any race horse.

[Rules of racing, § 144, filed 4/21/61.]

**WAC 260-32-050 Stable prerequisite to contract holding.** No person shall be allowed to hold a contract on a jockey or apprentice jockey unless he be in control or possession of such a stable of horses as would in the opinion of the stewards of the meeting, where the jockey or apprentice jockey makes application for license, warrant the employment of a contract jockey or apprentice jockey.

[Rules of racing, § 170, filed 4/21/61.]

**WAC 260-32-060 Riding for other than contract employer.** A jockey shall not ride or agree to ride in any race without the consent of the owner or trainer to whom he is under contract.

[Rules of racing, § 145, filed 4/21/61.]

**WAC 260-32-070 Weighing out.** Jockeys are required to present themselves to be weighed out at the time fixed by the clerk of the scales.

[Rules of racing, § 146, filed 4/21/61.]

**WAC 260-32-080 Must fulfill engagements.** All jockeys shall faithfully fulfill all engagements in respect to racing.

[Rules of racing, § 147, filed 4/21/61.]

**WAC 260-32-090 Riding against starter of contract employer.** A jockey may not ride in any race against a starter of his contract employer unless his mount and his contract employer's starter are both in the hands of the same trainer.

[Rules of racing, § 148, filed 4/21/61.]

**WAC 260-32-100 Appearance and costume.** In riding a race a jockey must be neat in appearance. All riders must be dressed in clean jockey costumes, caps, and jackets of silk or waterproof, white breeches and top boots.

[Rules of racing, § 149, filed 4/21/61.]

**WAC 260-32-110 Protective helmet.** (1) It shall be mandatory that jockeys wear a protective helmet which shall be approved by the commission.

(2) The weight of the protective helmet shall not be included in the jockey's weight.

[Rules of racing, §§ 150, 151, filed 4/21/61.]

**WAC 260-32-115 Safety vests.** Effective January 1, 1994 it shall be mandatory that jockeys wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA). The safety vest shall not be counted in the jockey's weight.

[Statutory Authority: RCW 67.16.040. 93-23-010, § 260-32-115, filed 11/5/93, effective 12/6/93.]

**WAC 260-32-120 Spurs or steels.** The use of spurs or steels is prohibited.

[Rules of racing, § 152, filed 4/21/61.]

**WAC 260-32-130 Colors.** A jockey must wear the colors of the owner or owners of the horse he is riding (except by special permission of the stewards) and the posting of such a change in colors on the bulletin board, and a number on the saddle cloth corresponding to the number of the horse as exhibited after the weighing out.

[Rules of racing, § 153, filed 4/21/61.]

**WAC 260-32-140 Numbers.** A jockey shall wear a number on his right arm and it and the saddle cloth number shall correspond to the number of the horse in the official program.

[Rules of racing, § 154, filed 4/21/61.]

**WAC 260-32-150 Reporting in prior to race—Attendance pending engagements.** Every jockey who is engaged in a race shall report to the scale room on the day of the race at the time required by the officials. He shall then report his engagements and overweight, if any, to the clerk of scales, and thereafter, except with the permission of the stewards,

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shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, until all of his engagements of the day have been fulfilled.

[Rules of racing, § 155, filed 4/21/61.]

**WAC 260-32-160 Physical examinations.** Before the commencement of a meeting all jockeys must be examined by a licensed physician, designated by the board of stewards in order to establish their physical condition and freedom from disabling defects or contagious disease. During the conduct of a meeting, the board of stewards may require that any jockey be reexamined and may refuse to allow said jockey to ride until he successfully passes such examination.

[Rules of racing, § 156, filed 4/21/61.]

**WAC 260-32-170 Betting.** No jockey shall make a bet on any race nor accept the promise, or the token of any bet, with respect to the race in which he is riding, except through or from the owner or trainer of the horse he rides, and then only on that horse.

[Rules of racing, § 157, filed 4/21/61.]

**WAC 260-32-180 Fees.** (1) Jockey's riding fees, for a meeting must be approved by the commission.

(a) If any owner or trainer engages two or more jockeys for the same race, he/she shall pay the losing fee for each engaged jockey not riding in the race, as well as the proper fee to the jockey who does ride. In the event an owner or trainer elects to remove a jockey from his/her mount after scratch time or such other time as designated by the stewards, the stewards may require a double jockey fee to be paid. The double jockey fee to be paid may be equal to that earned by the jockey who rode the race or a losing fee, as determined by the board of stewards.

(b) A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his/her own free will, takes himself/herself off his mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

(2) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share.

[Statutory Authority: RCW 67.16.040. 98-07-070, § 260-32-180, filed 3/17/98, effective 4/17/98; Order 4, § 260-32-180, filed 12/24/69; Rules of racing, §§ 158, 159, filed 4/21/61.]

**WAC 260-32-190 Temporary suspension.** (1) If a jockey is suspended for an offense not involving fraud, and the suspension is for ten days or less, then the jockey may ride in those stakes races, futurity races, futurity trials, or other races which are designated by the respective stewards as races in which the jockey may compete, even though under suspension.

(2) Official rulings for riding infractions not involving fraud, with sanctions of suspension for ten days or less shall state the term of the suspension and shall not prohibit participation in designated races.

(3) A listing of the designated races shall be posted in the jockey's room, and any other such place deemed appropriate by the stewards.

(4) A suspended jockey must be named at the time of entry to participate in any designated race.

(5) A day in which a jockey participated in a designated race while on suspension shall count as a suspension day.

[Statutory Authority: RCW 67.16.040, 91-15-036, § 260-32-190, filed 7/16/91, effective 8/16/91; Rules of racing, § 160, filed 4/21/61.]

**WAC 260-32-210 Payment of forfeitures.** A forfeiture must be paid by the jockey himself and any other person paying it shall be subject to punishment.

[Rules of racing, § 162, filed 4/21/61.]

**WAC 260-32-220 Jockey limited to one agent who shall make all engagements.** Every jockey may have one agent and no more. All engagements to ride, other than those for his contract employer, shall be made by his agent.

[Rules of racing, § 163, filed 4/21/61.]

**WAC 260-32-230 Attendants.** No jockey shall have an attendant other than those provided by the association. Such attendants shall be paid from an assessment collected from the jockeys.

[Rules of racing, § 164, filed 4/21/61.]

**WAC 260-32-240 Priority of retainers.** Employers retaining the same jockey have precedence according to priority of the retainers as specified in the contracts.

[Rules of racing, § 165, filed 4/21/61.]

### JOCKEY APPRENTICES (CONTRACTS—REGISTRATION—APPLICATION FOR LICENSES)

**WAC 260-32-300 Application of rules for jockeys.** Jockey apprentices shall be bound by all the rules for jockeys, except insofar as said rules may be in conflict with the following specific regulations for apprentices.

[Rules of racing, § 166, filed 4/21/61.]

**WAC 260-32-310 Contracts—Form—Filing.** (1) Apprentice contracts entered into in the state of Washington must be made on forms supplied by the racing commission, and a copy shall be filed with the commission.

(2) A copy of all apprentice contracts, wherever entered into, must be filed with the commission.

[Rules of racing, §§ 167, 168, filed 4/21/61.]

**WAC 260-32-320 Contracts—Transfers.** If an apprentice contract is transferred said transfer must be approved by the stewards and registered with the commission by both the transferrer and the transferee.

[Rules of racing, § 169, filed 4/21/61.]

**WAC 260-32-330 Stable prerequisite to contract holding.** See WAC 260-32-050.

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**WAC 260-32-335 Apprentice certificates.** An apprentice jockey may be granted an apprentice certificate in lieu of an apprentice contract. The apprentice certificate shall grant an apprentice all the allowances and conditions granted to the apprentice who is under contract.

[Order 77.1, § 260-32-335, filed 4/22/77.]

**WAC 260-32-340 Application for license—Supporting documents.** An application for a license as apprentice jockey shall be accompanied by (1) an original, a notarized or a photostatic copy of his agreement with his contract employer and (2) written proof of at least one year of service with a racing stable and (3) birth certificate or satisfactory evidence of the date of birth.

[Rules of racing, § 171, filed 4/21/61.]

**WAC 260-32-350 Riding for other than contracted employer—Fee entitlement.** An apprentice jockey shall not be permitted to ride for any other than his contract employer, without said employer's consent. Any apprentice or contract rider shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by his contract holder. An interest in winnings only (such as trainer's percent) shall not constitute ownership.

[Order 73.7, § 260-32-350, filed 12/3/73; Rules of racing, § 172, filed 4/21/61.]

**WAC 260-32-370 Apprentice jockeys.** (1) An applicant for an apprentice jockey license may be prohibited from riding until the stewards or the commission has sufficient opportunity (not to exceed 14 days) to verify the applicant's previous riding experience.

(2) The conditions of an apprentice jockey license do not apply to quarter horse or mixed breed racing. A jockey's performances in quarter horse or mixed breed racing do not apply to the conditions of an apprentice jockey.

(3) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

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

(5) The apprentice jockey shall be responsible to have his/her apprentice certificate with them at all times. Prior to riding, the apprentice certificate shall be submitted to the clerk of scales at each racing association in which the apprentice is licensed and riding.

(6) The apprentice jockey shall keep an accurate updated record of his/her first forty winners, to be recorded on the certificate by the clerk of scales.

(7) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:

(a) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners:

(b) Seven pound allowance until the apprentice has ridden an additional thirty-five winners; and

(c) If an apprentice has ridden a total of forty winners prior to the end of a period of one year from the date of riding

their fifth winner, the apprentice jockey shall have an allowance of five pounds until the end of that year;

(d) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden forty winners, the applicable weight allowance shall continue for one more year or until the 40th winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(8) The commission may extend the weight allowance of an apprentice jockey when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

- (a) Physical disablement or illness;
- (b) Military service;
- (c) Attendance in an institution of secondary or higher education;
- (d) Restriction on racing;
- (e) Other valid reasons.

(9) In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.

(10) The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this regulation.

(11) An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(12) Apprentice jockeys shall be bound by all rules for jockeys, except insofar as said rules may be in conflict with WAC 260-32-400.

[Statutory Authority: RCW 67.16.040. 98-01-146, § 260-32-370, filed 12/19/97, effective 1/19/98.]

## JOCKEY AGENTS

**WAC 260-32-400 Powers and duties.** Each jockey agent shall be licensed on a regular form provided by the commission. No jockey agent shall be the owner or trainer of any horse. A jockey agent may represent three jockeys providing the conditions justify and upon approval of the stewards. No jockey agent shall make or assist in making any engagement for any rider other than those he is licensed to represent. Each jockey agent shall keep, on a form provided by the association, a record by races of all engagements made by him of the riders he is representing. This record must be kept up to date and held ready at all times for the inspection by the stewards. If any jockey agent gives up the making of engagements for any rider, he shall immediately notify the stewards, and he shall also turn over to the stewards a list of any unfilled engagements he may have made for that rider. A jockey agent may not drop a rider without notifying the board of stewards in writing. All rival claims for the services of a rider will be adjusted by the stewards.

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[Statutory Authority: RCW 67.16.040. 92-21-027, § 260-32-400, filed 10/13/92, effective 11/13/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-073 (Order 79-03), § 260-32-400, filed 12/24/79; Rules of racing, § 174, filed 3/11/65; filed 4/21/61.]

**WAC 260-32-410 Touting prohibited.** A jockey agent shall not give to any one, directly or indirectly any information or advice pertaining to a race or engage in the practice commonly known as "touting" for the purpose of influencing any person, or that would tend to do so, in the making of a wager on the result of any race.

[Rules of racing, § 175, filed 4/21/61.]

**WAC 260-32-420 Visitation privileges.** A jockey agent must receive permission from the stewards to visit jockey quarters, winners circle, paddock, and film review room.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-32-420, filed 4/9/82.]

## Chapter 260-34 WAC

### DRUG AND ALCOHOL TESTING OF LICENSEES AND EMPLOYEES

#### WAC

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**WAC 260-34-010 Primary purpose.** In order to protect the integrity of horse racing in the state of Washington, to protect the health and welfare of licensees and employees engaged in horse racing within the state of Washington, to prevent the exploitation of the public, licensees and/or employees engaged in horse racing in the state of Washington, to foster fairness of competition within the racing industry and in order to protect public safety within the state of Washington, the horse racing commission intends to regulate at all race meets licensed by it, the use of any controlled substance as listed in chapter 69.50 RCW or any legend drug as defined in chapter 69.41 RCW unless such legend drug was obtained directly and pursuant to a valid prescription from a duly licensed physician or dentist acting in the course of his or her professional practice. The commission recognizes that the most effective preventive measures are also measures considered by many to be most invasive of civil liberties, and intends to limit the impact on civil liberties by implementing limited preventative measures. The commission also recognizes that there are limits to the known correlation between the use of drugs, drug levels in bodily fluids and impairment

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from the presence of those drugs in the body, but that the known possible impairment and detriment to the integrity of the horse racing industry from the use of drugs warrants appropriate measures to prevent such use. This chapter shall be applicable to any licensee or employee who is responsible for the conduct of, or the officiating of, a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-010, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-010, filed 4/15/88.]

**WAC 260-34-020 Use of controlled substances.** No licensee or employee of any racing association or any employee of the horse racing commission or applicant who is, or may be, responsible for the conduct of, or officiating of a race, or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet or on grounds licensed by the horse racing commission, shall be under the influence of intoxicating liquor, or have within their body any drug or controlled substance unless obtained directly and used pursuant to a valid medical prescription from a duly licensed physician or dentist acting in the course of his or her professional practice while within the enclosure of or on the premises managed by any association. "Controlled substance" or "drug" as used in this chapter means any substance listed in chapter 69.50 RCW or legend drug as defined in chapter 69.41 RCW.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-020, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-020, filed 4/15/88.]

**WAC 260-34-030 Testing.** The board of stewards of the horse racing commission or the commission, acting through the executive secretary, may require any licensee, employee of any racing association, or employee of the horse racing commission, or applicant, who is, or may be, responsible for the conduct of, or officiating of, a race, or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet, or on grounds licensed by the horse racing commission, to provide blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(1) When the board of stewards finds that there is reasonable suspicion to believe that the proposed testee has used any controlled substance unless such controlled substance was obtained directly and used pursuant to a valid medical prescription from a duly licensed physician or dentist acting in the course of his or her professional practice or, alcohol in excess of the limits prescribed in this chapter.

(2) At the discretion of the stewards when the proposed testee has a documented history of an unexplained positive test which indicates illegal drug usage or when the proposed testee has a documented history of violating chapter 69.41, 69.45 or 69.50 RCW, WAC 260-34-020 or similar drug-related violation.

[Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-030, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.-

040. 89-13-006 (Order 89-02), § 260-34-030, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-030, filed 4/15/88.]

**WAC 260-34-040 Definitions.** (1) "Licensee," "employee," or "applicant": For the purpose of this chapter, "licensee," "employee," or "applicant" means and includes any person licensed or employed, or an applicant for a license or employment by the horse racing commission within the state of Washington or by any association whose duties include any of the following: Training, exercising, riding, driving, or caring for a horse while he/she is on the association grounds to participate in a horse racing meet, or on premises licensed by the horse racing commission, or any licensed racing official who is involved in the conduct of a horse racing meet including, but not limited to:

- (a) Apprentice jockey;
- (b) Assistant starter;
- (c) Assistant trainer;
- (d) Clerk of scales;
- (e) Dentist;
- (f) Driver;
- (g) Exercise boy/girl;
- (h) Groom;
- (i) Horseshoer;
- (j) Jockey;
- (k) Jockey agent;
- (l) Out rider;
- (m) Paddock judge;
- (n) Pony rider;
- (o) Racing judge;
- (p) Security officer;
- (q) Starter;
- (r) Steward;
- (s) Trainer;
- (t) Valet;
- (u) Veterinarian;
- (v) Veterinarian's assistant;
- (w) Any other licensed personnel deemed appropriate by the horse racing commission where the person is involved in the conduct of a race.

(2) "Suspension": For purposes of this chapter, "suspension" means prevention from conducting the activities permitted or authorized by a license or employment or, if an applicant, prevention from obtaining a license or employment. "Suspension" is to be interpreted as a temporary remedial measure designed to protect the safety and integrity of the horse racing industry and the participants therein, and is not to be considered punitive.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-040, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-040, filed 4/15/88.]

**WAC 260-34-050 Reasonable suspicion.** When determining whether there is reasonable suspicion to require testing, the board of stewards may consider, but are not limited to, any of the following factors:

- (1) Unexplained or continued rule violations which have a detrimental effect on racing.
- (2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident

which created a clear danger of accident or injury to person or animal at the track.

(3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track.

(4) Observable physical or emotional impairment at the track.

(5) Involvement in a race of questionable outcome or circumstance as determined by the board of stewards in the exercise of their expertise.

(6) Willful abuse of animal or person who is engaged in a race, work, or exercise engagement at the track.

(7) Prior positive test or tests, excluding those where a valid legal prescription has been revealed.

(8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.

(9) Information supplied by a law enforcement agency, the thoroughbred racing protective bureau, or horse racing commission of any state or country which is verified in writing relating to drug or alcohol abuse or both.

(10) Any other physical conduct at the track which can be documented which would indicate reasonable grounds to believe the existence of dependence on or usage, of a controlled substance, or alcohol abuse.

(11) Repeated wrongful refusal to take a test when requested to do so within this chapter.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-050, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-050, filed 4/15/88.]

**WAC 260-34-060 Refusal to test.** (1) When any licensee, employee, or applicant is requested to submit to a test in a manner prescribed by this chapter, the person shall do so in a prompt manner. Refusal to supply such sample shall result in:

(a) Immediate suspension of the licensee, employee, or applicant; and

(b) A hearing before the board of stewards in accordance with WAC 260-24-440 with written notice of the issue to be addressed prepared by the presiding steward, to be held within the next two racing days or seven calendar days, whichever is less, after service of the notice or sooner or later if the licensee, employee, or applicant and the board of stewards agree. Service shall be to the licensee, employee, or applicant personally, by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mailing the notice to the person's last known address. If by mail, service shall be deemed completed on the third day after mailing.

(2) If the board of stewards finds at the hearing that said refusal to test occurred without just cause, the licensee, employee, or applicant shall be suspended from racing for and until such time as a test has been obtained in conformance with this chapter. In the event of a finding of just cause, the licensee, employee, or applicant must submit to a test immediately once the conditions which justly prevented testing abate or can be eliminated.

(3) Repeated refusal without just cause to submit to an ordered test may result in license revocation and banning from race meets in the state of Washington by the commis-

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sion after a hearing pursuant to chapters 260-08 and 260-88 WAC.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-060, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-060, filed 4/15/88.]

**WAC 260-34-070 Responsibility to report valid prescriptions.** Whenever any licensee, employee, or applicant has been directed to submit to a drug test and that licensee, employee, or applicant is taking a controlled substance pursuant to a valid prescription on order of a duly licensed physician or dentist, it shall be the licensee's, employee's, or applicant's responsibility to give immediately prior to testing written notice to the medical staff member designated pursuant to WAC 260-34-080 or designated representative of the Washington horse racing commission containing the following:

(1) Name of the licensee, employee, or applicant.

(2) The name, quantity, and dosage of the controlled substance prescribed.

(3) The name of the duly licensed physician or dentist prescribing same.

(4) The date the prescription was prescribed.

(5) The time and date next preceding the date of the test when the prescribed controlled substance was ingested by the licensee, employee, or applicant.

All such notices shall become part of the records of the drug test and preserved to maintain strict confidentiality of the contents.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-070, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-070, filed 4/15/88.]

**WAC 260-34-080 Testing procedure.** (1) When the drug testing is required as described in WAC 260-34-030, the following procedure will be used:

(a) The licensee, employee, or applicant will report as instructed by the board of stewards to a drug testing facility approved by the commission. When on site urinalysis is available the board of stewards may direct the licensee, employee or applicant to submit to drug testing done by a commission security inspector. This testing will be done in accordance with procedures which have been approved by the commission. A qualified member of the drug testing facility will supervise the sample being given. When on site urinalysis is available the commission security inspector or their designee will supervise the sample being given. The supervision need not include actual observance of the delivery of the sample but the sample shall be taken under such circumstances that the integrity of the sample is maintained without unnecessarily interfering with the individual rights of the person tested, including the right to be free from unnecessary embarrassment. Intentional contamination of the sample by any person tested which is likely to prevent appropriate analysis of the sample shall be grounds for the suspension or revocation of the person tested.

(b) The urine sample will be at least 75 ml in volume. The urine sample will be divided into two parts of at least 25 ml and 50 ml in the presence of the person tested. If the licensee, employee, or applicant is unable to provide 75 ml of urine, the licensee, employee, or applicant may waive in writing the division of the sample and preservation of an untested

portion of the sample as provided in (c) of this subsection and subsection (4) of this section. If the person tested is unable to provide a sufficiently large sample, either 75 ml or 50 ml with a waiver, the person shall not be suspended, but shall not participate in racing until such time as he or she is able to provide sufficient urine and completes the test. All portions of the sample shall be placed in containers and sealed with double identification tags in the presence of the person being tested.

(c) The 25 ml (or more) container will be preserved pursuant to subsection (3) of this section by the medical facility obtaining the sample. Both licensee, employee, or applicant and member of the medical staff, chief of security, or designated representative of the horse racing commission will sign the tag to attest to the sealing and labeling of the sample.

(d) The 50 ml (or more) container will be prepared for transportation as follows: One portion of the container's tag bearing a printed identification number shall remain with the sealed container. The other portion of such tag bearing the same printed identification number, shall be detached in the presence of the person tested and a member of the medical staff, the chief of security or designated representative of the horse racing commission. The licensee, employee, or applicant will initial or sign the designated portion of the tag to attest witnessing such action. The member of the medical staff, the chief of security or designated representative of the horse racing commission will also sign the detached portion of the tag to attest witnessing such action. The sample will then be handled in a manner consistent with an evidentiary chain of custody throughout the transportation and laboratory testing process. The sample and the tag identifying the sample which is to be provided to the laboratory for analysis shall not identify the person by name, but only by number assigned and recorded by the members of the medical staff, chief of security, or designated representative of the horse racing commission.

(2) When the testing is to be done as a result of reasonable suspicion or the result of mandatory testing being conducted after a positive test, the same procedure for handling the specimens shall be utilized as in subsection (1) of this section, but the sample may be taken at the track and witnessed by the chief of security or designated representative of the horse racing commission. The witness must be of the same sex as the person being tested. After the sample is taken, divided and sealed, the chief of security or designated representative of the horse racing commission will be responsible for the evidentiary chain of custody and transportation of one portion of the sample to the laboratory and storage of the other portion pursuant to subsection (3) of this section. The chief of security of the horse racing commission will maintain a checklist of procedures to implement these steps; the checklist will be marked as the steps are carried out and it will be maintained as part of security records.

(3) Each portion of the sample supplied by the person tested will be preserved by the approved laboratory, chief of security, representative of the horse racing commission, or laboratory for three days unless there is a positive test result. If there is a positive test result, the samples will be preserved for a period of one year or until released by the executive secretary of the horse racing commission after all hearings and appeals have been terminated. The samples will be preserved

in a secured location by refrigeration or freezing for the first three days and thereafter by freezing.

(4) Either or both portions of the sample may be retested at the request of the licensee, employee, or applicant at either the laboratory used by the horse racing commission or a qualified laboratory designated by the licensee, employee, or applicant and approved by the horse racing commission. If the untested sample is transported for testing, transportation will be performed, at the direction of the board of stewards, by the chief of security or designated representative of the horse racing commission using an evidentiary chain of custody. None of the originally untested 25 ml portion is required to be saved after testing for retesting. The licensee, employee, or applicant is responsible for all costs of transporting and testing or retesting a sample at his or her request.

[Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-080, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-080, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-080, filed 4/15/88.]

**WAC 260-34-090 A positive test.** A drug test shall be positive when the presence of a controlled substance is confirmed by two independent tests performed on the same sample supplied by a licensee, employee, or applicant. The tests used will be the E.M.I.T. screen test, followed by a gas chromatography/mass spectrometry confirmatory test, or other tests which the scientific community recognizes are equally or more accurate and reliable. If marijuana or its derivatives, salts, isomers, or salts of isomers are detected in a drug test, such a result will not be reported positive unless found at levels of at least fifty nanograms per milliliter.

A positive drug test shall be reported by the laboratory to the presiding steward at the track. On receiving written notice from the laboratory that a specimen has been found positive for a controlled substance, the presiding steward shall initiate the following procedure:

(1) Written notice shall be given to the licensee, employee or applicant, setting a hearing by the board of stewards in accordance with WAC 260-24-440 within the next two racing days or seven calendar days, whichever is less, after service of the notice. The hearing may be held within a shorter or longer period of time if the licensee, employee, or applicant named and the board of stewards agree. Service shall be to the licensee, employee, or applicant personally, by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mail to the person's last known address. If by mail, service shall be deemed completed on the third day after mailing.

(2) The hearing shall be conducted before the board of stewards pursuant to WAC 260-24-440. At the hearing, the licensee, employee, or applicant shall be provided an opportunity to explain the positive test.

(3) The board of stewards' hearing shall be closed and the facts therein will be kept confidential unless for use with respect to any stewards ruling, order by the horse racing commission or judicial hearing with regard to such facts. Closure of the hearing and confidentiality of the proceedings may be waived by the licensee, employee, or applicant. The board may issue a public ruling which complies with the confidentiality requirements of this section and WAC 260-34-100.

(4) Lacking a satisfactory explanation and documentation or upon the licensee, employee, or applicant agreeing with the test results, the board of stewards shall suspend the licensee, employee, or applicant until:

(a) A negative test can be submitted by that licensee, employee, or applicant and the results reviewed by the board of stewards; and

(b) The licensee, employee, or applicant is referred to an approved agency for a drug evaluation interview and completes the evaluation.

(i) If the evaluation concludes that the licensee, employee, or applicant is not addicted or habituated, and if the board of stewards determines that the licensee's, employee's, or applicant's condition is not detrimental to the best interests of racing, the licensee, employee, or applicant shall be allowed to participate in racing provided he or she agrees that further testing may be done as described in WAC 260-34-030.

(ii) If such drug evaluation concludes that the licensee, employee, or applicant is addicted or habituated, or the board of stewards determines that the licensee's, employee's, or applicant's condition is detrimental to the best interests of racing, the licensee, employee, or applicant shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show official documentation that he or she has successfully completed a certified drug rehabilitation program approved by the board of stewards, in consultation with the executive secretary of the horse racing commission. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030.

(5) For a second positive drug test in the calendar year, the licensee, employee, or applicant shall be suspended for the balance of the calendar year or one hundred twenty days, whichever is greater, and the person is required to complete a certified drug rehabilitation program approved by the board of stewards in consultation with the executive secretary of the horse racing commission before applying for a reinstatement of license. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030.

(6) When any licensee, employee, or applicant has a history of more than two violations of WAC 260-34-020 or positive drug tests, the horse racing commission may, pursuant to a hearing conducted under chapter 260-08 WAC, declare such person detrimental to the best interests of racing and revoke that person's license or application. Reapplication shall not be permitted for such period of months or years as the commission determines is necessary to ensure the person's freedom from use of controlled substances and not until meeting the requirements of subsection (5) of this section.

[Statutory Authority: RCW 67.16.020. 03-05-071, § 260-34-090, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-090, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-090, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-090, filed 4/15/88.]

**WAC 260-34-100 Confidentiality of test results.** The executive secretary of the horse racing commission shall maintain all test results and records, both negative and positive, confidential. He or she shall document the process which will ensure the confidentiality of the handling of such

results. Information contained in the test results shall remain confidential at all times except for use with respect to any stewards ruling, order by the horse racing commission or judicial hearing with regard to such an order. Access to the reports of any test results shall be limited to the executive secretary, the board of stewards, the chief of security of the commission at the track, the physician or member of the medical staff obtaining and preserving samples, the laboratory and the person being tested, except in the instance of a contested commission hearing. The information obtained as a result of a test being required under the rules of the horse racing commission shall be considered privileged and shall be used for administrative purposes only and, further, shall be exempt from use as evidence in any criminal prosecution involving the violation of offenses listed in chapter 69.50 RCW.

[Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-100, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-100, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-100, filed 4/15/88.]

**WAC 260-34-110 Consumption of alcohol.** Consumption of alcohol by any licensee or employee listed in WAC 260-34-040 (1) through (22) or as described in (23) to an extent that the licensee or employee is affected by alcohol while in performance of their duties is prohibited.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-110, filed 8/19/88.]

**WAC 260-34-120 Alcohol violations defined.** The testing for any licensee or employee for use of alcohol shall be done upon an order of the board of stewards based upon reasonable suspicion to believe that the licensee or employee has consumed alcohol as described in WAC 260-34-020 or 260-34-110.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-120, filed 8/19/88.]

**WAC 260-34-130 Consumption reasonable suspicion for testing.** A documented report of observed consumption of alcohol by a licensee or employee not in keeping with WAC 260-34-110 by any horse racing commission employee or by any track administration security officer may be deemed reasonable suspicion for alcohol testing of that licensee or employee. Reasonable suspicion for alcohol testing may also be established by documentation by commission employees or by any track administrative security officer for physical or mental impairment, loss of balance, slurred speech, presence of alcohol on the breath, glazed eyes, or any other physical or mental action generally associated with alcohol intoxication.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-130, filed 8/19/88.]

**WAC 260-34-140 Alcohol levels determined.** For the purpose of this chapter, licensees and employees shall be considered to have consumed alcohol in violation of WAC 260-34-030 or 260-34-110 when a test reveals the testee has .08 micrograms or more of alcohol per 210 liters of breath as shown by analysis of his breath, blood or other body substance.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-140, filed 8/19/88.]

**WAC 260-34-150 Alcohol testing.** The testing of any licensee or employee to determine blood level of alcohol shall be by the method and procedure approved by the Washington state patrol or by a blood alcohol test if requested by the licensee or employee, such blood alcohol test must be supervised in a manner prescribed by the horse racing commission. If a blood test is requested, the expense of same shall be borne by the requesting licensee or employee.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-150, filed 8/19/88.]

**WAC 260-34-160 Refusal to be tested.** Any licensee or employee who refuses to be tested for alcohol consumption after receiving a written order from the stewards shall be suspended immediately and must leave the association grounds. The licensee or employee may be subject to further sanctions at a stewards hearing. The stewards may lift the suspension at their discretion.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-160, filed 8/19/88.]

**WAC 260-34-170 Alcohol violation sanctions.** (1) For a first alcohol offense within a calendar year, the penalty is two days suspension.

(2) For a second alcohol offense within a calendar year, the penalty is two days suspension and a mandatory evaluation by a certified alcohol treatment program approved by the executive secretary of the horse racing commission.

(3) For a third offense within a calendar year, the penalty is fourteen days suspension and enrollment and completion of a certified alcohol treatment program approved by the executive secretary of the horse racing commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 88-17-075 (Order 88-05), § 260-34-170, filed 8/19/88.]

**WAC 260-34-180 Testing expense.** Except for retesting requested by a licensee, employee, or applicant pursuant to WAC 260-34-080(4), all testing, whether blood, urine, or breath, ordered pursuant to this chapter shall be at the expense of the horse racing commission. All expense of drug and/or alcohol evaluation, treatment, reports, and fees shall be at the expense of the licensee, employee, or applicant undergoing such evaluation or treatment.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-180, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-180, filed 4/15/88.]

**WAC 260-34-190 Severability.** If any section, subsection, or provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or application of the section, subsection, or provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-190, filed 6/9/89.]

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## Chapter 260-36 WAC

### OCCUPATIONAL PERMITS AND LICENSES

#### WAC

260-36-010	Unlawful to act without license.
260-36-020	Licenses required of jockeys, apprentices, owners, trainers.
260-36-030	Veterinarians and platers—License required.
260-36-040	Registration of personnel other than owners, trainers and jockeys—Fee.
260-36-050	Application forms.
260-36-060	Application for license—Owners, trainers, jockeys, apprentices, and agents.
260-36-070	Licenses temporary subject to commission approval.
260-36-080	Duration of license.
260-36-085	License and fingerprint fees.
260-36-100	Fingerprints and photographs.
260-36-110	Identification badges.
260-36-120	Denial, suspension, and revocation—Grounds.
260-36-130	Revocation for association with disreputable persons.
260-36-140	Harboring person not having credentials.
260-36-150	Employing unlicensed person.
260-36-160	Personnel lists.
260-36-180	Consent to search.
260-36-190	Facsimile for owners may be used.
260-36-200	Provisional owner's license.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-36-090	Duplicate license cards. [Statutory Authority: RCW 61.16.020 [67.16.020] and 67.16.040. 82-14-012 (Order 82-05), § 260-36-090, filed 6/25/82; Rules of racing, § 344, filed 4/21/61.] Repealed by 04-24-019, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020.
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**WAC 260-36-010 Unlawful to act without license.** It shall be unlawful for any person to take part in or officiate in any way or to serve in any capacity at any race track without first having secured a license or permit and paid said fee.

[Rules of racing, § 348, filed 4/21/61.]

**WAC 260-36-020 Licenses required of jockeys, apprentices, owners, trainers.** All jockeys and apprentice jockeys must first secure occupational license before accepting a mount; no trial ride will be permitted without such occupational license, except as provided in WAC 260-32-020(1). Each owner and trainer must secure occupational license before entering a horse and the racing secretary shall be required to secure such occupational license number of owner and trainer making such entry. The license fee for jockeys, apprentices, owners, and trainers shall be for one year.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-020, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-007 (Order 89-03), § 260-36-020, filed 6/9/89; 86-09-072 (Order 86-02), § 260-36-020, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-020, filed 6/25/82; Rules of racing, § 245, filed 4/21/61.]

**WAC 260-36-030 Veterinarians and platers—License required.** The license fee for veterinarians and platers shall be for one year. Veterinarians and platers must be approved by the commission before practicing their professions on the grounds of an association. Veterinarians licensed by the commission may apply for a trainer's license subject to the following conditions:

(1) The individual licensed by the commission as a veterinarian and trainer may treat, using veterinary methods, only those horses for which he/she is the trainer of record.

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(2) The individual licensed by the commission as a veterinarian and trainer shall not practice veterinary medicine on any horse other than for which he/she is the trainer of record.

(3) During an emergency on the grounds of the racing association the individual licensed by the commission as a veterinarian and trainer may respond and assist at the scene of the emergency. Any veterinary treatment provided at the scene shall be reported in writing to the official veterinarian. The report shall include at a minimum the names of horses treated and treatment rendered.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-030, filed 11/22/04, effective 12/23/04; 04-15-039, § 260-36-030, filed 7/12/04, effective 8/12/04. Statutory Authority: RCW 67.16.040. 91-24-085, § 260-36-030, filed 12/4/91, effective 1/4/92. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-007 (Order 89-03), § 260-36-030, filed 6/9/89; 86-09-072 (Order 86-02), § 260-36-030, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-030, filed 6/25/82; Rules of racing, § 350, filed 4/21/61.]

**WAC 260-36-040 Registration of personnel other than owners, trainers and jockeys—Fee.** (1) Any person acting in an official capacity or any person employed on a race track shall be licensed or issued a temporary permit by the Washington horse racing commission for one year.

(2) Upon application by an association the Washington horse racing commission may issue a temporary permit for employment on the race track of a temporary employee. Such temporary permit shall be valid for employment in a non-restricted area of the race track for a period not to exceed three days during a licensed live race meet or simulcast period in any calendar year. No temporary employee may work without a temporary work permit.

(a) A racing association shall provide to the Washington horse racing commission licensing department the name, date of birth and social security number of the temporary employee. The particular job or area where the temporary employee is to be assigned shall also be provided.

(b) Should an association desire to employ a temporary employee after the maximum three days allowed by the temporary permit such employee shall be required to obtain a regular occupational license issued by the Washington horse racing commission.

(3) Members and employees of the Washington horse racing commission shall be exempt from any license. Employees of the Washington horse racing commission shall be issued official and distinctive credentials, which shall include name, photograph and job identification or position. The identification or credentials issued to members or employees of the Washington horse racing commission shall bear the signature of the chairperson of the commission or such other person as may be designated by said chairperson. Identification credentials of members or employees of the Washington horse racing commission shall be displayed when required for entry to secured areas of the race track and at any other time official recognition is necessary or required.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-040, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 02-10-101, § 260-36-040, filed 4/30/02, effective 5/31/02. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-007 (Order 89-03), § 260-36-040, filed 6/9/89; 87-15-019 (Resolution No. 87-02), § 260-36-040, filed 7/8/87; 86-09-072 (Order 86-02), § 260-36-040, filed 4/21/86; 82-14-012 (Order 82-05), § 260-36-040, filed 6/25/82; Rules of racing, § 343, filed 4/21/61.]

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**WAC 260-36-050 Application forms.** All applications for license and registrations to participate in racing shall be made to the commission on forms supplied by them.

[Rules of racing, § 351, filed 4/21/61.]

**WAC 260-36-060 Application for license—Owners, trainers, jockeys, apprentices, and agents.** Applications for license filed by owners, trainers, jockeys, jockey apprentices and agents must be submitted to the board of stewards.

(1) All applications for licenses and for registrations must be approved by the board of stewards before actions will be taken by the commission.

(2) Before approving any application for a license it shall be the duty of the board of stewards individually and collectively to ascertain if the applicant is qualified, as to ability, integrity and right to the license applied for.

(3) In considering each application for a license the board of stewards may require the applicant as well as his endorsers to appear before them and show that said applicant is qualified in every respect to receive the license requested. Ability as well as integrity must be clearly shown by the applicant in order to receive recommendation for the granting of the license.

[Rules of racing, § 352, filed 4/21/61.]

**WAC 260-36-070 Licenses temporary subject to commission approval.** All licenses and permits are temporary when issued and subject to final approval by the commission.

[Rules of racing, § 346, filed 4/21/61.]

**WAC 260-36-080 Duration of license.** Every license issued by the commission shall expire on December 31st of the year for which it was issued except as provided below.

(a) A license shall be considered expired if the licensee is no longer performing the duties for which he or she was licensed, or, if applicable, the licensee is no longer employed by the employer who hired the licensee;

(b) The commission may, at its sole discretion, reinstate an expired license if the licensee is reemployed prior to December 31st of the year in which the license was issued;

(c) The commission may establish an expiration date beyond December 31st if the license is being issued for a single race meeting which spans two calendar years;

(d) On recommendation of the executive secretary to the commission, the commission may extend the duration of a license of a class 1 racing association employee from December 31st of the year in which the license was issued to March 1st of the following year.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-080, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 94-04-002, § 260-36-080, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-36-080, filed 4/21/86; Rules of racing, § 345, filed 4/21/61.]

**WAC 260-36-085 License and fingerprint fees.** The following are the annual license fees for any person actively participating in racing activities:

Apprentice jockey	\$66.00
Assistant trainer	\$31.00

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Association employee—management	\$21.00
Association employee—hourly/seasonal	\$11.00
Association employee—volunteer nonpaid	No fee
Authorized agent	\$21.00
Clocker	\$21.00
Exercise person	\$66.00
Groom	\$21.00
Honorary licensee	\$11.00
Jockey agent	\$66.00
Jockey	\$66.00
Other	\$21.00
Owner	\$66.00
Pony person	\$66.00
Prospective owner	\$66.00
Service employee	\$21.00
Spouse groom	\$21.00
Stable license	\$41.00
Trainer	\$66.00
Vendor	\$101.00
Veterinarian	\$101.00

Persons obtaining more than one type of license in a calendar year, excluding individuals applying for an owner and trainer license, shall not be assessed a license fee over \$100.00.

In addition to the above fees, a \$10.00 fee will be added to cover the costs of conducting a fingerprint-based background check. The background check fee will be assessed only once annually regardless of the number of different types of licenses an individual possesses.

The commission shall review license and fingerprint fees annually to determine if they need to be adjusted to comply with RCW 67.16.020.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-085, filed 11/22/04, effective 12/23/04.]

#### **WAC 260-36-100 Fingerprints and photographs.**

Every person applying for a license to actively participate in racing shall furnish the commission his or her fingerprints and photograph upon making an initial application for a license and at least once every three years thereafter. However, the commission, in its discretion, may require fingerprints from any applicant or licensee at any time.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-36-100, filed 11/22/04, effective 12/23/04; Rules of racing, § 349, filed 4/21/61.]

**WAC 260-36-110 Identification badges.** (1) All licensees shall display their identification badges at all security gates and when requested to do so by security personnel.

(2) When a racing association requires identification badges to be worn in its barn area, these badges shall not be transferable and must be prominently displayed by the occupational licensees.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-36-110, filed 7/10/81; Rules of racing, § 28, filed 4/21/61.]

**WAC 260-36-120 Denial, suspension, and revocation—Grounds.** (1) The commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant or licensee:

- (a) Has been convicted of a felony;
  - (b) Has been convicted of violating any law regarding gambling or a controlled substance;
  - (c) Has pending misdemeanor or gross misdemeanor criminal charges;
  - (d) Has failed to meet the minimum qualifications required for the license for which they are applying;
  - (e) Has failed to disclose or states falsely any information required in the application;
  - (f) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;
  - (g) Has disciplinary charges pending in this state or other racing jurisdiction;
  - (h) Has been or is currently excluded from association grounds by a recognized racing jurisdiction;
  - (i) Has had a license denied, by any racing jurisdiction;
  - (j) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;
  - (k) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;
  - (l) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;
  - (m) Has violated any of the provisions of chapter 67.16 RCW; or
  - (n) Has violated any provisions of Title 260 WAC.
- (2) The commission or its designee shall deny the application for license or suspend or revoke an existing license if the applicant or licensee:
- (a) Has been convicted of any felony crimes against a person;
  - (b) Has been convicted of any felony property crime within the past ten years;
  - (c) Has five or more convictions for gross misdemeanors within the last three years;
  - (d) Is subject to current prosecution or pending charges for any felony crime;
  - (e) Has a felony conviction under appeal;
  - (f) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;
  - (g) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order; or
  - (h) Has any outstanding arrest warrants.
- (3) An appeal of a license denial based on this policy shall be filed as outlined in WAC 260-88-010. In considering an appeal from a decision by the board of stewards denying a license pursuant to subsection (2) of this section, the commission may only reverse the denial on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.
- (4) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, Inc. whereby other member racing jurisdictions shall be advised.
- (5) A recognized racing jurisdiction shall include members of the Association of Racing Commissioners International (RCI) and the North American Pari-Mutuel Regulators

Association (NAPRA), and any other racing authority with which the commission has a written reciprocity agreement.

[Statutory Authority: RCW 67.16.020, 04-07-075, § 260-36-120, filed 3/15/04, effective 4/15/04; Rules of racing, § 347, filed 4/21/61; sub. (2) added as rule § 347(a), filed 1/21/64.]

**WAC 260-36-130 Revocation for association with disreputable persons.** Association of licensees with persons of known disreputable character is grounds for revocation of licenses.

[Rules of racing, § 380, filed 4/21/61.]

**WAC 260-36-140 Harboring person not having credentials.** Any trainer, owner or stable foreman, or others, who harbor any one not so provided with credentials shall be immediately reported to the stewards of the meeting so that they may make investigation thereof and report the fact to the commission.

[Rules of racing, § 353, filed 4/21/61.]

**WAC 260-36-150 Employing unlicensed person.** Any racing association, owner, trainer, or other licensee, licensed by the commission, who shall employ an exercise boy, groom, or other employee, who is not licensed by the commission, shall be subject to suspension, fine, or both, the extent of said suspension, fine or both to be determined by the board of stewards.

[Rules of racing, § 354, filed 4/21/61.]

**WAC 260-36-160 Personnel lists.** (1) Each association holding a meeting shall submit to the commission, for approval, not less than ten days prior to the date approved by the commission for the racing to begin on said track, a complete list of all racing officials, heads of departments, calculators, oddsmen, detectives and police force, showing positions they are to fill and their compensation. The commission reserves the right to demand a change of personnel of officials and employees designated herein for what it deems good and sufficient reason, the successor to an official or employee so replaced to be subject to the approval of the commission. (In addition see WAC 260-24-030.)

(2) All additions made to or changes in the list of employees must be reported promptly to the commission in writing.

(3) Such lists shall be compiled by departments, and if employee is engaged in two departments, a notation opposite his name shall so state.

[Rules of racing, §§ 355, 356 and 357, filed 4/21/61.]

**WAC 260-36-180 Consent to search.** In order to protect the integrity of horse racing and to protect the interests of the public, any person who accepts a license or occupational permit from the commission and enters upon the grounds of a racing association is deemed to have given consent, subject to the provisions of this section, to a search of his person, effects, and/or any premises which that person may occupy or have the right to occupy upon the grounds. The commission and its stewards shall have the right to authorize personnel to conduct such searches. A licensee's or permit holder's person, effects, or premises may be searched upon the

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grounds when a person authorized to conduct such searches has reasonable grounds to believe that the licensee or permit holder has in his possession prohibited material or illicit devices; including, but not limited to, prohibited drugs or medication, controlled substances, nonauthorized hypodermic instruments, illicit mechanical or electric devices, and weapons. When possible such searches shall be conducted in a manner to avoid undue intrusion of privacy, but a dispute as to the appropriate conditions for a search shall not be grounds for failing to permit an otherwise appropriate search. Failure to permit a search as authorized herein shall result in revocation of the person's license or permit upon receipt by the commission of a sworn statement that a search was so refused. All persons to be searched shall be advised that failure to permit a search will result in revocation of their license or permit. Upon receipt of a sworn statement that a search has been refused, the commission or board of stewards shall inform the licensee or permit holder in writing that their license or permit has been revoked.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 81-09-075 (Order 81-03), § 260-36-180, filed 4/22/81.]

**WAC 260-36-190 Facsimile for owners may be used.** If an owner is unavailable to execute the application for an owner's license, the license may be issued and approved after submission to the commission of a facsimile of the original application which does contain the signature of the owner.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 91-03-033, § 260-36-190, filed 1/9/91, effective 1/22/91.]

**WAC 260-36-200 Provisional owner's license.** The stewards may issue a provisional license for a period of fourteen days based on an application completed by the trainer representing the owner and payment of all license fees and labor and industries fees due, provided that the trainer signs a statement that he or she is authorized on behalf of the owner to execute the application and that the trainer is familiar with the truth of the contents of the application.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 91-03-033, § 260-36-200, filed 1/9/91, effective 1/22/91.]

### Chapter 260-40 WAC ENTRIES, STARTS, DECLARATIONS AND SCRATCHES

**WAC**

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**WAC 260-40-010 Declarations and scratches.** (1) No horse shall be considered scratched or declared out of an engagement until the owner or his authorized agent, or some person deputized by him shall have given due notice in writing to the racing secretary before the time stipulated by the regulations of the association.

(2) For stake races, if a horse is not named through the entry box the day before the race at the usual time of closing, the horse is automatically out.

(3) The declaration of a horse out of an engagement is irrevocable.

(4) All horses must be scratched at designated scratch time set by racing secretary.

(5) If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of such miscarriage shall be required of the complainant, otherwise, the declaration shall not be accepted as of the time alleged.

(6) Any trainer who has entered a horse, will be allowed the right and privilege of scratching from said race prior to scratch time, until there remain in the race only eight interests. If there are more requests to withdraw than are available, permission to withdraw shall be decided by lot. However, in all races involving the daily double, no entry may be withdrawn that would reduce the starting field to less than the number designated by the racing secretary, without permission of the stewards. No other entries will be excused as provided above except upon receipt of a veterinarian's certificate of unfitness, change of track conditions since time of entry or other causes acceptable to the stewards.

[Rules of racing, §§ 82 through 87, filed 4/21/61.]

**WAC 260-40-020 Entry prerequisite to start.** A horse shall not be qualified to start in any race unless he has been and continues properly entered therein.

[Rules of racing, § 93, filed 4/21/61.]

**WAC 260-40-030 Racing secretary to receive entries and declarations.** For all races, the racing secretary is the person authorized to receive entries and declarations.

[Rules of racing, § 94, filed 4/21/61.]

**WAC 260-40-040 Entries and declarations, how made—Blank forms.** (1) Entries and declarations shall be made in writing and signed by the owner of the horse, or his authorized agent or some person deputized by him, and each association shall provide blank forms on which entries and declarations are to be made.

(2) Entries may be made by telephone or telegraph, but must be confirmed promptly in writing.

[Rules of racing, §§ 95, 96, filed 4/21/61.]

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**WAC 260-40-050 Ownership interest required.** No person not having an interest in a horse, equal at least to the interest or property of any other one person is entitled to enter the horse in a race as the owner.

[Rules of racing, § 97, filed 4/21/61.]

**WAC 260-40-060 Joint subscriptions and entries.** Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and separately liable for all fees and forfeits.

[Rules of racing, § 98, filed 4/21/61.]

**WAC 260-40-070 Description and identification of horse.** (1) If entered for the first time, a horse shall be identified by stating his name, color, sex and age, and the name of his sire and dam, as registered. This description must be repeated in every entry until a description of the horse with his name has been published in the official program or the list of entries of the association, or in such other publication as the commission may designate. In every entry after such publication, his name and age will be sufficient.

(2) That all horses be classified on a racing program by clear definitions.

(3) For racing purposes and programming, horses shall be designated as follows:

(a) Male - horse, colt, gelding or ridgling.

(b) Female - filly or mare.

[Rules of racing, § 99, filed 4/21/61; Subsections (2) and (3) added, filed 3/11/65.]

**WAC 260-40-080 Refusal of entries and transfers.** The entries of any person, or the transfer of any entry, may be refused without notice for reasons deemed to be in the best interest of racing.

[Rules of racing, § 100, filed 4/21/61.]

**WAC 260-40-090 Jockey club registration certificate.** No horse shall be allowed to enter or start unless a jockey club registration certificate or a American Quarter Horse Association certificate of registration is on file in the office of the racing secretary, with the exception that the stewards may, in their discretion, for good cause, waive this requirement, if the horse is otherwise properly identified.

[Order 3, § 260-40-090, filed 5/12/69; Rules of Racing, § 101, filed 4/21/61.]

**WAC 260-40-100 Performance records.** It is the intent of the commission that the public be provided with all relevant information regarding a horse's recent racing and work-out record; Therefore:

(1) The owner/and or trainer of any horse which has started at a track not reported in the daily racing form or equibase since its last start at a recognized track, must furnish the racing secretary prior to the entry of such horse to any race in this state, performance records of said horse's races during the past year, or their last two starts, including published races, showing date, distance, finishing position and time. If such records are not provided, the horse will be ineligible to start.

(2) For thoroughbreds, a horse which wins a race at a Class C track within the state, shall not be penalized for such

winnings in races run at any other meeting other than a Class C track. The maiden classification will be lost by winning a race at any track whose results are published in the daily racing form or equibase. A horse which wins a race at a track with results not reported in the daily racing form or equibase, outside this state, shall not be penalized for such winnings except at Class C tracks. For other breeds, all wins, including the maiden wins, shall be counted in considering eligibility at all racing association meets in the state of Washington if the win is recognized by the Arabian jockey club, the American quarter horse association, the appaloosa horse club, or other breed registry as authorized by the commission.

(3) Performance records for races which are not reported in the daily racing form and/or equibase shall be published in the official program of the racing association or posted and announced no later than the time that wagering opens for that day's racing. No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the commission.

(4) All wins shall be considered in eligibility requirements of horses running at Class C racing association meets.

(5) A horse shall not start unless it has participated in an official or recognized race or has a published or stewards approved workouts, which meet the following criteria:

(a) A horse that has not run in an official or recognized race must have two official workouts, and at least one such workout must be held thirty days prior to race day.

(b) A horse that has not started in an official or recognized race for a period of sixty days or more must have a published or steward approved workout held thirty days prior to race day.

(6) The workout must have occurred at a parimutuel or commission recognized facility. The association may impose more stringent workout requirements. The trainer or trainer's designee shall be required to identify horse's registered name, the distance the horse is to be worked and the point on the track where the workout will start. A horse shall not be taken onto the track for training or a workout except during the hours designated by the association.

[Statutory Authority: RCW 67.16.020. 04-09-026, § 260-40-100, filed 4/13/04, effective 5/14/04. Statutory Authority: RCW 67.16.040. 00-07-039, § 260-40-100, filed 3/6/00, effective 4/6/00; 95-18-016, § 260-40-100, filed 8/24/95, effective 9/24/95. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-40-100, filed 4/21/86. Statutory Authority: RCW 67.16.020. 78-08-089 (Order 78-2), § 260-40-100, filed 7/31/78; Order 74.2, § 260-40-100, filed 10/30/74, effective 1/1/75; Rules of racing, §§ 102, 103, filed 4/21/61; Subsection (4) added, filed 3/11/65.]

**WAC 260-40-110 Horse must be in care of, saddled by, licensed trainer.** No horse shall be permitted to enter or to start unless he is in the care of and is saddled by a licensed trainer.

[Rules of racing, § 104, filed 4/21/61.]

**WAC 260-40-120 Identification prerequisite to start.** No horse shall be permitted to start that has not been fully identified. All horses shall be properly tattooed by the thoroughbred racing protective bureau or an approved breeding association, or freeze marked in a manner which meets the standards of the National Crime Information Center. Responsibility in the matter of establishing either the identity of a horse or its complete and actual ownership shall be as binding

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on the persons so identifying or undertaking to establish the identity of a horse as it is on the person having the horse requiring identification. The same penalty shall apply to any party engaging in fraud or attempt at fraud.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-40-120, filed 7/10/81; Rules of racing, § 105, filed 4/21/61.]

**WAC 260-40-130 Stabling.** No horse shall be permitted to enter or to start unless stabled on the grounds of the association, or in stabling approved by said commission.

[Rules of racing, § 106, filed 4/21/61.]

**WAC 260-40-140 Horse must be eligible to start at time of entry.** All horses must be eligible to start at time of entry.

[Rules of racing, § 108, filed 4/21/61.]

**WAC 260-40-145 Prohibiting entry of certain horses.** (a) No horse shall be allowed to enter or start if the highest official regulatory racing body having jurisdiction of the offense previously has determined that the horse was knowingly entered or raced under a name other than its own by a person having lawful custody or control of the animal at the time it was so entered or raced.

(b) No horse shall be allowed to enter or start if it has been previously determined by the highest official regulatory racing body having jurisdiction of the offense that a person having lawful custody or control of the animal participated in or assisted in the entry of racing some other horse under the name of the horse in question.

(c) For the purposes of paragraphs (a) and (b) above, the "name" of the horse means the name reflected in the registration certificate or racing permit issued with respect to the horse in question by the jockey club.

[Order 73.7, § 260-40-145, filed 12/3/73.]

**WAC 260-40-150 Compliance with partnership registration.** No horse involved in a partnership shall be permitted to enter or to start until the rules for the registration of partnerships have been complied with.

[Rules of racing, § 109, filed 4/21/61.]

**WAC 260-40-160 Horse owned or managed by disqualified person.** (1) A horse shall not be qualified to be entered or to start in any race, if owned in whole or in part, or if under the management, directly or indirectly, of a disqualified person.

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

(3) A horse is ineligible to start in a race when it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted.

[Statutory Authority: RCW 67.16.020, 04-07-076, § 260-40-160, filed 3/15/04, effective 4/15/04; Rules of racing, §§ 110, 111, 112, filed 4/21/61.]

**WAC 260-40-170 Horse on starter's schooling list.**

No horse on the starter's schooling list shall be entered for a race.

[Rules of racing, § 113, filed 4/21/61.]

**WAC 260-40-180 Horse on veterinarian's list.** No horse on the veterinarian's list shall be qualified to be entered, or to start.

[Rules of racing, § 114, filed 4/21/61.]

**WAC 260-40-185 Entries.** Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the foal certificate.

[Order 4, § 260-40-185, filed 12/24/69.]

**WAC 260-40-190 Sale to disqualified person voids engagements.** If a horse is sold to a disqualified person, said horse's racing engagements shall be void as of the date of sale.

[Rules of racing, § 115, filed 4/21/61.]

**WAC 260-40-200 Double entries.** A trainer may enter and start no more than two horses of the same or separate ownership in a purse race or overnight event. When making a double entry of horses of the same ownership the owner or trainer must express a preference; and in no case, other than a stake race, will two horses of the same ownership be allowed to start to the exclusion of a single entry.

[Statutory Authority: RCW 67.16.020 and 67.16.040, 83-16-075 (Order 83-02), § 260-40-200, filed 8/3/83; 80-01-034 (Order 79-06), § 260-40-200, filed 12/17/79; Rules of racing, § 116, filed 4/21/61; revised 5/4/62, filed 1/21/64.]

**WAC 260-40-210 Withdrawal, change, of unclosed race.** The association shall have the right to withdraw or change any unclosed race.

[Rules of racing, § 117, filed 4/21/61.]

**WAC 260-40-220 Race declared off—Split of overnight race.** If a race is declared off because of insufficient entries, the association may split any overnight race which may have closed and cause a new drawing for post positions.

[Rules of racing, § 118, filed 4/21/61.]

**WAC 260-40-230 Subscription to sweepstakes.** An entry of a horse in a sweepstakes is a subscription to the sweepstakes. An entry or subscription may, before the time of closing, be altered or withdrawn.

[Rules of racing, § 119, filed 4/21/61.]

**WAC 260-40-240 Entrance money.** (1) A horse shall not become a starter for a race unless there has been duly paid any stakes or entrance money payable in respect to that race.

(2) Entrance money is not refunded on the death of a horse, or his failure to start.

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(3) The nominator is liable for the entrance money or stake, and the death of a horse or mistake in its entry when eligible, does not release the subscriber or transferee from liability for stakes, and the entrance money to a purse that is run off shall not be returned on the death of a horse or its failure to start for any cause whatever.

[Rules of racing, §§ 120, 121, 122, filed 4/21/61.]

**WAC 260-40-250 Closing.** (1) Entries shall be closed at an advertised time, and no entry accepted thereafter. The racing secretary, however, with the consent of the stewards, may postpone closing of overnight races.

(2) In the absence of notice to the contrary entrance and declarations for sweepstakes, which close during or on the eve of a race meeting, close at the office of the racing secretary, who shall make provision therefor. Closing at all other times for sweepstakes shall be at the office of the association.

(3) When an hour for closing is designated, entries and declaration for sweepstakes cannot be received afterwards; but if an hour is not designated, they 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.

(4) If a miscarriage of any entry of declaration in a stake is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time or it shall not be received.

(5) Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.

[Rules of racing, §§ 123, 124, 125, 126, 127, filed 4/21/61.]

**WAC 260-40-260 Number of entries and starters.** (1) In a stake race the number of horses to compete will be limited only by the number of horses duly nominated.

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

(3) A list of names not to exceed six may be drawn from the overflow entries and listed as eligible to start as originally carded horses are withdrawn, but the order in which such horses so drawn shall become eligible to start and their post position shall be determined by the provisions of WAC 260-52-020. Any owner, trainer, or his authorized agent having a horse so eligible and who does not wish to start, shall file a scratch card not later than the scratch time designated for that day.

[Rules of racing, §§ 128, 129, 130, filed 4/21/61.]

**WAC 260-40-270 Alterations, corrections, after closing.** No alteration shall be made in any entry after closing of entries, but an error may be corrected.

[Rules of racing, § 131, filed 4/21/61.]

**WAC 260-40-280 Impaired horses.** An owner or trainer shall not enter or start a horse that:

(1) Is not in serviceably sound racing condition.

- (2) Has been trachea-tubed.
- (3) Has been nerved.

(a) Horses that have had a digital neurectomy (heel nerves) may be permitted to race subject to the pre-race veterinary examination.

(b) Horses that have been nerved, blocked with alcohol or any other medical drug that desensitizes the nerves above the ankle will not be permitted to race.

- (4) Has impaired eyesight in both eyes.

[Statutory Authority: RCW 67.16.040, 90-19-001, § 260-40-280, filed 9/6/90, effective 10/7/90; Rules of racing, § 177, filed 4/21/61.]

**Chapter 260-42 WAC**

**POSTPONEMENTS, CANCELLATIONS AND PREFERENCES**

**WAC**

- 260-42-010 Postponement from day to day.
- 260-42-020 Refunds when stake race declared off.
- 260-42-030 Public notice.
- 260-42-040 Preferences—Preferred list.

**WAC 260-42-010 Postponement from day to day.**

The stewards may postpone a race from day to day until an off day intervenes.

[Rules of racing, § 212, filed 4/21/61.]

**WAC 260-42-020 Refunds when stake race declared off.** If a stake race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

[Rules of racing, § 213, filed 4/21/61.]

**WAC 260-42-030 Public notice.** Public notice shall be given at the earliest practicable time if a published race is declared off.

[Rules of racing, § 214, filed 4/21/61.]

**WAC 260-42-040 Preferences—Preferred list.** (1) If a horse has been excluded twice consecutively, he shall have preference over a horse excluded only once and so on.

(2) The name of no horse shall be placed on the preferred list if the owner thereof did not accept, when presented, the opportunity of starting.

(3) Horses whose names appear in the entries and have an opportunity to start will be given no consideration whatsoever should they be entered for the following day and the race overfill. (Stakes excepted.)

(4) A copy of the preferred list will be posted each afternoon and any claim of error must be made by 4:00 p.m. of the following racing day, and no claim of error not made within the prescribed time will be recognized by the stewards.

(5) In 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, and no claim of error will be considered by the stewards if the person making the claim has signed an entry not marked in keeping with this rule.

[Rules of racing, §§ 215 through 219, filed 4/21/61.]

(2005 Ed.)

**Chapter 260-44 WAC  
WEIGHTS AND EQUIPMENT**

**WAC**

- 260-44-010 Equipment changes.
- 260-44-020 Weights for age.
- 260-44-030 Penalties and allowances.
- 260-44-040 Weighing out—Time for.
- 260-44-050 Weighing out—Equipment included in jockey's weight.
- 260-44-060 Weighing out—Equipment not included.
- 260-44-070 Weighing out—Bridle, whip, maximum weights and measurements.
- 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum.
- 260-44-090 Weighing out—Trainer responsible for weight.
- 260-44-100 Weighing out—Attendants.
- 260-44-110 Weighing in—Procedure.
- 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties.

**WAC 260-44-010 Equipment changes.** (1) Permission for any changes of equipment from that which a horse carried in his last previous race must be obtained from the stewards.

(2) Permission for a horse to add blinkers to his equipment or discontinue the use of them must be approved by the starter before being granted by the stewards.

(3) Horses' tongues may be tied down with clean bandages or clean gauze.

(4) Whips shall be considered as standard equipment in all quarter horse races.

[Order 73.1, § 260-44-010, filed 5/18/73; Rules of racing, § 132, filed 4/21/61.]

**WAC 260-44-020 Weights for age.** The following weights are carried when they are not stated in the condition of the race:

SCALE OF WEIGHTS FOR AGE						
Distance	Age	June	July	Aug.	Sept.	
Half Mile . . . . .	2 years . . . . .	105	108			
	3 years . . . . .	123	125	126	127	
	4 years . . . . .	130	130	130	130	
	5 & up . . . . .	130	130	130	130	
Six Furlongs . . . . .	2 years . . . . .	102	105			
	3 years . . . . .	121	123	125	126	
	4 years . . . . .	130	130	130	130	
	5 & up . . . . .	130	130	130	130	
One Mile . . . . .	2 years . . . . .	96				
	3 years . . . . .	115	117	119	121	
	4 years . . . . .	126	126	126	126	
	5 & up . . . . .	126	126	126	126	
One Mile & a Quarter . . . . .	2 years . . . . .					
	3 years . . . . .	113	116	118	120	
	4 years . . . . .	126	126	126	126	
	5 & up . . . . .	126	126	126	126	
One & a Half Miles . . . . .	2 years . . . . .					
	3 years . . . . .	111	114	117	119	
	4 years . . . . .	126	126	126	126	
	5 & up . . . . .	126	126	126	126	
Two Miles . . . . .	3 years . . . . .	109	112	114	117	
	4 years . . . . .	126	126	125	125	
	5 & up . . . . .	126	126	125	125	

(1) In races of intermediate lengths, the weights for the shorter distance are carried.

(2) In all races except handicaps and races where the conditions expressly state to the contrary, fillies two years old

are allowed 3 lbs., and mares three years old and upward are allowed 5 lbs., before the 1st of September, and 3 lbs., afterwards.

(3) Welter weights are 28 lbs. added to the weight for age.

(4) In all overnight races for two-year-olds, for three-year-olds or for four-year-olds and upward, the minimum weight shall be 112 pounds, subject to sex and apprentice allowance. This rule shall not apply to handicaps or to races written for three-year-olds and upward.

[Rules of racing, § 296, filed 4/21/61; Subsec. (4) amended, filed 3/11/65.]

**WAC 260-44-030 Penalties and allowances.** (1) No horse shall carry extra weight, nor be barred from any race for having run second or in any lower place in a race.

(2) Penalties and allowances of weight are not cumulative, unless so declared by the conditions of the race.

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

[Rules of racing, §§ 297, 298, 299, filed 4/21/61.]

**WAC 260-44-040 Weighing out—Time for.** Every jockey must be weighed for a specified horse not more than thirty minutes before the time fixed for the race.

[Rules of racing, § 300, filed 4/21/61.]

**WAC 260-44-050 Weighing out—Equipment included in jockey's weight.** If a horse runs in muzzle, martingale or breast plate, they must be included in the jockey's weight. His weight shall also include his clothing, boots and saddle, and its attachments.

[Rules of racing, § 30, filed 4/21/61.]

**WAC 260-44-060 Weighing out—Equipment not included.** None of the following items shall be included in a jockey's weight: Whip, or a substitute for a whip, head number, bridle, bit, reins, number cloth, blinker, protective helmet or safety vest.

[Statutory Authority: RCW 67.16.040. 93-23-011, § 260-44-060, filed 11/5/93, effective 12/6/93; Rules of racing, § 302, filed 4/21/61.]

**WAC 260-44-070 Weighing out—Bridle, whip, maximum weights and measurements.** (1) No bridle shall exceed two pounds in weight.

(2) Whips, shall have closed poppers, with its maximum length being four inches and minimum width of one and one quarter inches. Three rows of one inch feathers made of leather or other approved materials approved by the stewards with a maximum length not to exceed thirty one inches, (including popper). The maximum weight shall not exceed one pound.

[Statutory Authority: RCW 67.16.040. 00-06-071, § 260-44-070, filed 3/1/00, effective 4/1/00; Rules of racing, § 303, filed 4/21/61.]

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**WAC 260-44-080 Weighing out—Overweight—Declarations—Posting—Maximum.** (1) If a jockey intends to carry overweight, he must declare the amount thereof at the time of weighing out, or if in doubt as to his proper weight, he may declare the weight he will carry.

(2) If a jockey intends to carry overweight exceeding by more than two pounds the weight which his horse is to carry, the owner or trainer consenting, he must declare the amount of overweight to the clerk of the scales at least forty-five minutes before the time appointed for the race, and the clerk shall cause the overweight to be stated on the notice board immediately. Failure on the part of a jockey to comply with this rule shall be reported to the stewards.

(3) No horse shall carry more than seven pounds overweight.

(4) However, at nonprofit race tracks, horses may carry more than seven pounds overweight with the permission of the stewards up to a maximum weight of one hundred thirty-five pounds, except handicaps and races where the conditions expressly state to the contrary.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-019 (Resolution No. 87-02), § 260-44-080, filed 7/8/87; Order 75-1, § 260-44-080, filed 2/18/75; Rules of racing, §§ 304, 305, 306, filed 4/21/61.]

**WAC 260-44-090 Weighing out—Trainer responsible for weight.** The trainer is responsible for the weight carried by his horse.

[Rules of racing, § 307, filed 4/21/61.]

**WAC 260-44-100 Weighing out—Attendants.** The association shall provide the only attendants who will be permitted to assist jockeys in weighing out.

[Rules of racing, § 308, filed 4/21/61.]

**WAC 260-44-110 Weighing in—Procedure.** (1) After a race has been run and after the jockey has pulled up the horse he or she has ridden, the jockey shall ride promptly to the winner's circle and there dismount, after obtaining permission from the judges and present himself to the clerk of the scales to be weighed in accordance with a method approved by the commission. If a jockey is prevented from riding his mount to the judge's stand because of an accident or of illness either to himself or his horse, he may walk or be carried to the scales, or he may be excused by the stewards from weighing.

(2) Except by permission of the stewards, every jockey must, upon returning to the placing judge's stand, unsaddle the horse he has ridden, and no person shall touch the jockey or the horse except by his bridle, nor cover the horse in any manner until the jockey has removed the equipment to be weighed.

(3) No person shall assist a jockey in removing from his horse the equipment that is to be included in the jockey weight, except by permission of the stewards.

(4) Each jockey shall, in weighing in, carry over to the scales all pieces of equipment with which he weighed out. Thereafter he may hand it to his attendant.

[Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-110, filed 2/12/99, effective 3/15/99; Rules of racing, §§ 309 through 312, filed 4/21/61.]

**WAC 260-44-120 Weighing in—Weigh in/weigh out—Tolerances—Penalties.** (1) Each jockey shall weigh in at the same weight as that at which he weighed out, and if short of it by more than two pounds his mount shall be disqualified. Should a weight discrepancy arise after a race has been declared official, a change in the order of finish will not affect the parimutuel payoffs.

(2) If any jockey weighs in at more than two pounds over his proper or declared weight, he shall be fined or suspended or ruled off at the discretion of the stewards, who shall have regard for any excess weight caused by rain or mud, and the case shall be reported to the commission for such action as it may deem proper to take.

[Statutory Authority: RCW 67.16.040. 99-05-049, § 260-44-120, filed 2/12/99, effective 3/15/99; Rules of racing, §§ 313, 314, filed 4/21/61.]

## Chapter 260-48 WAC

### MUTUELS

#### WAC

260-48-500	General provisions.
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260-48-800	Parimutuel wagering pools.
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260-48-890	Trifecta pools.
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260-48-920	Pick (n) pools.
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260-48-940	Head-to-head wagering

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-48-010	Betting rules to be printed in daily program. [Rules of racing, § 388, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-020	Sale of pools permitted only within enclosure of licensed track. [Rules of racing, § 389, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-030	Association to bear cost of minus pools. [Rules of racing, § 390, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-035	Payoff on minus pools. [Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-48-035, filed 4/21/86.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.

260-48-040	Purchase of ticket or part of pool for another. [Rules of racing, § 391, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-050	Messengers and future sales windows. [Rules of racing, § 392, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-060	Surrender of winning tickets required for payment. [Rules of racing, § 393, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-070	Minors may not wager—Jockeys may not enter betting area. [Rules of racing, § 394, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-080	Totalizers and result boards—Installation—Operation in plain view. [Rules of racing, § 395, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-090	Locking and unlocking of machines. [Rules of racing, § 396, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-100	Secretary to advise manager as to horses in race. [Rules of racing, § 397, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-110	"Entry"—Wager on one is wager on all. [Statutory Authority: RCW 67.16.040. 93-14-124, § 260-48-110, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-110, filed 7/10/81; Order 73.8, § 260-48-110, filed 10/23/73; Rules of racing, § 398, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-120	"Field"—Wager on one is wager on all. [Rules of racing, §§ 325, 399, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-130	Determining number of pools for race—Additional race in event of no-bet sweepstakes. [Rules of racing, § 400, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-140	Computing pay-off and commissions in event of difference in pool or pools. [Rules of racing, § 401, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-150	Computing pay-off when tote fails or is unreliable. [Rules of racing, § 402, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-160	Refund of bets—Horse excused after betting begun. [Rules of racing, § 403, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-170	Refund of bets—Horse affected by starting gate failure. [Rules of racing, § 404, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-180	Refund of bets—No horse finishing race. [Rules of racing, § 405, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-190	Refund of bets—Two or more horses coupled on same ticket. [Rules of racing, § 406, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-200	Refund of bets—Race declared off. [Rules of racing, § 407, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-210	Apportionment of win pool when no win money bet on winning horse. [Rules of racing, § 408, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-220	Apportionment of place pool when no place money bet on placing horse. [Rules of racing, § 409, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
260-48-230	Apportionment of show pool when no show money bet on showing horse. [Rules of racing, § 410, filed

- 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-240 Apportionment of place and show pools when only one horse finishes. [Rules of racing, § 411, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-250 Apportionment of show pool when only two horses finish. [Rules of racing, § 412, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-260 Rulings after display of "official" sign. [Rules of racing, § 413, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-270 Manager to furnish take-off and calculating sheets to commission auditor. [Rules of racing, § 414, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-280 Error in posting pay-off figures on public board. [Rules of racing, § 415, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-290 Payments to conform to parimutuel practice—Breakage. [Rules of racing, § 416, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-300 Records to be filed with commission. [Rules of racing, § 417, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-305 Calculating the pay-off for entries and fields. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-48-305, filed 7/10/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-310 Calculating the pay-off in dead heats. [Rules of racing, § 418, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-320 Daily double. [Statutory Authority: RCW 67.16.040. 95-07-141, § 260-48-320, filed 3/22/95, effective 4/22/95; Rules of racing, § 419, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-322 Quinella rules. [Order 73.8, § 260-48-322, filed 10/23/73; Order 71-9, § 260-48-322, filed 6/2/71.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-324 Exacta rules. [Order 73.8, § 260-48-324, filed 10/23/73; Order 71-9, § 260-48-324, filed 6/2/71.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-326 Wagering on "short fields." [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-326, filed 7/10/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-327 Daily triple. [Statutory Authority: RCW 67.16.040. 90-19-002, § 260-48-327, filed 9/6/90, effective 10/7/90. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-008 (Order 89-04), § 260-48-327, filed 6/9/89.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-328 Trifecta rules. [Statutory Authority: RCW 67.16.040. 93-14-125, § 260-48-328, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-18-021 (Order 81-08), § 260-48-328, filed 8/25/81.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-329 Limited sweepstakes. [Statutory Authority: RCW 67.16.175. 85-14-104 (Order 85-03), § 260-48-329, filed 7/3/85.] Repealed by 89-13-008 (Order 89-04), filed 6/9/89. Statutory Authority: RCW 67.16.020 and 67.16.040.
- 260-48-330 Mutuel manager—Verification of winners and calculations. [Rules of racing, § 420, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-331 Twin trifecta rules. [Statutory Authority: RCW 67.16.040. 93-14-126, § 260-48-331, filed 7/6/93, effective 8/6/93.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-340 Mutuel manager—Decisions in emergency. [Rules of racing, § 421, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.
- 260-48-350 Abandoned tickets—"Outs." [Rules of racing, §§ 422, 423, filed 4/21/61.] Repealed by 96-10-014, filed 4/19/96, effective 6/11/96. Statutory Authority: RCW 67.16.040.

**WAC 260-48-500 General provisions.** Each association shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a parimutuel system approved by the commission. The totalisator shall be tested prior to and during the meeting as required by the commission.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-500, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-510 Records.** (1) The association shall be responsible for the maintenance of records of all wagering so the commission may review such records for any race including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each association and/or totalisator company and safeguarded for one year after the last day of the meet or as specified by the commission.

(2) The association shall provide at the request of the commission a list of the licensed individuals afforded access to parimutuel records and equipment at the wagering facility.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-510, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-520 Parimutuel tickets.** A parimutuel ticket is evidence of a contribution to the parimutuel pool operated by the association and is evidence of the obligation of the association to pay to the holder thereof such portion of the distributable amount of the parimutuel pool as is represented by such valid parimutuel ticket. The association shall cash all valid winning parimutuel tickets when such are presented for payment.

(1) To be deemed a valid parimutuel ticket, such ticket shall have been issued by a parimutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the parimutuel pool, and contain imprinted information as to:

- (a) The name of the association operating the meeting.
- (b) A unique identifying number or code.
- (c) Identification of the terminal at which the ticket was issued.
- (d) A designation of the performance for which the wagering transaction was issued.
- (e) The race number for which the pool is conducted.
- (f) The type or types of wagers represented.
- (g) The number or numbers representing the betting interests for which the wager is recorded.
- (h) The amount or amounts of the contributions to the parimutuel pool or pools for which the ticket is evidence.

(2) No parimutuel ticket recorded or reported as previously paid, cancelled, or nonexistent shall be deemed a valid parimutuel ticket by the association.

(3) Every association shall maintain a record of outstanding parimutuel tickets, which represent the winning tickets

not presented for payment. A record of such tickets so cashed shall be retained for a period of thirty months from the date they were cashed. This record shall be made available for inspection by commission or its authorized representative upon request.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-520, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-530 Parimutuel ticket sales.** (1) Parimutuel tickets shall not be sold by anyone other than an association licensed to conduct parimutuel wagering.

(2) No parimutuel ticket may be sold on a race for which wagering has already been closed and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such race.

(3) Parimutuel tickets may be exchanged or cancelled prior to the running of a race based upon the written policies of the association. Such policy shall be filed with the commission.

(4) Payment on winning parimutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission shall in no way affect the parimutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

(5) The association shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(6) No person under the age of 18 shall purchase or cash any parimutuel ticket. No employee of the association shall knowingly sell to or cash for a person under the age of 18 any parimutuel ticket. Unattended persons under the age of 18 are not permitted in wagering areas.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-530, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-540 Advance wagering.** No association shall permit wagering to begin more than one hour before scheduled post time of the first race unless it has first obtained the authorization of the commission.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-540, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-550 Claims for payment from parimutuel pool.** At a designated location, a written, verified claim for payment from a parimutuel pool shall be accepted by the association. In any case where the association has withheld payment or has refused to cash a parimutuel wager the claimant shall be informed that they may register a complaint with the commission. In the case of a claim made for payment on a parimutuel wager, the commission may adjudicate the claim and order payment thereon from the parimutuel pool or by the association, or may deny the claim, or may make such other order as it may deem proper.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-550, filed 4/19/96, effective 6/11/96.]

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**WAC 260-48-560 Payment for errors.** If an error occurs in the payment amounts for parimutuel tickets which are cashed or entitled to be cashed and as a result of such error the parimutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) In the event the error results in an overpayment to the ticket holders the association shall be responsible for such payment.

(2) In the event the error results in an underpayment to tickets holders:

(a) The association shall accept timely claims for such underpayment, shall investigate such claims and shall pay each claim, or a part thereof, which it determines to be valid, and shall notify the claimant if the claim is rejected as invalid.

(b) Any person whose claim is rejected by the association may, within 15 days from the date the rejection notice was received, request the commission to determine the validity of the claim. The failure to file such request with the commission within the said time shall constitute a waiver of the claim.

(c) A hearing shall be held on each such rejected claim timely filed with the commission. The commission shall give notice of such hearing to the claimant and the association. The commission may determine a claim to be valid, in whole or in part, and thereafter order the association to pay the claimant the amount of the claim determined to be valid, or may deny the claim in whole or in part. Any such determination shall be final and binding to all parties.

(d) If no valid claims are presented, or after all filed claims have been resolved, the amount of the underpayment or any part thereof, shall be applied to the next available corresponding pool (i.e. exacta pools). If there is no similar pool the underpayment shall be applied to the win pool of the first race. Such payment shall be publicly announced prior to this day.

(3) Any claim not filed with the association within 30 days inclusive of the date on which the underpayment was publicly announced shall be deemed waived and the association shall have no further liability therefor.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-560, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-570 Betting explanation.** A summary explanation of parimutuel wagering and each type of betting pool offered shall be published in the program each race day. The rules of racing relative to each type of parimutuel pool offered must be prominently displayed on association grounds and available upon request through association representatives.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-570, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-580 Display of betting information.** (1) Approximate odds for win pool betting shall be posted on display devices within view of the wagering public and updated for the first change when the total win pool has reached a minimum dollar amount established by the association, and thereafter shall update at intervals of not more than 90 seconds, but in no event shall the first change in odds occur later than 12 minutes to post.

(2) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the commission.

(3) Official results and payoffs must be displayed upon each race being declared official.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-580, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-590 Cancelled races.** If a race is cancelled or declared "no race," refunds shall be granted on valid wagers in accordance with these rules.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-590, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-600 Refunds.** (1) Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:

(a) Win pools, exacta pools, and first-half double pools, offered in races in which the number of betting interests has been reduced to fewer than two.

(b) Place pools and quinella pools, offered in races in which the number of betting interests has been reduced to fewer than three.

(c) Show pools, in races in which the number of betting interests has been reduced to fewer than four.

(d) Superfecta pools and first half twin trifecta pools, offered in races in which the number of betting interests has been reduced to fewer than six.

(e) Trifecta pools, in races in which the number of betting interests has been reduced to fewer than five.

(2) Authorized refunds shall be paid upon presentation and surrender of the affected parimutuel ticket.

[Statutory Authority: RCW 67.16.040. 00-06-070, § 260-48-600, filed 3/1/00, effective 4/1/00; 99-06-026, § 260-48-600, filed 2/23/99, effective 3/26/99; 96-10-014, § 260-48-600, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-610 Coupled entries and mutuel field.**

(1) Horses coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any horse in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining horses in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all horses within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading horse in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-610, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-620 Pools dependent upon betting interests.** Unless the commission or its designee otherwise

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provides, at the time the pools are opened for wagering, the association:

(1) Shall offer win wagering on all races with three or more betting interests.

(2) Shall offer place wagering on all races with four or more betting interests.

(3) Shall offer show wagering on all races with five or more betting interests.

(4) May offer quinella wagering on all races with three or more betting interests.

(5) May offer exacta wagering on all races with two or more betting interests.

(6) May offer trifecta wagering on all races with three or more betting interests.

(7) May offer twin trifecta wagering on all races with seven or more betting interests.

(8) May offer superfecta wagering on all races with four or more betting interests.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-620, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 00-06-070, § 260-48-620, filed 3/1/00, effective 4/1/00; 99-06-026, § 260-48-620, filed 2/23/99, effective 3/26/99; 96-10-014, § 260-48-620, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-630 Closing of wagering in a race.** (1)

Coincident with the start of a live race, a commission representative shall close wagering for the race after which time no parimutuel tickets shall be sold for that race.

[(2)] Coincident with the start of any simulcast race, the association shall be responsible to ensure that wagering is closed for the race after which time no parimutuel tickets shall be sold for that race.

(3) The association shall maintain in good order an electrical or other system approved by the commission for locking of parimutuel machines.

[Statutory Authority: RCW 67.16.040. 03-07-057, § 260-48-630, filed 3/14/03, effective 4/14/03; 96-10-014, § 260-48-630, filed 4/19/96, effective 6/11/96.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 260-48-640 Complaints pertaining to parimutuel operations.** (1) When a patron makes an unresolvable complaint regarding the parimutuel department to an association, the association shall immediately issue a complaint report, setting out:

(a) The name of the complainant;

(b) The nature of the complaint;

(c) The name of the persons, if any, against whom the complaint was made;

(d) The date of the complaint;

(e) The action taken or proposed to be taken, if any, by the association.

(2) The association shall submit every complaint report to the commission within 48 hours after the complaint was made.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-640, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-650 Licensed employees.** All licensees shall report any known irregularities or wrong doings by any person involving parimutuel wagering immediately to the commission and cooperate in subsequent investigations.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-650, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-660 Emergency situations.** Should any emergency arise in connection with the operation of the parimutuel department of the association, not covered by these rules, and an immediate decision is necessary, the mutuel manager may make the decision.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-660, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-670 Limit payoffs.** An association may have the option to limit payoffs, at satellite locations, approved in accordance with Sec. 01. RCW 67.16.200, to \$2,500 in cash, with the balance delivered in the form of a check or by an electronic fund transfer by the end of the next business day.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-670, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-700 Multijurisdictional common pool wagering.** (1) Definitions.

(a) The host association is the association conducting a licensed parimutuel meeting from which authorized contests or entire performances are simulcast.

(b) The guest association is the association that offers licensed parimutuel wagering on contests conducted by the host association.

(2)(a) Except as otherwise authorized by the commission, a request for simulcasting must be filed on a form provided by the commission not later than seven business days before the first simulcast race covered by the request. The executive secretary may approve a request for simulcasting, subject to rescission of the approval by the commission at its next regular meeting.

(b) The application must include at a minimum:

(i) The simulcast agreement between the host and guest association;

(ii) The approval by the horsemen's association represented at the host and guest site;

(iii) The alternate jurisdiction approval;

(iv) When acting as the host site, approval also requires a list of all locations that will be receiving and/or wagering on the races under the guest site; and

(v) The executive secretary may require the association to submit additional information if the executive secretary determines the additional information is necessary to effectively evaluate the request.

(3) A class 1 racing association shall not be allowed to simulcast until the following are filed with the commission.

(a) A written agreement with the local horsemen's group.

(b) A description of how simulcast purse moneys are to be maintained.

(c) A description of how breeder awards are to be maintained.

(d) A monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards

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fund. This statement shall be filed with the commission no later than ten days after the end of each month.

(4) The approval of any particular simulcasting or wagering on particular simulcast races or programs is not binding on the commission for other requests for approval of simulcasting or wagering on simulcast races or programs.

(5) In determining whether to approve a multijurisdiction common pool which does not include the host track or which includes contests from more than one association, the commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(6) No class 1 racing association shall enter a contractual agreement that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC and any federal, state or local law.

(7) The mutuel manager or the mutuel manager's designee shall be present on association grounds at all times that the class 1 racing association is accepting wagers on simulcast races. He/she shall be responsible for communicating all errors or omissions regarding simulcast wagering to the executive secretary.

(8) There shall be a facsimile machine located in each mutuel area or tote room and a direct, private telephone line to be located in the tote room. Phone access to the tote room shall not require routing through the switchboard.

(9) Every class 1 racing association shall file with the commission an annual report of its simulcast operations including financial data as specified by the commission.

(10) Not less than thirty minutes prior to the commencement of transmission of the performance of parimutuel contests for each day or night, the guest association shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.

(11) Washington intratrack breakage and minus pools shall be prorated based on amounts wagered.

(12) The commission may permit adjustment of the takeout from the parimutuel pool so that the takeout rate in this jurisdiction is identical to that at the host jurisdiction, or identical to that of other jurisdictions participating in a merged pool.

(13) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

(14) Where takeout rates in the merged pool are not identical, the net price calculation may be the method by which the differing takeout rates are applied.

(15) Parimutuel pools may be combined for computing odds and calculating payouts but will be held separate for auditing and all other purposes.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-48-700, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-700, filed 2/23/99, effective 3/26/99.]

**WAC 260-48-710 Participation in common pools as guest.** (1) With the prior approval of the commission, parimutuel-wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with cor-

responding pools established by one or more other jurisdictions.

(2) Rules established in the jurisdiction of the host association designated for a parimutuel pool shall apply.

(3) The guest association and all authorized receivers shall conduct parimutuel wagering pursuant to the applicable jurisdiction rules.

(4) Class 1 racing associations which import races and propose to offer types of wagers other than those currently defined in chapter 260-48 WAC, shall submit to the commission a copy of the host jurisdiction's rule governing the wager.

(5) If, after the close of wagering, a guest racetrack's wagers cannot be successfully merged in the multijurisdictional common pool via data circuit or manual merge, the mutuel manager shall:

(a) Refund the pools not successfully merged after announcing to the public that the pools were not merged successfully and the pools will be refunded; or

(b) Pay the winning wagers based on the prices established at the host racetrack.

The mutuel manager shall report the failure to merge any common pool to the commission. The report must be made on a form prescribed by the executive secretary and be filed no later than the day after the date the common pool failed to merge.

In the event the host association has offered a wager not covered by chapter 260-48 WAC, the Association of Racing Commissioners International model rules regarding such wager shall govern. Information regarding this emergency procedure shall be posted throughout the class 1 racing association facility and published in its racing program.

(6) An authorized class 1 racing association when acting as a guest association shall provide:

(a) A voice communication system between each guest association and the host association, providing timely voice contact among the commission designees and parimutuel departments.

(b) Parimutuel terminals and odds displays, modems and equipment enabling parimutuel data transmissions, and data communications between the host and guest associations.

(c) Adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the host association for providing any host facility patron information.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-48-710, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-710, filed 2/23/99, effective 3/26/99.]

**WAC 260-48-720 Participation in common pools as host.** (1) A host association is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast that offers the viewers an exemplary depiction of each performance.

(2) Unless otherwise permitted by the commission, every simulcast will contain in its video content the date, a digital display of actual time of day, the host facility's name from where it emanates and the number of the contest being displayed.

(3) The host association shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

(4) Any contract of multijurisdiction common pools entered into by the association shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the multijurisdiction common pool formed by the class 1 racing association, or if, for any reason, the commission's or the association's representative determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the association's wagering pool, the association shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

(5) If for any reason it becomes impossible to successfully merge pool data into the multijurisdiction common pool of the class 1 racing association, or it is determined that attempting to effect transfer of pool data from the guest jurisdiction may endanger the class 1 racing associations wagering pool, or cause an unreasonable delay of the racing program, the class 1 racing association representative shall determine under the circumstances whether to manually merge guests pools, exclude guests pools or delay the Washington pools.

(6) Scratched horses must be communicated via facsimile machine, telephone or other approved method by the host mutuel manager to all guest mutuel managers except when the operating totalisator protocol performs these functions automatically or when the information is disseminated to the wagering network via satellite or video display. The host mutuel manager must communicate program changes to all guest sites via facsimile machine, telephone or other approved method.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-48-720, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-720, filed 2/23/99, effective 3/26/99.]

**WAC 260-48-800 Parimutuel wagering pools.** (1) All permitted parimutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

(2) The standard price calculation procedure shall be used to calculate wagering pools. Standard price calculation procedure:

SINGLE PRICE POOL (WIN POOL)

Gross Pool	=	Sum of Wagers on all Betting Interests - Refunds
Takeout	=	Gross Pool x Percent Takeout
Net Pool	=	Gross Pool - Takeout
Profit	=	Net Pool - Gross Amount Bet on Winner
Profit Per Dollar	=	Profit/Gross Amount Bet on Winner
\$1 Unbroken Price	=	Profit Per Dollar + \$1
1 Broken Price	=	\$1 Unbroken Price Rounded Down to the Break Point

## SINGLE PRICE POOL (WIN POOL)

Total Payout = \$1 Broken Price x Gross Amount Bet on Winner  
 Total Breakage = Net Pool - Total Payout

## PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

## PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(3) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(4) The individual pools outlined in these rules may be given alternative names by each association, provided prior approval is obtained from the commission.

(5) In the event a minus pool occurs in any parimutuel pool, the expense of said minus pool shall be borne by the association.

(6) The association must pay to the holder of any ticket or tickets entitling the holder to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of five percent thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said five percent to all persons holding such tickets.

(7) No person or corporation shall directly or indirectly purchase parimutuel tickets or participate in the purchase of any part of a parimutuel pool for another for hire or for any gratuity.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-800, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-810 Win pools.** (1) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to win on that betting interest.

(2) The net win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on win wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the win pool shall be distributed as if no dead heat occurred.

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(b) Horses representing two or more betting interests, the win pool shall be distributed as a profit split.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-810, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-820 Place pools.** (1) The amounts wagered to place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to place on that betting interest, the resulting quotient is the profit per dollar wagered to place on that betting interest.

(2) The net place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then

(e) The entire pool shall be refunded on place wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the place pool shall be distributed as a single price pool.

(b) Horses representing two or more betting interests, the place pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the place pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the place pool is divided with one-half of the profit distributed to place wagers on the betting interest finishing first and the remainder is distributed equally amongst place wagers on those betting interests involved in the dead heat for second.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-820, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-830 Show pools.** (1) The amounts wagered to show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to show on that betting interest, the resulting quotient being the profit per dollar wagered to show on that betting interest. The net show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) If horses of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled

entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then

(g) The entire pool shall be refunded on show wagers for that race.

(2) If there is a dead heat for first involving:

(a) Two horses representing the same betting interest, the profit is divided with two-thirds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.

(b) Three horses representing a single betting interest, the show pool shall be distributed as a single price pool.

(c) Horses representing two or more betting interests, the show pool shall be distributed as a profit split.

(3) If there is a dead heat for second involving:

(a) Horses representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.

(b) Horses representing two betting interests, the show pool shall be distributed as a profit split.

(c) Horses representing three betting interests, the show pool is divided with one-third of the profit distributed to show wagers on the betting interest finishing first and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for second.

(4) If there is a dead heat for third involving:

(a) Horses representing the same betting interest, the show pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the show pool is divided with two-thirds of the profit distributed to show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst show wagers on those betting interests involved in the dead heat for third.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-830, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-840 Double pools.** (1) The double requires selection of the first-place finisher in each of two specified races.

(2) The net double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the two races; but if there are no such wagers, then

(b) As a profit split to those who selected the first-place finisher in either of the two races; but if there are no such wagers, then

(c) As a single price pool to those who selected the one covered first-place finisher in either race; but if there are no such wagers, then

(d) As a single price pool to those whose selection finished second in each of the two races; but if there are no such wagers, then

(e) The entire pool shall be refunded on double wagers for those races.

(3) If there is a dead heat for first in either of the two races involving:

(a) Horses representing the same betting interest, the double pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the double pool shall be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in the first-half of the double be scratched prior to the first double race being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the double pool and refunded.

(5) Should a betting interest in the second-half of the double be scratched prior to the close of wagering on the first double race, all money wagered on combinations including the scratched betting interest shall be deducted from the double pool and refunded.

(6) Should a betting interest in the second-half of the double be scratched after the close of wagering on the first double race, all wagers combining the winner of the first race with the scratched betting interest in the second race shall be allocated a consolation payoff. In calculating the consolation payoff the net double pool shall be divided by the total amount wagered on the winner of the first race and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first race combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats including separate betting interests in the first race shall result in a consolation payoff calculated as a profit split.

(7) If either of the double races are cancelled prior to the first double race, or the first double race is declared "no race", the entire double pool shall be refunded on double wagers for those races.

(8) If the second double race is cancelled or declared "no race" after the conclusion of the first double race, the net double pool shall be distributed as a single price pool to wagers selecting the winner of the first double race. In the event of a dead heat involving separate betting interests, the net double pool shall be distributed as a profit split.

(9) Before the running of the second double race the association shall announce and/or post the payoff of each combination coupled with the winner of the first half of the double race.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-840, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-850 Pick three.** (1) The pick three requires selection of the first-place finisher in each of three specified races.

(2) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose selection finished first in each of the three races; but if there are no such wagers, then

(b) As a single price pool to those who selected the first-place finisher in any two of the three races; but if there are no such wagers, then

(c) As a single price pool to those who selected the first-place finisher in any one of the three races; but if there are no such wagers, then

(d) The entire pool shall be refunded on pick three wagers for those races.

(3) If there is a dead heat for first in any of the three races involving:

(a) Horses representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick three pool shall be distributed as follows:

(i) As a profit split to those whose selection finished first in each of the three races, if there are no such wagers,

(ii) As a single price pool to those who selected the first place finisher in any of the three races, if there are no such wagers,

(iii) As a single price pool to those who selected the first place finisher in any one of the three races, if there are no such wagers,

(iv) The entire pool shall be refunded on pick three wagers for those races.

(4) Should a betting interest in any of the three pick three races be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) If all three pick three races are cancelled or declared "no race," the entire pool shall be refunded on pick three wagers for those races.

(6) If one or two of the pick three races are cancelled or declared "no race," the pick three pool will remain valid and shall be distributed in accordance with subsection 2 of this rule.

(7) Before the running of the third pick three race the association shall announce and/or post the payoff of each combination coupled with the winners of the first and second races of the pick three.

(8) The pick three may be given a distinctive name to be selected by the association conducting such races, such as "TRIPLE," subject to the prior approval of the commission.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-850, filed 4/19/96, effective 6/11/96.]

(2005 Ed.)

**WAC 260-48-860 Quinella pools.** (1) The quinella requires selection of the first two finishers, irrespective of order, for a single race.

(2) The net quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then

(e) The entire pool shall be refunded on quinella wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two betting interests, the quinella pool shall be distributed as if no dead heat occurred.

(c) Horses representing three or more betting interests, the quinella pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the quinella pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(e) The entire pool shall be refunded on quinella wagers for that race.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-860, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-870 Exacta pools.** (1) The exacta requires selection of the first two finishers, in their exact order, for a single race.

(2) The net exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If horses of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then

(e) The entire pool shall be refunded on exacta wagers for that race.

(3) If there is a dead heat for first involving:

(a) Horses representing the same betting interest, the exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Horses representing two or more betting interests, the exacta pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving horses representing the same betting interest, the exacta pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving horses representing two or more betting interests, the exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then

(d) The entire pool shall be refunded on exacta wagers for that race.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-870, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-890 Trifecta pools.** (1) The trifecta requires selection of the first three finishers, in their exact order, for a single race.

(2) The net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on trifecta wagers for that race.

(3) If less than three betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

(7) Trifecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(8) Trifecta wagering is prohibited on any race in which there is a mutuel field.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-890, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 98-01-148, § 260-48-890, filed 12/19/97, effective 1/19/98; 96-10-014, § 260-48-890, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-900 Twin trifecta pools.** (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races shall be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licensees at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be canceled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carry-over pool.

(6) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carry-over monies, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race shall be added to any existing carry-over monies and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) Subject to subsection 19(e) of the twin trifecta rules, if a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Twin trifecta wagering is prohibited on any race in which there is a mutuel field, except with written permission of the executive secretary.

(9) Twin trifecta wagering is prohibited on any race in which there is more than one coupled entry.

(10) Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest shall be refunded.

(11) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest.

(12) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff shall be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(13) If either of the twin trifecta races are canceled prior to the first twin trifecta race, or the first twin trifecta race is declared "no race," the entire twin trifecta pool for that day

shall be refunded on twin trifecta wagers for that race and the second-half shall be canceled.

(14) If the second-half twin trifecta race is canceled or declared "no race," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but not the twin trifecta carry-over. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subsections (4) of the twin trifecta rules.

(15) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than 6, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carry-over.

(16) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (nonstarter) in the second-half of the twin trifecta only, there will be no refund or consolation payoff. The official order of finish as posted shall be used to determine payoffs. This will not affect other pools for this race.

(17) A written request for permission to distribute the twin trifecta carry-over on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

(18) Contrary to subsection (5) of the twin trifecta rules, during a race card designated to distribute the twin trifecta carry-over, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations as described in subsection (4) of the twin trifecta rules.

(19) Should the twin trifecta carry-over be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first-half winning tickets.

(20) The twin trifecta carry-over shall be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (17) of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

(21) If, for any reason, the twin trifecta carry-over must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carry-over shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carry-over plus accrued interest shall then be added to the second-half twin trifecta pool of the association's following meet.

(22) If racing is canceled prior to the first-half of the twin trifecta on the closing race card of the meet or split meet, the carry-over will be held over in accordance with subsection (20) of the twin trifecta rules.

(23) If racing is canceled after the running of the first-half but before the running of the second-half on the closing race card of the meet or split meet, the carry-over pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

(24) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator and parimutuel department employees for processing of pool data.

(25) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued shall constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules. The association, totalisator company, and state may not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

(26) Twin trifecta tickets shall be sold and exchanged only by the association through parimutuel machines.

(27) The twin trifecta carry-over may be capped at a designated level approved or set by the commission so that if, at the close of any race card, the amount in the twin trifecta carry-over equals or exceeds the designated cap, the twin trifecta carry-over will be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta carry-over is frozen, 100 percent of the net twin trifecta pool for each individual race shall be distributed to winners of the first-half of the twin trifecta pool.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-900, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-900, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-910 Superfecta pools.** (1) The superfecta requires selection of the first four finishers, in their exact order, for a single race.

(2) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(d) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(e) The entire pool shall be refunded on superfecta wagers for that race.

(3) If less than four betting interests finish and the race is declared official, payoffs will be made based upon the order of finish of those betting interests completing the race. The balance of any selection beyond the number of betting interests completing the race shall be ignored.

(4) If there is a dead heat for first involving:

(a) Horses representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(b) Horses representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.

(c) Horses representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(5) If there is a dead heat for second involving:

(a) Horses representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(b) Horses representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.

(6) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(8) Superfecta wagering is prohibited on any race in which there is more than one coupled entry, except with written permission of the executive secretary.

(9) Superfecta wagering is prohibited on any race in which there is a mutuel field.

[Statutory Authority: RCW 67.16.020. 04-07-077, § 260-48-910, filed 3/15/04, effective 4/15/04. Statutory Authority: RCW 67.16.040. 99-06-026, § 260-48-910, filed 2/23/99, effective 3/26/99.]

**WAC 260-48-920 Pick (n) pools.** (1) The pick (n) requires selection of the first-place finisher in each of a designated number of races. The association must obtain written approval from the commission concerning the scheduling of pick (n) races, the designation of one of the methods prescribed in part (2), and the amount of any cap to be set on the carryover. The number of races so designated must be more than three (3), but no greater than ten (10). Any changes to

the approved pick (n) format require prior approval from the commission.

(2) The Pick (n) pool shall be apportioned under one of the following methods:

(a) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the remainder shall be added to the carryover.

(b) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races; and the major share shall be added to the carryover.

(c) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(d) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(e) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool shall be distributed to those who selected the first-place finisher in each of the pick (n) races, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) races, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) races, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) races. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) races, the minor share of the net pick (n)

pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) races. If there are no winning wagers, the pool is refunded.

(f) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool shall be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, shall be distributed to those who selected the first-place finisher of each of the pick (n) races, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) races, the major net pool shall be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) races, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) races the jackpot net pool shall be added to the jackpot carryover. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of pick (n) races, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) races, the minor net pool of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) races.

(3) If there is a dead heat for first in any of the pick (n) races involving:

(a) Horses representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred.

(b) Horses representing two or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(4) Should a betting interest in any of the pick (n) races be scratched:

(a) The racing association may allow patrons the option of selecting an alternate betting interest prior to the running of the first leg of the pick (n). The selected alternate betting interest shall be substituted for the scratched betting interest, for all purposes, including pool calculations.

(b) If no alternate betting interest is selected or the selected alternate betting interest is also scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that race, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(5) The pick (n) pool shall be cancelled and all pick (n) wagers for the individual race day shall be refunded if:

(a) At least three races included as part of a pick 4, pick 5 or pick 6 are cancelled or declared "no race."

(b) At least four races included as part of a pick 7, pick 8 or pick 9 are cancelled or declared "no race."

(c) At least five races included as part of a pick 10 are cancelled or declared "no race."

(6) If at least one race included as part of a pick (n) is cancelled or declared "no race", but not more than the number specified in subsection 5 of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races for that race day. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous race days.

(7) The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any race day, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) races for that race day.

(8) A written request for permission to distribute the pick (n) carryover on a specific race day may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and race day for the distribution.

(9) Should the pick (n) carryover be designated for distribution on a specified date and race day in which there are no wagers selecting the first-place finisher in each of the pick (n) races, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) races. The pick (n) carryover shall be designated for distribution on a specified date and race day only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued.

(c) On the closing race day of the meet or split meet.

(10) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and race day so designated by the commission.

(11) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(12) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.

(13) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval

of a pick (n) wager or separate wagering pool for specific race day.

[Statutory Authority: RCW 67.16.040. 96-10-014, § 260-48-920, filed 4/19/96, effective 6/11/96.]

**WAC 260-48-930 Future wager pool.** (1) The future wager requires selection of the first-place finisher in a specified contest.

(2) The association shall apply in writing to the Washington horse racing commission for approval to offer the future wager on the specified contest and shall not offer the wager until the commission approval has been granted. The written application shall include the date and time for the pool to be opened and closed, a description of the system for compiling the pool and calculating odds and payout prices, and the time interval for displaying the odds.

(3) The association, or in the case of interjurisdiction common pool wagering the host track, shall name the contestants included in each betting interest on which future wagers may be made and shall assign a program number to each betting interest.

(4) The amount wagered on the betting interest which finishes first in the specified race is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered in the future pool on that betting interest.

(5) The net future pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(a) To those whose selection finished first; but if there are no such wagers, then

(b) To those whose selection finished second; but if there are no such wagers, then

(c) To those whose selection finished third; but if there are no such wagers, then

(d) The entire pool shall be refunded on future pool wagers for that contest.

(6) If there is a dead heat for first involving:

(a) Contestants representing the same betting interest, the future pool shall be distributed as if no dead heat occurred.

(b) Contestants representing two or more betting interests, the future pool shall be distributed as a profit split.

(7) No refund shall be issued for future wager pool wagers on betting interests that do not start or finish the race. If the association becomes aware or is notified that a betting interest is ineligible or unable to start the race and the pool is still open, the association shall immediately close betting on that betting interest.

(8) The entire future wager pool shall be refunded if:

(a) The situation described at subsection 5(d) occurs; or

(b) The specified race is declared no contest by the judges/stewards having jurisdiction over the specified race; or

(c) The specified race does not occur; or

(d) For whatever reason, the future wager pool cannot be determined and the payout price cannot be calculated.

[Statutory Authority: RCW 67.16.040. 02-10-100, § 260-48-930, filed 4/30/02, effective 5/31/02.]

**WAC 260-48-940 Head-to-head wagering** (1) Head-to-head wagering requires the selection of the winning contestant in a designated contest or series of contests, in a competition between two or more equally matched betting interests, or based on the sportsmanship and/or skill of the jockeys and/or trainers, regardless of the official placing of the other betting interests in that contest or series of contests.

(2) The choice of which contestants from a contest shall participate in the head-to-head contest shall be made as follows:

(a) The association must obtain approval from the board of stewards for each head-to-head contest.

(b) The matching of contestants for the head-to-head contest shall be limited to contestant versus contestant, jockey versus jockey, and/or trainer versus trainer.

(c) The contestants chosen for the head-to-head wager shall be conspicuously identified in the official program.

(3) The net head-to-head pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

(a) As a single price pool to those whose selection finished first in a single head-to-head contest, or first in the greatest number of a series of head-to-head contests; but if there are no such wagers, then

(b) The head-to-head pool shall be refunded.

(4) If there is a dead heat in a contest involving two or more of the contestants in:

(a) A single-contest head-to-head pool, then the entire pool shall be refunded.

(b) One or more contests of a series, then all the contestants involved in the dead heat shall be considered winners and the net pool shall be distributed as a signal price pool, provided that;

(c) In a series of contests, if there is a dead heat in half or more of the contests then the head-to-head pool for those contests shall be refunded.

(5) If any head-to-head contest is canceled or declared no contest:

(a) In a single-contest head-to-head pool, the pool shall be refunded.

(b) In a series of contests, if half or more of the contests are canceled or declared no contest, then the head-to-head pool for those contests shall be refunded.

(6) If any contestant is scratched or declared a non-starter in any head-to-head contest, then that contest shall be canceled.

(7) If all contestants fail to finish in a head-to-head contest, then that contest shall be canceled.

[Statutory Authority: RCW 67.16.020. 03-11-017, § 260-48-940, filed 5/12/03, effective 6/12/03.]

**Chapter 260-49 WAC**

**ADVANCE DEPOSIT WAGERING**

**WAC**

260-49-010	Definitions.
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**WAC 260-49-010 Definitions.** For the purposes of this chapter, unless otherwise indicated by the context in which the term is used, the following terms shall have the meaning set forth herein:

(1) "Account" shall mean an account for advance deposit wagering with a complete record of credits, wagers and debits established by an account holder and managed by an authorized advance deposit wagering service provider.

(2) "Account holder" shall mean a natural person, at least twenty-one years of age for whom an authorized advance deposit wagering service provider has opened an account.

(3) "Advance deposit wagering" means a form of parimutuel wagering in which an individual deposits money in an account with an entity authorized by the commission to conduct advance deposit wagering and then the account funds are used to pay for parimutuel wagers made in person, by telephone, or through communication by other electronic means.

(4) "Authorized advance deposit wagering service provider" means an entity licensed by the commission, pursuant to this chapter, to conduct advance deposit wagering including such entity's facility location, equipment and staff involved in the management, servicing and operation of advance deposit wagering.

(5) "Applicant" is a natural person, at least twenty-one years of age, who has submitted an application to establish an account with an authorized advance deposit wagering service provider.

(6) "Application" shall mean the form or forms and other required submissions received from an applicant for the purpose of opening an account.

(7) "Class 1 racing association" shall mean any person or entity holding a current and valid license issued by the commission pursuant to chapter 67.16 RCW to hold race meets.

(8) "Commission" means the Washington horse racing commission.

(9) "Communications by other electronic means" includes communications by any electronic communication device or combination of devices including, but not limited to, the following: Personal computers, the internet, private networks, interactive televisions and wireless communication technologies or other technologies approved by the commission.

(10) "Confidential information" shall include the following:

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of an authorized advance deposit wagering service provider that would identify the account holder to anyone other than the commission, the authorized advance deposit wagering service provider, the regulatory authority in the state that regulates the authorized advance deposit wagering service provider or as otherwise required by state or federal law.

(11) "Credits" shall mean all deposits of money into an account.

(12) "Debits" shall mean all withdrawals of money from an account.

(13) "Deposit" shall mean a payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(14) "Foreign jurisdiction" shall mean a jurisdiction of a foreign country or political subdivision thereof.

(15) "Natural person" shall mean any person, at least twenty-one years of age, but does not include any corporation, partnership, limited liability company, trust, or estate.

(16) "Principal residence address" shall mean that place where the natural person submitting an application for an account resides at least fifty percent of the time during the calendar year.

(17) "Proper identification" shall mean a form of identification sufficient to ensure that the person making a transaction is an account holder.

(18) "Secure personal identification code" shall mean an alpha and/or numeric character code chosen by an account holder as a means by which the authorized advance deposit wagering service provider may verify a wager or account transaction as authorized by the account holder.

(19) "Source market fee" shall mean the part of a wager made on any race by a person whose principal residence address is in Washington that is returned to the class 1 racing association and the commission.

(20) "Source market fee area" means the state of Washington.

(21) "Withdrawal" shall mean a payment of money from an account by an authorized advance deposit wagering service provider to the account holder.

[Statutory Authority: RCW 67.16.020, 04-21-053, § 260-49-010, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-020 Requirements to conduct authorized advance deposit wagering.** (1) The advance deposit wagering rules set forth in this chapter shall apply to the establishment and operation of accounts by an authorized advance deposit wagering service provider for applicants whose principal residence address is in the state of Washington.

(2) Advance deposit wagering by any person whose principal residence address is in the state of Washington may be conducted only by an authorized advance deposit wagering service provider licensed by the commission pursuant to this chapter.

(3) A class 1 racing association must obtain commission approval of its contract with an authorized advance deposit wagering service provider.

(4) No advance deposit wagering service provider shall solicit, accept, open or operate an account for any person with a principal residence address in the state of Washington unless the service provider has received a license in good standing from the commission.

(5) The commission may suspend or revoke a license to operate as an authorized advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an authorized advance deposit wagering service provider and/or impose fines, if the authorized advance deposit wagering service provider, its officers, directors, or employees violate chapter 67.16 RCW or Title 260 WAC.

(6) An authorized advance deposit wagering service provider located within Washington shall not solicit, accept, open or operate advance deposit wagering accounts for persons whose principal residence is outside of the state of Washington, including residents of foreign jurisdictions unless:

(a) The service provider has received a license from the commission in good standing;

(b) Wagering on that same type of live racing is lawful in the jurisdiction which is the person's principal residence; and

(c) The authorized advance deposit wagering service provider complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. §§ 3001 to 3007, and the laws of the jurisdiction, which is the principal place of residence of the applicant.

(7) The authorized advance deposit wagering service provider shall provide a bond or irrevocable letter of credit in an amount set by the commission for the purpose of ensuring that payments to the commission and to Washington account holders are made. In the alternative, a service provider may provide other means of assurance of such payment including, but not limited to, evidence of bond(s), irrevocable letter(s) of credit or other forms of financial guarantees posted and in good standing with regulatory authorities in other jurisdictions, which shall be subject to the approval of the commission. Any bond, letter of credit or other assurance of payment acceptable to the commission provided by the service provider shall run to the Washington horse racing commission as obligee, and shall be for the benefit of the commission and any account holder who suffers a loss by reason of the service provider's violation of chapter 67.16 RCW or these rules. The bond, letter of credit or other assurance of payment shall be conditioned on the obligor as licensee faithfully complying with chapter 67.16 RCW and these rules. The bond shall be continuous and may be canceled by the surety only upon the surety giving written notice to the executive secretary of its intent to cancel the bond. The notice of cancellation shall be effective no sooner than thirty days after the notice is received by the executive secretary. In the event of cancellation of the bond, letter of credit or other assurance of payment the service provider shall file a new bond, letter of credit or other assurance of payment prior to the effective date of the cancellation notice.

(8) Persons whose primary residence is within Washington shall not participate in advance deposit wagering unless such activity is conducted through an authorized advance deposit wagering service provider.

(9) The content and frequency of reports from an authorized advance deposit wagering service provider shall be at the discretion of the commission.

(10) No class 1 racing association shall enter into a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(11) Every class 1 racing association approved under this chapter shall file with the commission a monthly statement showing amounts contributed to and balances in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than twenty-five days after the end of each month.

(12) In determining whether to approve an application under this chapter, the commission shall consider the following factors:

(a) The impacts on all entities conducting business as part of the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts of the state where the authorized advance deposit wagering service provider is located are sufficient for compliance with applicable laws and for the protection of the public and to ensure the integrity of all operations and financial transactions under the agreement between the class 1 racing association and the authorized advance deposit wagering service provider; and

(c) Any other factor the commission identifies on the record as relevant to its determination.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-020, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-030 Advance deposit wagering service provider license for a class 1 racing association.** (1) A class 1 racing association licensed under chapter 67.16 RCW and chapter 260-13 WAC may apply for a license from the commission to operate as an advance deposit wagering service provider in accordance with chapter 67.16 RCW and this chapter.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the class 1 racing association shall file with the commission an original and five copies of the application and plan of operation.

(3) As part of the application, the class 1 racing association shall submit a detailed plan of how its proposed advance deposit wagering service provider would operate. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and advance deposit wagering service provider will operate and the regular hours of operation;

(b) Programs for responsible wagering;

(c) A plan for verification of an applicant's identity, age and residence when establishing an account;

(d) Establish a dispute resolution process for account holders who file a claim against the advance deposit wagering service provider;

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington;

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(f) The process for an account holder to make withdrawals from the account holder's account;

(g) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live; and

(h) Any additional information required by the commission.

(4) The commission may require changes in a proposed plan of operations as a condition of granting a license.

(5) The commission may conduct investigations or inspections or request additional information from the class 1 racing association, as it deems appropriate in determining whether to license the class 1 racing association to operate as an advance deposit wagering service provider.

(6) A license authorizes only the class 1 racing association to establish, manage and operate an advance deposit wagering service provider. The class 1 racing association shall not subcontract operation of the advance deposit wagering service provider to another person or entity.

(7) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(8) No subsequent changes in the advance deposit wagering service provider's plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(9) The commission, or its staff, shall be given access to review and audit all records and financial information of a class 1 racing association related to the conduct of advance deposit wagering, including resident and nonresident accounts. This information shall be made available to the commission or its staff by the class 1 racing association at its location at reasonable hours. The commission may require the class 1 racing association to annually submit to the commission audited financial statements of the advance deposit wagering service provider.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-030, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-040 Advance deposit wagering service provider license for nonclass 1 racing associations.** (1) Prior to accepting applications from Washington residents for advance deposit wagering accounts, the advance deposit wagering service provider must have:

(a) An agreement with a class 1 racing association, that has been approved by the commission; and

(b) A license from the commission to conduct advance deposit wagering.

(2) An application to operate as an advance deposit wagering service provider must address the requirements of this chapter, and the entity shall file with the commission an original and five copies of the application and plan of operation.

(3) The operator of an advance deposit wagering service provider applying for a license to conduct advance deposit wagering must provide the following information as part of the application:

(a) If the service provider is an individual, his/her legal name and the legal name of his/her spouse and dates of birth and address;

(b) If the service provider is a corporation:

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(i) The date and place of incorporation;  
 (ii) The names and addresses of its shareholders, and the names, addresses and dates of birth of directors and officers who are natural persons; and

(iii) If a shareholder is a corporation then the date and place of its incorporation, and the names and addresses and dates of birth of those corporations' directors and officers. If the service provider is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in this subsection shall be required from the directors of the not-for-profit entity, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(c) If the service provider is a general or limited partnership, the names, addresses, and dates of birth of the partners; if a partner is a corporation, the date of incorporation, the place of incorporation and the names and addresses and dates of birth of its directors and officers must be provided;

(d) The commission reserves the right to require fingerprints as part of the license application process;

(e) Information from the service provider that demonstrates whether the service provider has the financial resources to operate as an advance deposit wagering service provider;

(f) A copy of the written agreement between the class 1 association and the advance deposit wagering service provider and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(g) Written approval to conduct advance deposit wagering from the appropriate regulatory authority in the state where the advance deposit wagering service provider is located;

(h) A description of how the state where the service provider is located regulates and monitors the advance deposit wagering facility for compliance with applicable law and protection of the public; and

(i) Any other information required by the commission.

(4) The written agreement between the class 1 racing association and the advance deposit wagering service provider must contain substantially the following terms:

(a) A description of the fee structure and fees to be paid to the class 1 racing association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law or rule.

(5) The commission's approval of a specific agreement under this section is not binding on the commission as to any other agreement.

(6) As part of the application for licensure as an advance deposit wagering service provider, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate and the regular hours of operation;

(b) The process for handling wagers when wagering pools cannot be merged with the wagering pools of the race track where the race is being run live;

(c) Programs for responsible wagering;

(d) A plan for verification of an applicant's identity, age and residence when establishing an account;

(e) Establish a dispute resolution process for account holders who file a claim against the authorized advance deposit wagering service provider;

(f) The process for an account holder to make withdrawals from the account holder's account;

(g) An advance deposit wagering service provider located in Washington must include how the provider will implement the requirements for accounts established and operated for persons whose principal residence is outside of the state of Washington; and

(h) Any other issues as required by the commission.

(7) The commission may require changes to an advance deposit wagering service provider's proposed plan of operations as a condition of granting a license. No subsequent material changes in the plan of operations may occur unless ordered by the commission or until written approval is obtained from the commission.

(8) The advance deposit wagering service provider applying for a license shall provide to the commission the number of Washington accounts on file with its business as of 1:00 p.m. PST April 1, 2004, and the total wagering activity since that time until the date of the application for license in Washington. Any operator of an advance deposit wagering service provider authorized by the commission to conduct advance deposit wagering shall pay the source market fee on all advance deposit wagers for all accounts since 1:00 p.m. PST April 1, 2004, that have Washington as the principal resident address.

(9) The commission may conduct investigations or inspections or request additional information from the applicant for a license under this section as it deems appropriate in determining whether to approve the license application.

(10) Approval of a license under this section shall be for twelve months from the date of approval, unless rescinded by the commission.

(11) The advance deposit wagering service provider accepting a license from the commission recognizes and accepts the jurisdiction of the state of Washington as provided in RCW 4.28.185. The advance deposit wagering service provider shall provide to the commission or its staff access to review and audit all records and financial information of the advance deposit wagering service provider, including all Washington account information. An advance deposit wagering service provider located in Washington, shall also provide access to the commission, or its staff to review and audit all records and financial information maintained by the advance deposit wagering service provider that relate to applications and accounts for persons whose primary residences are not located in Washington. This information shall be made available to the commission or its staff by the advance deposit wagering service provider at the service provider's location upon notice from the commission or commission staff at all reasonable times. The commission may require the service provider annually submit to the commission audited financial statements of the advance deposit wagering service provider.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-040, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-050 Establishing an account.** (1) An established account is necessary to place advance deposit wagers. An account may only be established with an authorized advance deposit wagering service provider.

(a) To establish an account, an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

- (i) The applicant's full legal name;
- (ii) Principal residence address;
- (iii) Telephone number;
- (iv) Proper identification or certification demonstrating that the applicant is at least twenty-one years of age; and
- (v) Any additional information required by the commission.

(b) Each application submitted shall be verified with respect to name, principal residence address, and date of birth by either an independent service provider or another means which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by an independent service provider. If there is a discrepancy between the application submitted and the information provided by the verification described above or if no information on the applicant is available from such verification process, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If the applicant's information cannot be verified, the authorized advance deposit wagering service provider shall not establish an account.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the advance deposit wagering service provider provided the account holder is given notice in writing prior to the change.

(3) The applicant shall supply a secure personal identification code when the account holder is placing an advance deposit wager. The account holder has the right to change this code at any time.

(4) The holder of the account shall receive at the time the account is approved:

- (a) Unique account identification number;
- (b) Copy of the advance deposit wagering rules and such other information and material that is pertinent to the operation of the account;
- (c) Notice that the account holder must be at least twenty-one years of age, and that individuals under the age of twenty-one shall not have access to the account;

(d) Such other information as the authorized advance deposit wagering service provider or the commission may deem appropriate.

(5) Accounts shall only be accepted in the name of a natural person.

(6) The account is nontransferable between natural persons.

(7) The authorized advance deposit wagering service provider may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

(8) Any disputes between an account holder and an authorized advance deposit wagering service provider shall

follow the dispute resolution procedures contained in the authorized advance deposit wagering service provider's plan of operations as approved by the commission. If the authorized advance deposit wagering service provider fails to resolve the dispute, the commission may take appropriate action including claims against the bond or other form of financial security.

(9) The authorized advance deposit wagering service provider shall state in all advertising in the state of Washington that residents under the age of twenty-one are not permitted to open, own or have access to an advance deposit wagering account.

(10) If the authorized advance deposit wagering service provider is located in Washington, no account shall be established for any natural person under the age of twenty-one.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-050, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-060 Operation of an account.** (1) The authorized advance deposit wagering service provider may refuse deposits to an account for what it deems good and sufficient reason.

(2) The authorized advance deposit wagering service provider may suspend any account or close any account at any time provided that when an account is closed, they shall, within seven calendar days, return to the account holder all moneys then on deposit by sending a check to the last known principal residence address.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder may be made in the following forms:

(i) Cash, which may be deposited at financial or retail outlets designated by the authorized advance deposit wagering service provider;

(ii) Check, money order or negotiable order of withdrawal given or sent to an authorized advance deposit wagering service provider;

(iii) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, if the use of the card has been approved by the authorized advance deposit wagering service provider;

(iv) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account; or

(v) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the authorized advance deposit wagering service provider.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the authorized advance deposit wagering service provider of an advance deposit wager, the authorized advance deposit wagering service provider shall debit the account in the amount of the wager;

(b) For fees for service or other transaction-related charges by the authorized advance deposit wagering service provider;

(c) The authorized advance deposit wagering service provider may close accounts in which there has been no activity for at least six months, returning funds remaining therein to the account holder at his/her last known principal residence address; or

(d) In the event an account holder is deceased, funds accrued in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate, tax releases or waivers, probate court authorizations or other documents required by applicable laws.

(5) Account holders may communicate instructions concerning advance deposit wagers to the advance deposit wagering service provider in person, by mail, telephone, or other electronic means.

(6) The authorized advance deposit wagering service provider shall not accept wagers from an account holder in an amount in excess of the account balance.

(7) Notwithstanding any other rules, the authorized advance deposit wagering service provider may at any time declare the advance deposit wagering closed for receiving wagers on any parimutuel pool, race, group of races, or closed for all wagering. Any time advance deposit wagering is closed other than coincident with the start of a race, a written report must be filed with the commission within forty-eight hours. Any time the authorized advance deposit wagering service provider is closed during its normal hours of operation a written report must be filed with the commission within forty-eight hours.

(8) The authorized advance deposit wagering service provider has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(9) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and his/her personal identification code.

(10) Payment on winning parimutuel wagers and credits for advance deposit wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(11) The authorized advance deposit wagering service provider shall provide written or electronic statements of an individual's account activity at any time upon the request of the account holder.

(12) No employee or agent of the authorized advance deposit wagering service provider shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the authorized advance deposit wagering service provider, except to the account holder or as required by these rules, the commission, and as otherwise required by state or federal law, or Title 260 WAC.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-060, filed 10/18/04, effective 11/18/04.]

#### **WAC 260-49-070 Distribution of source market fee.**

(1) A source market fee shall be paid monthly for the source

market fee area on all accounts that have Washington as the principal residence address.

(2) The authorized advance deposit wagering service provider shall, at least monthly, distribute the total source market fee as follows:

(a) Ninety percent of the total source market fee directly to the class 1 racing association and the remaining ten percent directly to the commission.

(b) The class 1 racing association shall distribute two and one-half percent of the total source market fee to the breeders' award fund.

(c) The class 1 racing association and the recognized horsemen's organization shall negotiate a separate agreement for contributions to the purse account from the source market fee and submit the agreement for review and approval by the commission. The class 1 racing association shall distribute the horsemen's share of the source market fee in accordance with the horseman's agreement.

(d) The commission shall distribute two and one-half percent of the total source market fee to the Washington bred owners' bonus account and one-half of one percent of the total source market fee to the class C purse fund account and seven percent of the total source market fee to the commission's operating account.

(3) The commission shall annually review the distribution of the source market fee. Any changes to the distribution shall be adopted by rule.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-070, filed 10/18/04, effective 11/18/04.]

#### **WAC 260-49-080 Distribution of source market fee—More than one class 1 racing association.**

(1) The source market fee generated from wagers on a class 1 racing association's live races will be distributed to the class 1 racing association conducting that meet after deducting contributions to the commission, one percent owners bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining source market fee from the class 1 racing association's live meet shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association.

(2) The source market fee generated from races conducted outside Washington shall be allocated proportionate to the gross amount of all sources of parimutuel wagering during each twelve-month period derived from the associations' live race meets after deducting contributions to the commission, one percent owners' bonus, breeders awards, and class C purse fund per WAC 260-49-070. The remaining proportional share of the source market fee from races conducted outside Washington shall be distributed in accordance with the agreement between the class 1 racing association and the recognized horsemen's association. "All sources of parimutuel wagering" shall mean the total of in-state and out-of-state wagering on the associations' live race meet. This percentage must be calculated annually. The commission shall calculate the proportion of the source market fee for each class 1 racing association based upon the preceding calendar year. The commission shall inform the authorized advance deposit wagering service provider(s) of the percentage of source market fee to be distributed to each class 1 racing association. The authorized advance deposit wagering

service provider(s) shall distribute the source market fee to the class 1 racing associations according to the percentages established by the commission.

(3) A class 1 racing association is not entitled to source market fees until it has completed one race meet in accordance with the requirements of RCW 67.16.200.

(4) A class 1 racing association must complete a live race meet in accordance with RCW 67.16.200 within each succeeding twelve-month period to maintain eligibility to continue participating in advance deposit wagering and to receive a proportionate share of the source market fee.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-080, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-090 Licensing fees to operate advance deposit wagering.** (1) Application fees.

(a) A nonrefundable application fee of five thousand dollars must be submitted with all license applications to conduct authorized advance deposit wagering.

(b) The applicant will be billed and shall be responsible for any costs involved in the background checks, investigation, and review of the application in excess of five thousand dollars.

(2) An annual license fee of one thousand dollars shall be payable to the commission on issuance of the original license. Thereafter, the annual renewal license fee shall be one thousand dollars due thirty days prior to the license expiration. The licensee will be billed and shall be responsible for any costs in excess of one thousand dollars associated with the review and investigation of the annual renewal application.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-090, filed 10/18/04, effective 11/18/04.]

**WAC 260-49-100 Enforcement and penalties.** (1)

Any violations of this chapter shall be referred to the commission. The commission shall have sole authority to ensure compliance with these rules, conduct hearings on violations, and determine penalties for violations.

(2) The commission may suspend or revoke a license issued to an advance deposit wagering service provider, withdraw approval of a contract between a class 1 racing association and an advance deposit wagering service provider and/or impose fines, if the licensee:

(a) Violates any of the requirements of chapter 67.16 RCW or these rules;

(b) Fails to provide a bond or letter of credit or evidence thereof in another jurisdiction to the satisfaction of the commission;

(c) Fails to make payments in a timely manner as required by these rules;

(d) Fails to comply with any conditions on the license imposed by the commission;

(e) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required payments to other state regulatory agencies;

(f) Poses a threat to the effective regulation of wagering or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of wagering

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activities, as demonstrated through the prior activities, criminal record, reputation, habits, or associations;

(g) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefore by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule, then within thirty days after receiving a written request therefore from the commission or its staff;

(h) Commits, or has committed, any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or approval of agreements.

(3) The commission shall afford a licensee the opportunity for an adjudicative proceeding prior to denial, suspending or revoking a license or imposing fines, and shall provide a class 1 racing association and/or an authorized advance deposit wagering service provider a hearing on refusal of approval or withdrawal of approval of the agreement between the association and the service provider.

(4) The commission shall have authority to ensure compliance with these regulations, including, but not limited to, injunctive relief and the imposition of fines, suspensions and revocation of license and repayment of outstanding source market fees.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-49-100, filed 10/18/04, effective 11/18/04.]

**Chapter 260-52 WAC**

**THE RACE—PADDOCK TO FINISH**

**WAC**

260-52-010	Paddock to post.
260-52-020	Post position.
260-52-030	Starting the race.
260-52-040	Post to finish.
260-52-050	Placing judges—Duties.
260-52-060	Camera and photographs.
260-52-070	Declaring race "official."
260-52-080	Official time of the race.
260-52-090	Dead heats.

**WAC 260-52-010 Paddock to post.** (1) Permission must be obtained from a steward to exercise a horse between races.

(2) In a race, each horse shall carry a conspicuous saddlecloth number and a head number, corresponding to his number on the official program. In the case of an entry each horse making up the entry shall carry the same number (head and saddlecloth) with a distinguishing letter. For example, 1-1A, 1X. In the case of a field the horses comprising the field shall carry an individual number; i.e., 12, 13, 14, 15, and so on.

(3) After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the starter releases the barrier.

(4) In case of accident to a jockey, his mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended during the delay.

(5) All horses shall parade and, under penalty of disqualification, shall carry their weight from the paddock to the starting post, such parade to pass the steward's stand.

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

(7) If the jockey is so injured on the way to the post as to require another jockey, the horse shall be taken to the paddock and another jockey obtained.

(8) No person shall wilfully delay the arrival of a horse at the post.

(9) No person other than the rider, starter, or assistant starter shall be permitted to strike a horse, or attempt, by shouting or otherwise to assist it in getting a start.

(10) In all races in which a jockey will not ride with a whip, an announcement of that fact shall be made over the public address system.

[Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-010, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-52-010, filed 3/24/81; Rules 187 through 196, filed 4/21/61.]

**WAC 260-52-020 Post position.** Post position shall be determined publicly by lot in the presence of the racing secretary or his deputy. After a regular carded horse or horses have been excused from a race, all horses shall move up in post position order; except in the case of a race on the straightaway, in which case the also-eligible shall take the stall of the horse declared out or scratched. The above rule shall apply unless the association specifically states otherwise in its stakes or condition book.

[Statutory Authority: RCW 67.16.040. 00-20-028, § 260-52-020, filed 9/27/00, effective 10/28/00; Order 3, § 260-52-020, filed 5/12/69; Rule 210, filed 4/21/61.]

**WAC 260-52-030 Starting the race.** (1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a non-starter.

(3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a non-starter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, exclude individual horses from one or more parimutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multirace wagers.

[Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-030, filed 3/1/00, effective 4/1/00; Order 74.2, § 260-52-030, filed 10/30/74; Order

73.7, § 260-52-030, filed 12/3/73; Rules 247, 248, 249 and 254, filed 4/21/61.]

**WAC 260-52-040 Post to finish.** (1) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win. No jockey shall unnecessarily cause his/her horse to shorten its stride so as to give the appearance of having suffered a foul.

(2) If a jockey strikes or touches another jockey or another jockey's horse or equipment, his/her mount may be disqualified.

(3) When clear in a race a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it may be disqualified;

(4) A horse which interferes with another and thereby causes any other horse to lose ground or position or causes any other horse to break stride, when such other horse is not at fault and when such interference occurs in a part of the race where the horse interfered with loses the opportunity to place where it might, in the opinion of the stewards be reasonably be expected to finish, may be disqualified;

(5) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible;

(6) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

(7) When the stewards determine that a horse shall be disqualified, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last;

(8) If a horse is disqualified, any horse or horses with which it is coupled as an entry may also be disqualified;

(9) When a horse is disqualified in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one-hundredth of a second penalty or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time;

(10) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse;

(11) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(12) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his/her best efforts to win.

(13) Any jockey who uses a whip during the running of a race is prohibited from whipping a horse:

(a) In an excessive or brutal manner;

(b) On the head, flanks, or on any part of its body other than the shoulders or hind quarters;

(c) During the post parade except when necessary to control the horse;

(d) When the horse is clearly out of the race.

[Statutory Authority: RCW 67.16.040. 00-06-069, § 260-52-040, filed 3/1/00, effective 4/1/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-52-040, filed 3/24/81; Rule 211, filed 4/21/61.]

**WAC 260-52-050 Placing judges—Duties.** The placing judge or judges shall be primarily responsible for ascertaining violations of WAC 260-52-040 during the running of a race and shall additionally report to the stewards the winning horses of each race and perform each and every other duty delegated by the commission. If there is a close finish, the photograph shall be submitted to the stewards for examination and for concurrence on the result before the order of finish of the race is displayed or announced. In the case of a dead heat, or disagreement as to the correct order of finish, the decision of the stewards shall be final. In placing the horses at the finish, the position of the horses noses only shall be considered and not any other part of the body.

[Order 75-1, § 260-52-050, filed 2/18/75; Rule 202, filed 1/30/67; Rule 202, filed 4/21/61.]

**WAC 260-52-060 Camera and photographs.** (1) On all tracks proper cameras shall be installed as an aid to the stewards, placing and patrol judges, however, in all cases, the cameras are merely an aid and the decisions of the stewards are to be final. The photograph or video image of each finish shall be posted in at least one conspicuous place as promptly as possible after each race where a photo finish occurs.

(2) The association shall keep on file for the duration of the meeting each plate or film or tape of each race for reference or reproduction upon request of the commission.

[Statutory Authority: RCW 67.16.040. 00-07-041, § 260-52-060, filed 3/6/00, effective 4/6/00; Rule 203, filed 1/30/67; Rules 203 and 204, filed 4/21/61.]

**WAC 260-52-070 Declaring race "official."** (1) The clerk of the scales shall weigh in all jockeys after each race, and after weighing, shall notify the stewards if the weights are correct. The stewards may then declare the race official. However, the commission may authorize a racing association to employ a "fast official" method of declaring a race official when a written request is received from the racing association at least 45 days prior to the opening of the race meeting. When using the "fast official" jockeys shall claim foul immediately following the running of the race, while still mounted on the race track. The association will be responsible for having an outrider or other individual situated on the race track and equipped with a communication device for relaying any objections to the stewards. Owners and trainers must claim foul directly to the stewards via telephones assigned by the association for that purpose and situated throughout the facility. No claim of foul will be considered by the stewards after a race has been declared official.

(2) Nothing in these rules shall be construed to prevent the placing judges, with the approval of the stewards, from correcting an error before the display of the sign "official" or

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from recalling the sign, "official" in case it has been displayed through error.

[Statutory Authority: RCW 67.16.040. 99-05-047, § 260-52-070, filed 2/12/99, effective 3/15/99; Rules 205 and 206, filed 4/21/61.]

**WAC 260-52-080 Official time of the race.** That the time recorded for the first horse to cross the finish line shall be the official time of the race. (Except as provided by WAC 260-70-710, namely, that if a horse establishes a track record and it later develops in the chemical analysis of the sample that there is the presence of a drug, then such track record shall be null and void.)

[Statutory Authority: RCW 67.16.040. 00-20-027, § 260-52-080, filed 9/27/00, effective 10/28/00; Rule 277, filed 4/21/61.]

**WAC 260-52-090 Dead heats.** See WAC 260-64-060.

**Chapter 260-56 WAC  
OBJECTIONS AND PROTESTS**

**WAC**

260-56-010	Who may file.
260-56-020	Requisites—Time for filing.
260-56-030	Costs and expenses.
260-56-040	Disposition of moneys, prizes, pending outcome.
260-56-050	Withdrawal of protests.
260-56-060	Frivolous protests.
260-56-070	Records and reports.

**WAC 260-56-010 Who may file.** (1) A protest, except a protest involving fraud, may be filed only by the owner (or his authorized agent), trainer, or jockey of a horse engaged in the race over which the protest is made or by a racing official of the meeting.

(2) A protest involving fraud may be made by any person.

[Rules of racing, §§ 220, 221, filed 4/21/61.]

**WAC 260-56-020 Requisites—Time for filing.** (1) A protest, except a claim growing out of happenings in the running of the race, must be made in writing, signed by the complainant and filed with the stewards before post time of the race in question.

(2) To merit consideration, a protest against the programmed distance of a race must be made at least thirty minutes before post time for that race, but nothing in this rule shall affect the rule for races run at a wrong distance as compared with the official program.

(3) To merit consideration, a protest against a horse based on a happening in a race must be made to the stewards before the placing of the horses for that race has been officially confirmed.

(4) If a jockey wishes to protest a happening in a race, he must notify the clerk of the scales, immediately upon his arrival at the scales for weighing in.

[Rules of racing, §§ 222 through 225, filed 4/21/61.]

**WAC 260-56-030 Costs and expenses.** (1) Before the consideration for a protest, the stewards may demand a deposit of \$50.00 to be made with the racing commission. This deposit shall be applied to the costs and expenses, as provided in subsection (2) of this section. Any excess shall be

refunded unless the protest is found to be frivolous, in which case the deposit may be assessed as a fine.

(2) A person or persons lodging a protest must pay all costs and expenses incurred in determining the object unless his objection is upheld, in which case the cost shall be paid by the offender.

[Rules of racing, §§ 226, 227, filed 4/21/61.]

**WAC 260-56-040 Disposition of moneys, prizes, pending outcome.** Pending the determination of a protest, any money or prize won by a protested horse, or any other money affected by the outcome of the protest shall be held by the racing association until the protest is determined.

[Rules of racing, § 228, filed 4/21/61.]

**WAC 260-56-050 Withdrawal of protests.** A protest may not be withdrawn without permission of the stewards.

[Rules of racing, § 229, filed 4/21/61.]

**WAC 260-56-060 Frivolous protests.** No person shall make frivolous protests.

[Rules of racing, § 230, filed 4/21/61.]

**WAC 260-56-070 Records and reports.** The stewards shall keep a record of all protests and complaints and of any action taken thereon; and shall report both daily to the commission.

[Rules of racing, § 231, filed 4/21/61.]

## Chapter 260-60 WAC CLAIMING

### WAC

260-60-300	Who may claim.
260-60-310	Entering in a claiming race.
260-60-320	Limit to number.
260-60-330	Claims to be in amount printed on program.
260-60-340	Disposition by lot.
260-60-350	Requirements for a claim.
260-60-360	Stewards to act on claims.
260-60-370	Affidavit.
260-60-380	Prohibited actions.
260-60-390	Claim in bad faith.
260-60-400	Entry of a filly or mare in foal.
260-60-410	Claimed horse—In whose interest run—Delivery and passage of title.
260-60-420	Claimed horse—Refusal to deliver.
260-60-430	Claimed horse—Subsequent entry.
260-60-440	Claimed horse—Subsequent sale or transfer—Retention by owner.
260-60-450	Claimed horse—Title recognized according to rules of meeting.
260-60-460	Cancellation of claims.
260-60-470	Rules apply to all races.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-60-010	Who may claim—Owner or agent. [Order 73.7, § 260-60-010, filed 12/3/73; Rules of racing, § 33, filed 4/21/61; Amended 3/8/63, filed 1/21/64.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-020	Prospective owner or agent. [Statutory Authority: RCW 67.16.020 and 67.16.040. 80-01-032 (Order 79-04), § 260-60-020, filed 12/17/79; Order 73.7, § 260-60-020, filed 12/3/73; Rules of racing, § 33(a), Added 3/8/63, filed 1/21/64.] Repealed by 96-12-008, filed 5/23/96,

260-60-030	effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-040	Limit as to number claimed. [Rules of racing, §§ 34, 35, 36, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-050	Claims to be in amount printed on program—Disposition by lot. [Rules of racing, § 41, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-060	Formal requisites of claim. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-050, filed 4/22/81; Rules of racing, § 42, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-070	Deposit with association of amount of claim—Receipt credit. [Order 73.7, § 260-60-060, filed 12/3/73; Rules of racing, § 43, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-080	Time for deposit of claim in claiming box—Claims irrevocable. [Order 73.7, § 260-60-070, filed 12/3/73; Rules of racing, § 46, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-090	Divulging information prohibited. [Rules of racing, § 47, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-100	Stewards to pass on claims. [Order 73.7, § 260-60-090, filed 12/3/73; Rules of racing, § 48, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-110	Affidavit as to claim in own account or as agent. [Rules of racing, § 50, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-115	Unlawful agreements—Intimidation. [Rules of racing, § 52, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-120	Claim in bad faith. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-115, filed 4/22/81.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-130	Disclosure of incumbrances—Entry of mare in foal in a claiming race. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-08-013 (Order 81-01), § 260-60-120, filed 3/24/81; Rules of racing, § 53, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-140	Claiming race, limit as to horses in same interest or control. [Rules of racing, § 44, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-150	Claimed horse—In whose interest run—Delivery and passage of title. [Rules of racing, § 49, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-160	Claimed horse—Refusal to deliver. [Rules of racing, § 51, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-170	Claimed horse—Subsequent entry. [Rules of racing, § 37, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-180	Claimed horse—Subsequent sale or transfer—Retention by owner. [Rules of racing, § 38, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-190	Claimed horse—Racing elsewhere. [Rules of racing, § 39, filed 8/26/65; Rules of racing, § 39, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
260-60-200	Claimed horse—Title recognized according to rules of meeting. [Rules of racing, § 40, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
	Claimed horse—Foal certificate. [Rules of racing, § 45, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

- 260-60-210 Cancellation of claims. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-210, filed 4/22/81; Rules of racing, § 57, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.
- 260-60-220 Claiming rights when stable eliminated. [Rules of racing, §§ 55, 56, filed 4/21/61.] Repealed by Order 73.7, filed 12/3/73.
- 260-60-230 Rules apply to all races. [Rules of racing, § 54, filed 4/21/61.] Repealed by 96-12-008, filed 5/23/96, effective 6/23/96. Statutory Authority: RCW 67.16.040.

**WAC 260-60-300 Who may claim.** Who may claim: Owner, authorized agent or prospective owner possessing a claiming certificate.

(1) In claiming races, any horse is subject to be claimed for its entered price by any owner at that meeting or by a licensed authorized agent for the account of such owner. For the purpose of this rule an "owner" shall be deemed to be an owner as defined in WAC 260-12-010. Furthermore, such owner shall be registered in good faith for racing and has had a horse or horses occupying assigned stall space for the race meeting. The right to claim shall not be forfeited even though all horses occupying such stall space may have been eliminated.

(2) In addition to the above rule, any horse is subject to be claimed by a person or a licensed authorized agent for the account of such person, providing such person has applied to and has been approved by the commission as a prospective owner and has been issued a claiming certificate. The names of persons obtaining a claiming certificate shall be prominently displayed in the offices of the commission and the racing secretary. Once the prospective owner has successfully claimed a horse he/she must secure an owner's license on a timely basis. An applicant for a claim certificate shall submit to the Stewards:

- (a) A completed application for a claiming permit and the licensing fee;
- (b) The name of a licensed trainer who will assume the care and responsibility for any horse claimed;
- (c) The stewards shall issue a claim certificate upon satisfactory evidence that the applicant is eligible for an owner's license;
- (d) The claim certificate shall expire with the conclusion of the race meeting at which it was issued, or upon the claim of a horse, or upon issuance or denial of an owner's license, whichever comes first;
- (e) A claim certificate may be renewed by the stewards during the same year with no additional fee;
- (f) A claiming certificate may be issued to a person who had been licensed as an owner during a previous race meet.

[Statutory Authority: RCW 67.16.020. 04-24-019, § 260-60-300, filed 11/22/04, effective 12/23/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-300, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-310 Entering in a claiming race.** A person entering a horse in a claiming race warrants that the title to said horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized

claiming race will terminate any existing prior lease for that horse.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-310, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-320 Limit to number.** (1) No person shall claim more than one horse in any one race.

(2) No authorized agent, although representing several owners shall submit more than one claim for any one race.

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

(4) In claiming races not more than two horses in the same interest or under the control of the same trainer can start.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-320, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-330 Claims to be in amount printed on program.** The claiming price of each horse in a claiming race shall be printed on the program, and all claims for said horse shall be the amount so designated. Except as ordered by the stewards, no claiming price may be changed after a horse has been entered for a race.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-330, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-340 Disposition by lot.** Should more than one claim be filed for the same horse, the claim of the horse shall be determined by lot under the direction of one or more of the stewards, or their representative.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-340, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-350 Requirements for a claim.** (1) Claims must be made in writing and signed by an owner, a licensed prospective owner, or an authorized agent; and

(2) Shall be made on forms and in envelopes furnished by the association and approved by the commission. Both forms and envelopes must be filled out completely, and must be sufficiently accurate to identify the claim.

(3) In the case of joint ownership only one owner needs to sign.

(4) No money shall accompany the claim. Each person desiring to make a claim, must first establish an account with the racing association and have on deposit with the association the whole amount of the claim (including any applicable taxes). The deposit shall be in cash, or in the discretion of the association, a certified or bank cashier check.

(5) Claims shall be deposited in the claiming box at least fifteen minutes before the established post time of the race for which the claim is filed. When a claim has been filed it is irrevocable and at the risk of claimant.

(6) When a claiming certificate is to be used, that certificate must accompany the claim, or the claim may be declared void.

[Statutory Authority: RCW 67.16.020. 04-05-093, § 260-60-350, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-350, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-360 Stewards to act on claims.** After deposit of the claim the stewards or their authorized representative, shall review the claim. Unless approved at such time, the claim shall be deemed void. A ruling deeming a claim to be void shall be final in all respects.

[Statutory Authority: RCW 67.16.020. 04-05-093, § 260-60-360, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-360, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-370 Affidavit.** The stewards may, at any time, in their discretion, require any person making a claim for a horse in any claiming race, to affirm in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-370, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-380 Prohibited actions.** (1) No official or other employee of any association shall give any information as to the filing of claims until after the race has been run.

(2) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race.

(3) No person shall attempt, by intimidation, to prevent any one from running a horse in any race for which it is entered.

(4) No owner or trainer, starting a horse in any claiming race, shall make any agreement for the protection of each other's horses.

(5) A person shall not claim a horse in which he/she has a financial or beneficial interest as an owner or trainer.

(6) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(7) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-380, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-390 Claim in bad faith.** If the stewards find that a person has leased, sold or entered a horse merely for the purpose of entering a claim, that claim may be declared void.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-390, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-400 Entry of a filly or mare in foal.** No person shall enter a filly or mare in a race when such mare is pregnant, unless prior to the time of entry the owner shall have deposited with the racing secretary a signed agreement providing that the owner will at the time of entry provide for the successful claimant of such mare, without cost, protest, or fee of any kind, a valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare may file with the commission a petition for rescission of the claim if it is determined the claimed mare is pregnant and the agreement concerning the stallion service certificate was not deposited as required by this section. An in-foal filly or mare shall be eligible to be entered into a claiming race only if the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in his/her office;

(2) The stallion service certificate has been deposited with the racing secretary's office and attached to the horse's foal registration certificate;

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) No filly or mare in foal may race, in a claiming race, after the fifth month of pregnancy.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-400, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-410 Claimed horse—In whose interest run—Delivery and passage of title.** Every horse claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse shall be vested in the successful claimant from time said horse becomes a "starter." Henceforth, the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during the race or after it. Transfer of possession of a claimed horse shall take place immediately after the race has been run unless otherwise directed by the stewards. If the horse is required to be taken to the test barn for post-race testing, the successful claimant or his/her representative shall maintain physical custody of the claimed horse. However, the original owner, trainer or his/her representative shall accompany the horse, observe the testing procedure and sign the test sample tag.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-410, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-420 Claimed horse—Refusal to deliver.** No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question shall be disqualified until delivery is made.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-420, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-430 Claimed horse—Subsequent entry.** A claimed horse, which won the race from which it was claimed, shall not enter for thirty days after being claimed in a race in which the determining eligibility price is less than 25% more than the price at which the horse was claimed. The day claimed shall not count but the following calendar day shall be the first day and the horse shall be entitled to enter whenever necessary so the horse may start on the 31st calendar day following the claim for any claiming price. This provision shall not apply to starter handicaps in which the weight to be carried is assigned by the handicapper.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-430, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-440 Claimed horse—Subsequent sale or transfer—Retention by owner.** If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from date of claim, nor shall it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-440, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-450 Claimed horse—Title recognized according to rules of meeting.** When a horse is claimed at a recognized meeting under rules which are at variance with these rules, title to such horse shall be recognized in Washington to follow the rules of the meeting under which the claim was made.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-450, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-460 Cancellation of claims.** If within thirty days from the running of the race, in which a horse is claimed, the stewards find that a claim was made in violation of the rules of racing the stewards may disallow and cancel any such claim and order the return of the horse and the claim payment. In deciding whether to cancel a claim the stewards shall consider which party was at fault, the status of the horse at the time the claiming violation is discovered, and such other factors as appropriate. Should the stewards cancel a claim, they may order, as appropriate, payment for the care and maintenance of the horse involved. The stewards may refer to the commission for further action any case involving a violation of the rules of racing with respect to a claim regardless of whether the stewards deem it appropriate to order the cancellation of the claim.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-460, filed 5/23/96, effective 6/23/96.]

**WAC 260-60-470 Rules apply to all races.** These rules shall apply to all races under the jurisdiction of the commission.

[Statutory Authority: RCW 67.16.040. 96-12-008, § 260-60-470, filed 5/23/96, effective 6/23/96.]

**Chapter 260-64 WAC  
WINNINGS**

**WAC**

260-64-010	What embraced in winnings—"Winner of a certain sum."
260-64-020	Winnings in stake race.
260-64-030	Extra amount won in series of races.
260-64-040	Foreign winnings.
260-64-050	Entrance money, starting and subscription fees.
260-64-060	Dead heats.

**WAC 260-64-010 What embraced in winnings—"Winner of a certain sum."** Winnings shall include all prizes 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 or 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.

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

[Order 74.2, § 260-64-010, filed 10/30/74, effective 1/1/75; Rules of racing, § 315, filed 4/21/61.]

(2005 Ed.)

**WAC 260-64-020 Winnings in stake race.** The winnings of a horse in a stake race shall be computed on the value of the gross earnings on and after January 1, 1961.

[Rules of racing, § 316, filed 4/21/61.]

**WAC 260-64-030 Extra amount won in series of races.** In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horse's winnings until the series or part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained it shall be added to the race which determined the extra amount.

[Rules of racing, § 317, filed 4/21/61.]

**WAC 260-64-040 Foreign winnings.** Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winnings.

[Rules of racing, § 318, filed 4/21/61.]

**WAC 260-64-050 Entrance money, starting and subscription fees.** The entrance money, starting and subscription fees, in every race, shall go to the winner unless otherwise provided in its conditions, but when from any cause a race is not run, all stakes or entrance money, if any paid, shall be returned.

[Rules of racing, § 319, filed 4/21/61.]

**WAC 260-64-060 Dead heats.** (1) When two or more horses run a dead heat, the dead heat shall not be run off.

(2) The owners of the horses in a dead heat shall divide equally the purse money involved.

(3) If a dead heat is for first place, each horse shall be considered a winner of the amount received according to subsection (2) of this section.

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

(5) Owners shall divide equally all moneys and other prizes and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

[Rules of racing, §§ 77 through 81, filed 4/21/61.]

**Chapter 260-66 WAC  
WALKING OVER**

**WAC**

260-66-010	Walking over.
260-66-020	Awards.
260-66-030	Entry of two or more horses.

**WAC 260-66-010 Walking over.** If, at the time for saddling, only one horse shall have weighed out, that horse shall be ridden past the judge's stand, go to the post, and then move over the course. He shall then be deemed the winner.

[Rules of racing, § 292, filed 4/21/61.]

**WAC 260-66-020 Awards.** (1) In case of a walkover, the horse walking over shall receive:

(a) In overnight races, one-half of the winner's rightful share of first money.

(b) In stake races, one-half of the winner's rightful share of the added money and all fees.

(2) In case of a walkover, any money or prize which by the condition of the race would have been awarded to a horse placed second, or lower in the race, shall, if contributed by the owners, be paid to the winner. If a donation from any other source, it shall not be awarded.

[Rules of racing, §§ 293, 294, filed 4/21/61.]

**WAC 260-66-030 Entry of two or more horses.** In case of a walkover involving an entry of two or more horses and the horses move over the course, these rules apply as to the division of the purse.

[Rules of racing, § 295, filed 4/21/61.]

### Chapter 260-70 WAC

#### CONTROLLED MEDICATION PROGRAM

##### WAC

260-70-500	Definitions applicable to chapter 260-70 WAC.
260-70-510	Equine health and safety.
260-70-520	Trainer responsibility.
260-70-530	Veterinarians under authority of official veterinarian.
260-70-540	Veterinarians' reports.
260-70-545	Prohibited practices.
260-70-550	Medical labelling.
260-70-560	Treatment restrictions.
260-70-570	Physical inspection of horses.
260-70-580	Veterinarian's list.
260-70-590	Reporting to the test barn.
260-70-600	Sample collection.
260-70-610	Storage and shipment of split samples.
260-70-620	Medication restrictions.
260-70-630	Threshold levels.
260-70-640	Permitted medication.
260-70-650	Furosemide.
260-70-660	Furosemide list.
260-70-670	Penalties—Guidelines.
260-70-680	Uniform classification guidelines.
260-70-690	Penalty recommendations (in the absence of mitigating circumstances).
260-70-700	Penalties relating to permitted medication.
260-70-710	Voiding track record.
260-70-720	Posterior digital neurectomy.
260-70-730	Postmortem examination.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-70-010	Definitions applicable to chapter 260-70 WAC. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-04-026 (Order 88-06), § 260-70-010, filed 1/25/89; 87-15-020 (Resolution No. 87-03), § 260-70-010, filed 7/8/87; 86-09-072 (Order 86-02), § 260-70-010, filed 4/21/86; 84-06-061 (Order 84-01), § 260-70-010, filed 3/7/84; Order 75.5, § 260-70-010, filed 10/17/75; Order 74.1, § 260-70-010, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
260-70-020	Medication permitted—Prohibited. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-020, filed 5/4/78; Order 74.1, § 260-70-020, filed 5/22/74, effective 7/1/74.] Repealed by 80-01-072 (Order 79-02), filed 12/24/79. Statutory Authority: RCW 67.16.020 and 67.16.040.
260-70-021	Medication standards. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-021, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-021, filed 3/7/84; 82-03-053 (Order 82-01), § 260-70-021, filed 1/20/82; 80-01-072 (Order

79-02), § 260-70-021, filed 12/24/79.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-025 Bleeder list. [Statutory Authority: RCW 67.16.040. 93-23-009, § 260-70-025, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-025, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-025, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-026 Bleeder treatment. [Statutory Authority: RCW 67.16.040. 94-20-070, § 260-70-026, filed 10/3/94, effective 11/3/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-026, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-026, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-027 Reciprocity of bleeder list. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-027, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-028 Detention stall. [Statutory Authority: RCW 67.16.040. 93-23-008, § 260-70-028, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-028, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-029 Receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-029, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-030 When administration prohibited. [Order 74.1, § 260-70-030, filed 5/22/74, effective 7/1/74.] Repealed by 80-01-072 (Order 79-02), filed 12/24/79. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-70-031 Reporting to receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-031, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-032 Exclusion from receiving and detention barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-032, filed 3/7/84.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-040 Horses to be tested. [Statutory Authority: RCW 67.16.040. 94-04-002, § 260-70-040, filed 1/20/94, effective 2/20/94. Statutory Authority: RCW 67.16.020 and 67.16.040. 82-07-016 (Order 82-02), § 260-70-040, filed 3/9/82; Order 74.1, § 260-70-040, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-050 Procedure for taking specimens. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-050, filed 7/8/87. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-050, filed 5/4/78; Order 74.1, § 260-70-050, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-060 Effect of laboratory analysis. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-060, filed 5/4/78; Order 74.1, § 260-70-060, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-070 Persons responsible. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-070, filed 5/4/78; Order 74.1, § 260-70-070, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

260-70-080 Procedure upon positive finding by chief chemist. [Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-080, filed 5/4/78; Order 74.1, § 260-70-080, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

- 260-70-090 Permitted level of approved NSAIDs. [Statutory Authority: RCW 67.16.020 and 67.16.040. 89-04-026 (Order 88-06), § 260-70-090, filed 1/25/89; 87-15-020 (Resolution No. 87-03), § 260-70-090, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-090, filed 3/7/84; 80-05-132 (Order 79-03), § 260-70-090, filed 5/7/80; Order 74.1, § 260-70-090, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-100 Penalties relating to overage of permitted medication. [Statutory Authority: RCW 67.16.020 and 67.16.040. 85-12-057 (Order 85-02), § 260-70-100, filed 6/5/85; 84-06-061 (Order 84-01), § 260-70-100, filed 3/7/84; 83-19-054 (Order 83-04), § 260-70-100, filed 9/19/83; 82-03-053 (Order 82-01), § 260-70-100, filed 1/20/82; 80-05-132 (Order 79-03), § 260-70-100, filed 5/7/80; Order 74.1, § 260-70-100, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-110 Commission may require association to set apart place for medication and testing. [Order 74.1, § 260-70-110, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-120 Sampling medications and drugs. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-120, filed 7/8/87; Order 74.1, § 260-70-120, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-130 Voiding track record. [Order 74.1, § 260-70-130, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-140 Hypodermic instruments. [Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-70-140, filed 4/22/81; Order 74.1, § 260-70-140, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-150 Who may administer medications. [Order 74.1, § 260-70-150, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-160 Veterinarians under the supervision of state veterinarian—Test barn veterinarian. [Order 74.1, § 260-70-160, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-170 Veterinarian report. [Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-170, filed 7/8/87; 80-05-132 (Order 79-03), § 260-70-170, filed 5/7/80. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-170, filed 5/4/78; Order 74.1, § 296-70-170, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-180 Improper medication. [Order 74.1, § 260-70-180, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-190 Blocking of legs or ankles. [Order 74.1, § 260-70-190, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-200 Bandages. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-200, filed 4/9/82. Statutory Authority: RCW 67.16.020. 78-06-001 (Order 78-1), § 260-70-200, filed 5/4/78; Order 74.1, § 260-70-200, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-210 Nerving. [Order 74.1, § 260-70-210, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-220 Posterior digital neurectomy. [Order 74.1, § 260-70-220, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-230 List of nerved horses. [Order 74.1, § 260-70-230, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-240 Examination required. [Order 74.1, § 260-70-240, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-250 Medication procedures and related instructions. [Order 74.1, § 260-70-250, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-260 Adulteration of sample. [Order 74.1, § 260-70-260, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-270 Labelling of medications. [Order 74.1, § 260-70-270, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-280 Effective date—Repealer. [Order 74.1, § 260-70-280, filed 5/22/74, effective 7/1/74.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-290 Reporting to receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-290, filed 4/9/82.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.
- 260-70-300 Exclusion from receiving barn. [Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-300, filed 4/9/82.] Repealed by 96-10-001, filed 4/17/96, effective 5/18/96. Statutory Authority: RCW 67.16.040.

**WAC 260-70-500 Definitions applicable to chapter 260-70 WAC.** (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent testing procedures.

(2) "Post time" means the time set for the arrival at the starting point of the horses in a race as specified in writing and posted by the board of stewards.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-500, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-510 Equine health and safety.** The purpose of this chapter is to protect the integrity of horse racing, to ensure the health and welfare of animals under the jurisdiction of the commission and to safeguard the interests of the public and the participants in racing. With this in mind, the commission shall convene an annual meeting, open to all interested parties, for the purpose of review of veterinarian practices, equine health and medication. Such meeting shall include:

(1) An annual report from an official veterinarian.

(2) Presentation of data regarding equine medication and treatment, including a review of the commission's list of quantitative medication levels and recommendations for modifications to the list of quantitative medication levels.

(3) Public comment regarding equine health and safety, medication and veterinarian practices.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-510, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-520 Trainer responsibility.** The purpose of this subsection is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well being of horses in his/her care.

(1) The trainer is solely responsible for the condition of horses in his/her care.

(2) The trainer is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(4) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(5) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses;

(d) Ensuring that at the time of arrival at locations under the jurisdiction of the commission a valid health certificate and a valid negative equine infectious anemia (EIA) test certificate accompany each horse in accordance with state law;

(e) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) Promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing postmortem examinations;

(i) Maintaining a knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a prerace soundness inspection as prescribed in this chapter;

(m) Ensuring proper bandages, equipment and shoes;

(n) Presence in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

(o) Personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards; and

(p) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-520, filed 4/17/96, effective 5/18/96.]

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**WAC 260-70-530 Veterinarians under authority of official veterinarian.** Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of the official veterinarian and the stewards. An official veterinarian shall recommend to the stewards or the commission the discipline which may be imposed upon a veterinarian who violates the rules.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-530, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-540 Veterinarians' reports.** (1) Every veterinarian who treats a race horse at any location under the jurisdiction of the commission shall, in writing on a form approved by the commission, report to an official veterinarian the name of the horse treated, any medication, drug or substance administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The report shall be signed by the practicing veterinarian.

(3) The report shall be on file not later than the time prescribed on the next race day by the official veterinarian. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-540, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-545 Prohibited practices.** The following are considered prohibited practices:

(1) The possession or use of a drug, substance or medication, specified below, on the premises of a facility under the jurisdiction of the regulatory body for which a recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider or driver; or the use of which may adversely affect the integrity of racing;

(a) Erythropoietin

(b) Darbepoietin

(c) Oxyglobin

(d) Hemopure

(2) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the regulatory body that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.

(3) The practice, administration or application of a treatment, procedure, therapy or method identified below, which is performed on the premises of any facility under jurisdiction of the commission and which may endanger the health and welfare of the horse, endanger the safety of the rider, or the use of which may adversely affect the integrity of horse racing:

(a) Intermittent Hypoxic Treatment by External Device

[Statutory Authority: RCW 67.16.020. 04-05-094, § 260-70-545, filed 2/18/04, effective 3/20/04.]

(2005 Ed.)

**WAC 260-70-550 Medical labelling.** (1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labelled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each patient (horse) for whom the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the person (trainer) to whom the product was dispensed.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-550, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-560 Treatment restrictions.** (1) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Nonveterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, if any, and the substances do not interfere with post race testing:

- (a) A recognized noninjectable nutritional supplement or other substance approved by the official veterinarian;
- (b) A noninjectable substance on the direction or by prescription of a licensed veterinarian; or
- (c) A noninjectable nonprescription medication or substance.

(3) No person shall possess a hypodermic needle, syringe or injectable of any kind on association premises, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a needle and syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission.

(2005 Ed.)

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-560, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-570 Physical inspection of horses.** All horses at locations under the jurisdiction of the commission shall be subject to inspections at the discretion of the stewards or the official veterinarian.

(1) Every horse entered to participate in an official race shall be subject to a veterinary inspection.

(2) The inspection shall be conducted by an official veterinarian.

(3) The trainer of each horse or a representative of the trainer shall present the horse for inspection as required by the official veterinarian.

(4) The veterinary inspection of a horse's racing condition may include:

- (a) Proper identification of each horse inspected;
- (b) Observation of each horse in motion;
- (c) Manual palpation when indicated;
- (d) Observation in the paddock and saddling area, during the parade to post and at the starting gate; and
- (e) Any other inspection deemed necessary by an official veterinarian.

(5) Every horse shall be observed by an official veterinarian during and after the race.

(6) The official veterinarian shall maintain a confidential health and racing soundness record of each horse inspected.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-570, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-580 Veterinarian's list.** (1) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity or medical condition.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse is capable of competing in a race.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-580, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-590 Reporting to the test barn.** (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission shall be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, the official veterinarian, or the commission at any time on any horse on association grounds.

(3) Unless otherwise directed by the stewards or an official veterinarian, a horse that is selected for testing must be taken directly to the test barn.

(4) Access to the test barn and, if applicable, receiving barn shall be monitored and restricted. All persons who wish to enter the test barn/receiving barn area must be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-590, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-600 Sample collection.** (1) Sample collection shall be done in accordance with guidelines and instructions provided by the official veterinarian.

(2) An official veterinarian shall determine a minimum sample requirement for the primary testing laboratory.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(d) At Class C race tracks the splitting of samples will be conducted by the primary testing laboratory.

[Statutory Authority: RCW 67.16.040, 96-10-001, § 260-70-600, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-610 Storage and shipment of split samples.** (1) Split samples obtained in accordance with WAC 260-70-600, subsection 2b and 2c shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the commission.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be closed and locked so as to prevent access to the freezer at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the official veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer.

(e) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the stewards or a designated commission representative.

(2) A trainer or owner of a horse may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than 48 hours after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 72 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing.

Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be approved by the commission. The commission shall maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample.

Split sample chain of custody form requirements:

(a) The date and time the sample is removed from the split sample freezer;

(b) The sample number;

(c) The address where the split sample is to be sent;

(d) The name of the carrier and the address where the sample is to be taken for shipment;

(e) Verification of retrieval of the split sample from the freezer;

(f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;

(g) Verification of the address of the split sample laboratory on the split sample package;

(h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

(i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a commission representative in the presence of the owner, trainer or designee.

(6) A commission representative shall pack the split sample for shipment in the presence of the owner, trainer or designee, in accordance with the packaging procedures recommended by the commission. A form shall be signed by both the owner's representative and the commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner, trainer or designee. A commis-

sion representative shall keep the original and provide a copy for the owner, trainer or designee.

[Statutory Authority: RCW 67.16.020. 03-11-018, § 260-70-610, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-610, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-620 Medication restrictions.** (1) No horse shall have in its body any prohibited or interfering substance, or permitted medication, except as provided in this chapter.

(2) A finding by the official chemist of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

- (a) Drugs or medications for which no acceptable levels have been established;
- (b) Therapeutic medications in excess of acceptable levels established by the commission;
- (c) Substances present in the horse in excess of levels at which such substances could occur naturally; and
- (d) Substances foreign to a horse at levels that cause interference with testing procedures.

(3) No person shall administer, attempt to minister, or aid or abet in the administration of, any medication or drug to a horse entered to race within 24 hours of the race in which entered except in accordance with these rules.

(4) Drugs or medications in horses are permissible, provided:

- (a) The drug or medication is included in the commission's list of quantitative medication levels;
- (b) Approved nonsteroidal anti-inflammatory drugs (NSAIDS) may be administered to a horse, but not on a race day. No more than one of the NSAIDS may be used on or carried in a horse's body at any one time;
- (c) The maximum permissible urine or blood concentration of the drug or medication does not exceed the published limit.

(5) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means including naso gastric tube or dose syringe, to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication, pursuant to this chapter during the 24-hour period before post time for the race in which the horse is entered.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-620, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-630 Threshold levels.** (1) The following quantitative medication levels are permissible in test samples up to the stated quantitative levels:

Procaine	25 ng/ml urine
Benzocaine	50 ng/ml urine
Mepivacaine	10 ng/ml urine
Lidocaine	50 ng/ml urine
Bupivacaine	5 ng/ml urine
Clenbuterol	5 ng/ml urine
Acepromazine	25 ng/ml urine

Promazine	25 ng/ml urine
Salicylates	750 ng/ml urine

The official urine test sample may not contain more than one of the above drug substances, including their metabolites or analogs, in an amount up to the specified level. Official blood test samples must not contain any of the drug substances listed in this rule, including their metabolites or analogs.

(2) The following substances shall be considered environmental contaminants and are permissible in test samples up to the stated quantitative levels:

Caffeine	100 ng/ml urine
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Official blood test samples must not contain any of the substances listed in this rule, including their metabolites or analogs.

[Statutory Authority: RCW 67.16.020. 04-05-095, § 260-70-630, filed 2/18/04, effective 3/20/04; 03-11-019, § 260-70-630, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-630, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-640 Permitted medication.** Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication shall be a violation of these rules. The use of phenylbutazone, naproxen or meclufenamic acid shall be permitted under the following conditions:

- (1) Phenylbutazone shall be administered in such dosage amount that the test sample shall not contain not more than 5 micrograms of phenylbutazone or oxyphenbutazone per milliliter of blood plasma.
- (2) Naproxen shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma.
- (3) Meclofenamic acid shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-640, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-650 Furosemide.** (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list.

(2) The use of furosemide shall be permitted under the following circumstances:

- (a) Furosemide shall be administered on the grounds of the association, by a singular intravenous injection, prior to post time for the race for which the horse is entered.
- (b) The furosemide dosage administered shall not exceed 500 mg.
- (c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which

the horse is entered the following information under oath on a form provided by the commission:

- (i) The racetrack name, the date and time the furosemide was administered to the entered horse;
- (ii) The dosage amount of furosemide administered to the entered horse; and
- (iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.
- (iv) The signature of the trainer or his/her representative.
- (d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

[Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-650, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 02-10-102, § 260-70-650, filed 4/30/02, effective 5/31/02; 96-10-001, § 260-70-650, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-660 Furosemide list.** (1)(a) The official veterinarian shall maintain a furosemide list of all horses eligible to race with furosemide. The list is a statewide list that applies only at Class A or Class B licensed associations and not at any other track.

(b) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the commission representative, providing sufficient time to ensure public notification.

(c) If the commission so orders, horses placed on the furosemide list shall be placed in a pre-race detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. The detention stall shall be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain in its barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the detention stall to engage in exercise blowouts or warm-up heats.

(2) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's furosemide certification shall be affixed to the horse's certificate of registration.

(3) Every horse eligible to race with furosemide, regardless of age, shall be placed on the furosemide list.

(4) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on forms prescribed by the commission and must be submitted to the commission designee no later than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of 30 calendar days unless determined to be detrimental to the welfare of the horse, in consultation with the commission designee.

(5) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

(6) The specific gravity of post-race urine samples shall not be below 1.010. If the specific gravity of the post-race urine sample is determined to be below 1.010, quantitation of furosemide in serum shall then be performed, and concentrations above 100 nanograms of furosemide per milliliter of serum or plasma shall constitute a violation of WAC 260-70-700.

(7) A horse that has been administered furosemide that does not show a detectable concentration of the drug in the post-race serum, plasma or urine sample or it shall be considered in violation of these medication rules and subject to penalty as prescribed in this chapter.

[Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-660, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-660, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-670 Penalties—Guidelines.** Upon a finding of a violation of these medication and prohibited substances rules, the stewards shall consider the uniform classification level of the violation as listed herein prior to imposing a penalty. The stewards shall also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation. Provided, however, that in the event a majority of the stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-670, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-680 Uniform classification guidelines.** The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

(1) Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the race horse and their pharmacological potential for altering the performance of a race is very high.

(2) Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the race horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a race horse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;

- (b) Nonopiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and
- (h) Snake venoms and other biologic substances which may be used as nerve blocking agents.

### (3) Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a race horse. The following groups of drugs are in this class:

- (a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);
- (b) A local anesthetic which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

(c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;

(d) Primary vasodilating/hypotensive agents; and

(e) Potent diuretics affecting renal function and body fluid composition.

### (4) Class 4

This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

(a) Non-opiate drugs which have a mild central analgesic effect;

(b) Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects;

(i) Drugs used solely as topical vasoconstrictors or decongestants,

(ii) Drugs used as gastrointestinal antispasmodics,

(iii) Drugs used to void the urinary bladder,

(iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.

(c) Antihistamines which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);

(d) Mineralocorticoid drugs;

(e) Skeletal muscle relaxants;

(f) Anti-inflammatory drugs—those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

(i) Nonsteroidal anti-inflammatory drugs (NSAIDs)—aspirin-like drugs;

(ii) Corticosteroids (glucocorticoids); and

(iii) Miscellaneous anti-inflammatory agents.

- (g) Anabolic and/or androgenic steroids and other drugs;
- (h) Less potent diuretics;
- (i) Cardiac glycosides and antiarrhythmics including:
  - (i) Cardiac glycosides;
  - (ii) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol); and
  - (iii) Miscellaneous cardiotoxic drugs.

(j) Topical anesthetics—agents not available in injectable formulations;

(k) Antidiarrheal agents;

(l) Miscellaneous drugs including:

(i) Expectorants with little or no other pharmacologic action;

(ii) Stomachics; and

(iii) Mucolytic agents.

(m) Substances foreign to a horse at levels that cause interference with testing procedures.

### (5) Class 5

(a) Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

(b) Noninterfering levels of sulfa drugs, antibiotics, anthelmintics and vitamins in a horse's post-race urine or blood test may not be considered a violation of these rules.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-680, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-690 Penalty recommendations (in the absence of mitigating circumstances).** (1) Class 1—One to five years suspension and at least \$5,000 fine and loss of purse.

(2) Class 2—Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(3) Class 3—Sixty days to six months suspension and up to \$1,500 fine and loss of purse.

(4) Class 4—Zero to 60 days suspension and up to \$1,000 fine and loss of purse.

(5) Class 5—Zero to 15 days suspension with a possible loss of purse and/or fine.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-690, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-700 Penalties relating to permitted medication.** (1) Should the laboratory analysis of urine or blood taken from a horse, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules or the presence of phenylbutazone or oxyphenbutazone, naproxen or meclufenamic acid in excess of the quantities authorized by the rules, the stewards or commission shall levy the following penalties against each person found responsible:

(a) For a first offense within a 365 day period, a fine of \$300;

(b) For a second offense within a 365 day period, \$750;

(c) For a third offense within a 365 day period, a fine of \$1,000 with a 15 to 60 day suspension.

(2) Should the laboratory analysis of urine or blood taken from a horse show the presence of furosemide without per-

mission from the official veterinarian, the stewards or commission shall treat the violation as a class 5 offense.

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

[Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-700, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 00-07-042, § 260-70-700, filed 3/6/00, effective 4/6/00; 96-10-001, § 260-70-700, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-710 Voiding track record.** In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of any prohibited substances for which the purse is redistributed, then such track record shall be null and void.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-710, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-720 Posterior digital neurectomy.** (1) No person shall bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as a bloodstock agent in the sale of, any horse which has been "nerved" or has had any nerve removed from the leg of such horse, except as provided in this article.

(2) The trainer shall promptly report to the racing secretary and the official veterinarian when a posterior digital neurectomy is performed and ensure that such fact is designated on the horses certificate of registration.

(3) Notwithstanding the prohibition against "nerving," a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving" is eligible to race, subject to the prohibitions in this article pertaining to nerving, provided that the official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider, that the prior approval of the official veterinarian has been obtained if the horse is on the grounds of a racing association, that the racing secretary is notified of such nerving at the time such horse is admitted to the grounds of a racing association and its registration or eligibility certificate marked to indicate such nerving.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-720, filed 4/17/96, effective 5/18/96.]

**WAC 260-70-730 Postmortem examination.** (1) The commission may require a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination the commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) The commission may require a postmortem examination of any horse that expires while housed on association grounds or at recognized training facilities within this juris-

diction. Trainers and owners shall be required to comply with such action as a condition of licensure.

(3) The commission may take possession of the horse upon death for postmortem examination. The commission may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for testing by the commission-selected laboratory or its designee. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a horse, found by the official laboratory or its designee in a bodily fluid specimen collected during the postmortem examination of a horse, may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal shall be borne by the commission.

[Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-730, filed 4/17/96, effective 5/18/96.]

## Chapter 260-72 WAC

### COMMUNICATIONS TO AND FROM GROUNDS

#### WAC

260-72-020	Transmission of race results.
260-72-040	Transmission of simulcast signal to account wagering facility.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-72-010	Communication systems, commission approval required—Closure during racing. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-72-010, filed 10/16/86; Rules of racing, § 384, filed 4/21/61.] Repealed by 03-13-073, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.020.
260-72-030	Transmission or broadcast of information relating to feature races. [Rules of racing, § 386, filed 4/21/61.] Repealed by 04-21-053, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.020.

**WAC 260-72-020 Transmission of race results.** A class 1 racing association may seek approval to broadcast its races for the purpose of satellite wagering as authorized in RCW 67.16.200 Satellite locations—Parimutuel wagering. The class 1 association shall ensure that the audio-visual signal of such broadcast shall be encrypted or manipulated to mask the original video content of the signal and so cause such signal to be indecipherable and unrecognizable to any unauthorized receiver.

[Statutory Authority: RCW 67.16.020. 04-21-053, § 260-72-020, filed 10/18/04, effective 11/18/04. Statutory Authority: RCW 67.16.040. 00-20-029, § 260-72-020, filed 9/27/00, effective 10/28/00; 94-04-003, § 260-72-020, filed 1/20/94, effective 2/20/94; Rules of racing, § 385, filed 4/21/61.]

**WAC 260-72-040 Transmission of simulcast signal to account wagering facility.** (1) A class 1 racing association may transmit simulcasts of live horse races conducted at its racetrack to an account wagering facility only in accordance with this section, RCW 67.16.200(4), and the interstate horse racing act, 15 U.S.C. Sections 3001 to 3007. In this section, "class 1 racing association" or "association" means the same as in RCW 67.16.200(7).

(2) In this section, "account wagering facility" or "facility" means a business, other than a racing association, that

(a) Facilitates parimutuel wagering on horse races it simulcasts;

(b) Is conducted outside the state of Washington; and

(c) Is licensed or otherwise permitted by law in the state in which it is located.

(3) To transmit a simulcast signal under this section, an association must file an application on a form provided by the commission at least fifteen days before the first simulcast race covered by the application. The executive secretary may approve a request to simulcast under this section, subject to rescission of the approval by the commission within sixty days. The application must include at a minimum:

(a) A copy of the written contract or agreement between the class 1 association and the account wagering facility and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(b) Written approval from the horsemen's association representing the majority of owners and trainers racing at the class 1 racing association;

(c) Written approval from the appropriate regulatory authority in the state where the account wagering facility is located;

(d) A description of how the state where the facility is located regulates and monitors the account wagering facility for compliance with applicable law and for the protection of the public; and

(e) Dates of the live race meet for which the application is being made.

(4) The written agreement between the class 1 racing association and the account wagering facility must contain substantially the following terms:

(a) A specific description of the fee structure and fees to be paid to the association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law, including any wager originating in the state of Washington unless affirmatively permitted by Washington law;

(c) The executive secretary may require the association to submit additional information if he or she determines the additional information is necessary for the commission to effectively evaluate the application;

(d) Approval of an application under this section shall be in effect from the date of approval through the close of the live race meet for which the application is made, unless rescinded by the commission under subsection (3);

(e) The commission's approval of a specific application under this section is not binding on the commission as to any other application.

(5) In determining whether to approve an application under this section, the commission shall consider the following factors:

(a) The impacts on all Washington racing associations, Washington horsemen, and the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts described in WAC 260-72-040 (3)(d) and contained in the application sufficient to ensure the integ-

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ity of all operations and financial transactions under the agreement; and

(c) Any other factor the commission identifies on the record as relevant to its approval.

(6) No class 1 racing association shall enter a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(7) Every class 1 racing association approved to transmit a simulcast signal under this section shall file with the commission a monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

[Statutory Authority: RCW 67.16.040, 03-07-058, § 260-72-040, filed 3/14/03, effective 4/14/03.]

### Chapter 260-75 WAC SATELLITE LOCATIONS

#### WAC

260-75-020  
260-75-030

Satellite locations applications.  
Satellite location policies and procedures.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-75-010

Satellite locations daily fee. [Statutory Authority: RCW 67.16.040, 91-15-036, § 260-75-010, filed 7/16/91, effective 8/16/91.] Repealed by 01-22-074, filed 11/2/01, effective 12/3/01. Statutory Authority: RCW 67.16.040.

#### WAC 260-75-020 Satellite locations applications.

Each application for a satellite location from a class 1 racing association shall be submitted on the satellite application form provided by the commission. The application form must be completed in every respect, containing all the information and attachments requested. The application includes an association satellite application, satellite location application and a satellite location application—personal history statement.

(1) The association satellite application is to be completed by the sponsoring association.

(2) The satellite location application is to be completed by the proposed satellite location. The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete. The following person(s) shall sign the application:

(a) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation;

(b) The principal owner of a sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The executive secretary may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

(3) The satellite location application—personal history statement is to be completed by each individual owner and spouse or each officer of a charitable, nonprofit or profit

seeking corporation and any stockholder having ten percent or more corporate stock.

(4) The commission will consider only those applications that have been fully completed. The following reasons will cause an application to be incomplete:

(a) Failure to provide all information requested on the application form and/or attachments;

(b) Failure to provide supplemental information requested during the application investigation.

(5) The commission may disclose to the public or discuss at a public meeting all information set forth in the application and all supplemental information submitted subject to the exemptions in chapter 42.17 RCW and other applicable laws including, but not limited to, chapter 10.97 RCW: Provided, That consistent with chapter 10.97 RCW, the commission may disclose conviction data of an applicant or licensee.

(6) In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(a) Copy of corporate applicants' articles of incorporation and bylaws; or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization;

(b) A copy of a nonprofit or charitable applicant's Internal Revenue Service tax exemption letter if one has been obtained;

(c) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the satellite activity will be conducted, if such premises are leased or rented.

(7) Before each race meet, on a form approved by the commission, the association shall submit a renewal application for each satellite location.

(8) An association shall inform the commission immediately if any changes are made to the original application.

[Statutory Authority: RCW 67.16.020. 04-19-045, § 260-75-020, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040. 00-07-040, § 260-75-020, filed 3/6/00, effective 4/6/00.]

**WAC 260-75-030 Satellite location policies and procedures.** (1) Each class 1 association shall develop internal control policies and procedures for its satellite locations. These procedures shall include controls for satellite location assets including maintaining a log of daily cash balances. The policies and procedures shall be filed with the commission.

(2) Each satellite location shall have a location manager designated by the host racing association. All location managers and mutuel clerks shall be licensed by the commission. The host association shall not activate any terminal for any person that is not currently licensed or approved by the commission.

(3) All satellite locations shall be periodically inspected by the commission to ensure that the internal control policies and procedures are followed.

[Statutory Authority: RCW 67.16.020. 04-19-045, § 260-75-030, filed 9/13/04, effective 10/14/04. Statutory Authority: RCW 67.16.040. 00-07-040, § 260-75-030, filed 3/6/00, effective 4/6/00.]

[Title 260 WAC—p. 100]

## Chapter 260-76 WAC

### BOOKMAKING

#### WAC

260-76-010 Hand books and foreign books prohibited.  
260-76-020 Bookmakers, vagrants, fugitives, undesirable persons, not permitted at track.

**WAC 260-76-010 Hand books and foreign books prohibited.** (1) No person shall make a hand book or a foreign book on the grounds of an association.

(2) No person shall solicit for or bet with a hand book or a foreign book on the grounds of an association.

[Rules of racing, §§ 377, 378, filed 4/21/61.]

**WAC 260-76-020 Bookmakers, vagrants, fugitives, undesirable persons, not permitted at track.** No person who is a bookmaker, or who is known or reputed to be a bookmaker, or is a vagrant within the meaning of the laws of Washington, or who is a fugitive from justice, or whose conduct at a race track in Washington, or elsewhere, now or heretofore, has been improper, obnoxious, unbecoming or detrimental to the best interests of racing, shall enter or remain upon the premises of any licensee conducting a horse racing meet or meeting under the jurisdiction of the commission; and all such persons shall upon discovery or recognition be forthwith ejected from race tracks in the state by licensees in this state and/or the representatives and agents of the commission.

[Rules of racing, § 379, filed 4/21/61.]

## Chapter 260-80 WAC

### CORRUPT AND PROHIBITED PRACTICES

#### WAC

260-80-010 Offering bribe.  
260-80-020 Accepting bribe.  
260-80-030 Entering ineligible horse.  
260-80-040 Offer or receipt of benefit for declaring entry.  
260-80-050 Conspiracy.  
260-80-060 Betting for account of jockey.  
260-80-070 Offers, gifts, to jockey.  
260-80-080 Horseshoes.  
260-80-090 Bar plates.  
260-80-100 Appliance to alter speed of horse.  
260-80-110 Tampering with horse.  
260-80-120 Paying fine of jockey.  
260-80-130 Improper language.  
260-80-140 Disturbing the peace.

**WAC 260-80-010 Offering bribe.** No person shall give, offer, or promise, directly or indirectly, either in his own behalf or in behalf of another, to anyone, any bribe, gift or gratuity in any form, for the purpose of improperly influencing the result of a race, or which would tend to do so.

[Rules of racing, § 65, filed 4/21/61.]

**WAC 260-80-020 Accepting bribe.** No racing official or his assistant, no owner, trainer, jockey, agent, no person having charge of or access to any race horse, nor any other person shall accept or offer to accept on his own behalf or on behalf of another, any bribe, gift or gratuity in any form to influence the result of a race or which would tend to do so.

[Rules of racing, § 66, filed 4/21/61.]

**WAC 260-80-030 Entering ineligible horse.** No person shall willfully enter, or cause to be entered, or start a horse which he knows or believes to be ineligible or disqualified.

[Rules of racing, § 67, filed 4/21/61.]

**WAC 260-80-040 Offer or receipt of benefit for declaring entry.** No person shall offer or receive money or any other benefit for declaring an entry from a race.

[Rules of racing, § 68, filed 4/21/61.]

**WAC 260-80-050 Conspiracy.** No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing nor shall he commit such an act on his own account.

[Rules of racing, § 69, filed 4/21/61.]

**WAC 260-80-060 Betting for account of jockey.** No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then only on the horse being ridden by said jockey.

[Rules of racing, § 70, filed 4/21/61.]

**WAC 260-80-070 Offers, gifts, to jockey.** No person shall offer or give a jockey any money or other benefit in relation to a race unless said person is the owner or trainer of the horse ridden in said race by said jockey.

[Rules of racing, § 71, filed 4/21/61.]

**WAC 260-80-080 Horseshoes.** A horse, starting in a race, shall not be shod with ordinary or training shoes, except by permission of the stewards.

[Rules of racing, § 72, filed 4/21/61.]

**WAC 260-80-090 Bar plates.** Bar plates may be used only with consent of the stewards, and discontinuance of their use must be approved by the stewards.

[Rules of racing, § 73, filed 4/21/61.]

**WAC 260-80-100 Appliance to alter speed of horse.** No electrical or mechanical device or other appliance designed to increase or decrease the speed of a horse (or that would tend so to do), other than the ordinary whip shall be possessed by any one or applied by any one to a horse at any time on the grounds of an association, during a meeting whether in a race or otherwise.

Any person aiding or abetting in the use or possession of, or soliciting or inducing the use or possession of such a device shall be subject to the same penalties as the penalty for possession or use.

[Order 6, § 260-80-100, filed 12/3/70; Rules of racing, § 74, filed 4/21/61.]

**WAC 260-80-110 Tampering with horse.** No person shall improperly tamper or attempt to tamper with any horse in such a way as to affect his speed in a race, nor shall he counsel or in any way aid or abet any such tampering.

[Rules of racing, § 75, filed 4/21/61.]

(2005 Ed.)

**WAC 260-80-120 Paying fine of jockey.** No person shall assume or pay, directly or indirectly, a fine imposed upon a jockey.

[Rules of racing, § 76, filed 4/21/61.]

**WAC 260-80-130 Improper language.** No person shall use improper, profane or indecent language to a racing official, or any employee or representative of the commission.

[Rules of racing, § 16, filed 4/21/61.]

**WAC 260-80-140 Disturbing the peace.** No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

[Rules of racing, § 17, filed 4/21/61.]

## Chapter 260-84 WAC FINES AND SUSPENSIONS

### WAC

260-84-010	Who may impose.
260-84-020	Report to commission.
260-84-030	Fines—When due.
260-84-050	Suspensions—Computation of time.
260-84-060	General penalty.
260-84-070	Ejectment from grounds—Permission to reenter.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-84-035	Payments in lieu of fines. [Order 73.2, § 260-84-035, filed 6/28/73.] Repealed by Order 75.7, filed 4/30/76.
260-84-040	Disposition. [Order 73.2, § 260-84-040, filed 6/28/73; Rules of racing, § 136, filed 4/21/61.] Repealed by 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020.
260-84-080	Disposition of fines—Board of relief. [Rules of racing, § 387, filed 4/21/61.] Repealed by 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020.

**WAC 260-84-010 Who may impose.** No racing official other than stewards or the starter, with the permission of the stewards, shall have the right to impose a fine or suspension.

[Order 75.7, § 260-84-010, filed 4/30/76; Order 73.2, § 260-84-010, filed 6/28/73; Rules of racing, § 133, filed 4/21/61.]

**WAC 260-84-020 Report to commission.** An official imposing a fine or suspension shall report it promptly in writing to the commission.

[Rules of racing, § 134, filed 4/21/61.]

**WAC 260-84-030 Fines—When due.** All fines shall be paid to the commission secretary within forty-eight hours after imposition.

[Statutory Authority: RCW 67.16.020. 79-06-002 (Order 79-1), § 260-84-030, filed 5/4/79; Rules of racing, § 135, filed 4/21/61.]

**WAC 260-84-050 Suspensions—Computation of time.** All suspensions for a specified period of time to be considered in calendar days. Ruling to show first and last day of suspension.

[Rules of racing, § 137, filed 4/21/61.]

**WAC 260-84-060 General penalty.** Violators of any rule shall be subject to ejection from the grounds and/or to fine, suspension or to be ruled off.

[Rules of racing, § 381, filed 4/21/61.]

**WAC 260-84-070 Ejection from grounds—Permission to reenter.** Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for this reentering has been obtained and approved by the commission.

[Rules of racing, § 382, filed 4/21/61.]

## Chapter 260-88 WAC APPEAL TO THE COMMISSION

### WAC

260-88-010 Hearing before the commission.

**WAC 260-88-010 Hearing before the commission.** Any person against whom a ruling is made by the stewards may request a hearing before the commission to challenge the ruling. However, a decision concerning the disqualification or nondisqualification of a horse due to a foul or riding infraction during the running of a race is final and will not be reviewed by the commission.

(1) Requests for a hearing before the commission must be filed with an office of the commission within seven days of service of the stewards' ruling.

(2) The request must include: The name, address, telephone number and the signature of the person making the request and a statement of the basis for the challenge to the ruling.

(3) The commission will conduct an adjudicative proceeding according to the provisions of chapter 34.05 RCW Administrative Procedure Act and chapter 260-08 WAC Practice and Procedure.

(4) On notification by the commission that a request for a hearing has been filed, the stewards shall forward to the commission the record of the ruling conference.

(5) Any person requesting a hearing before the commission will be heard in person or by counsel. A person appearing before the commission may submit his or her case entirely in writing, provided this is specified at the time of the filing of the request for hearing with the commission and this procedure is given written approval by the commission.

(6) All communications to the commission with respect to a stewards' ruling must be in writing, and all papers filed with the commission shall be the property of the commission.

[Statutory Authority: RCW 67.16.020, 04-19-047, § 260-88-010, filed 9/13/04, effective 10/14/04; 04-05-096, § 260-88-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 67.16.040, 00-07-043, § 260-88-010, filed 3/6/00, effective 4/6/00; 92-17-002, § 260-88-010, filed 8/5/92, effective 9/5/92. Statutory Authority: RCW 67.16.020 and 67.16.040, 82-09-016 (Order 82-03), § 260-88-010, filed 4/9/82; Rules of racing, § 383, filed 4/21/61.]