Chapter 260-84 WAC
PENALTIES

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-84-010 Who may impose. [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.] Repealed by WSR 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-84-020 Report to commission. [Rules of racing, § 134, filed 4/21/61.] Repealed by WSR 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-84-030 Fines—When due. [Statutory Authority: RCW 67.16.020. WSR 79-06-002 (Order 79-1), § 260-84-030, filed 5/4/79; Rules of racing, § 135, filed 4/21/61.] Repealed by WSR 05-07-064, filed 3/11/05, effective 4/11/05. Statutory Authority: RCW 67.16.020 and 67.16.040.

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 Repealed by Order 75.7, filed 4/30/76.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 Repealed by WSR 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020.

260-84-050 Suspensions—Computation of time. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 05-07-064, § 260-84-050, filed 3/11/05, effective 4/11/05. Rules of racing, § 137, filed 4/21/61.] Repealed by WSR 08-05-086, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-84-070 Ejectment from grounds—Permission to reenter. [Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 05-07-064, § 260-84-070, filed 3/11/05, effective 4/11/05. Rules of racing, § 382, filed 4/21/61.] Repealed by WSR 08-05-086, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020 and 67.16.040.

260-84-080 Disposition of fines—Board of relief. [Rules of racing, § 387, filed 4/21/61.] Repealed by WSR 79-06-002 (Order 79-1), filed 5/4/79. Statutory Authority: RCW 67.16.020.

260-84-100 Furosemide penalties. [Statutory Authority: RCW 67.16.020. WSR 11-03-053, § 260-84-100, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-086, § 260-84-100, filed 2/15/08, effective 3/17/08; WSR 05-07-064, § 260-84-100, filed 3/11/05, effective 4/11/05.] Repealed by WSR 15-07-058, filed 3/16/15, effective 4/16/15. Statutory Authority: RCW 67.16.020.

WAC 260-84-060 Penalty matrixes. (1) Unless provided for elsewhere, the imposition of reprimands, fines and suspensions will be based on the following penalty matrixes:

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace or improper conduct WAC 260-36-120 or 260-80-140	Warning to $250 and/or suspension	Warning to $500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010 or 260-36-260	$100	$200	$300
Unlicensed or improperly licensed personnel WAC 260-36-150 and 260-36-260	$100	$200	$300
Violation of any claiming rule in chapter 260-60 WAC	$250 to $500 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	$100	$150	$200
Failure of jockey to report correct weight WAC 260-32-150 and 260-44-080	$100	$200	$300

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure of jockey to appear for films WAC 260-24-510	$100	$150	$200
Failure of jockey to fulfill riding engagement WAC 260-32-080	$100	$150	$200
Jockey easing mount without cause WAC 260-52-040	$250 and/or suspension	$500 and/or suspension	$1000 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	Suspension (riding days)		
Rider's misuse of crop WAC 260-52-045	Warning to $2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	Warning to $250	$250 For unauthorized late scratch, horse placed on stewards list for seven days.	$500 For unauthorized late scratch, horse placed on stewards list for seven days.
Arriving late to the paddock (jockey) WAC 260-52-010	Warning to $100	$100 to $200	$200 to $500
Arriving late to the paddock or receiving barn (trainer) WAC 260-28-200	Warning to $100	$100 to $200	$200 to $500
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to $100	$100 to $200	$200 to $300
Failure to obtain permission for equipment changes WAC 260-44-010	$50	$100	$200
Failure to report performance records WAC 260-40-100	Warning to $100	$150	$200
Trainer failure to report proper identity of horses in their care WAC 260-28-295	$100	$150	$250
Failure to submit gelding report WAC 260-28-295	$100	$200	$300

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace or improper conduct WAC 260-80-140 and 260-80-140	Warning to $100 and/or suspension	$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010 or 260-36-260	$50	$100	$150
Unlicensed or improperly licensed personnel WAC 260-36-150 and 260-36-260	$50	$100	$200
Violation of any claiming rule in chapter 260-60 WAC	$100 to $250 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	$25	$50	$100
Failure of jockey to report correct weight WAC 260-32-150 and 260-44-080	$25	$50	$100
Failure of jockey to appear for films WAC 260-24-510	$25	$50	$100
Failure of jockey to fulfill riding engagement WAC 260-32-080	$50	$100	$200

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Jockey 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 with no disqualification (jockey at fault) WAC 260-52-040	Warning to $500 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	Suspension (riding days)		
Rider's misuse of crop WAC 260-52-045	Warning to $2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	Warning to $50	$100 to $200	$200 to $300
Arriving late to the paddock (jockey) WAC 260-52-010	Warning to $25	$50	$100
Arriving late to the paddock (trainer) WAC 260-28-200	Warning to $25	$50	$100
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to $25	$50	$100
Failure to obtain permission for equipment change WAC 260-44-010	$25	$50	$100
Failure to report performance records WAC 260-40-100	Warning to $25	$50	$100
Failure to submit gelding report WAC 260-28-295	$50	$100	$200

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	$100	$200	$250 and/or suspension
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	$200	$500	$1000 and/or suspension
Failure to post problem gambling signs WAC 260-12-250	Warning to $50	$100	$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	$100	$150	$200
Failure to ride in a safe or prudent manner WAC 260-80-145	Warning to $50	$50 to $100	$200 plus possible suspensions
Use of improper, profane, or indecent language WAC 260-80-130	Warning to $250	$250	$500
Use of profane language and uncooperative with association security WAC 260-20-090	Warning to $250	$250	$500
Failure to complete temporary license application within fourteen days WAC 260-36-200	$100 and suspension of license	$250 and suspension of license	$500 and suspension of license
Failure to register employees with the commission (trainers responsibility) WAC 260-36-250	Warning to $100	$100	$200
Failure to furnish fingerprints WAC 260-36-100	$100 and suspension of license	$250 and suspension of license	$500 and suspension of license
Nonparticipation - Licensing WAC 260-36-080	License canceled		

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure to divulge a pending felony charge or a felony conviction WAC 260-36-050 and 260-36-120	$100 to $250		
False information or failure to provide accurate and complete information on application WAC 260-36-050 or 260-36-120	Warning to $250		
Failure to provide full disclosure, refusal to respond to questions, or responding falsely to stewards or commission investigators WAC 260-24-510	$500 fine and/or denial, suspension or revocation of license		
Financial responsibility WAC 260-28-030	Suspension of license until debt is satisfied (suspension may be stayed with a mutual payment agreement and licensee remains compliant with agreement)		
Failure to appear for a ruling conference WAC 260-24-510	Suspension (conference may be held in individual's absence)		
Failure to pay fine when due (no extension granted or no request for hearing filed) WAC 260-24-510	Suspension until fine paid		
Possession or use of a stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	Immediate ejection from the grounds and permanent revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010	Immediate ejection from the grounds and permanent revocation		
Failure to wear proper safety equipment WAC 260-12-180 and 260-32-105	$50	$100	$200
Horses shod with improper toe grabs WAC 260-44-150	Horse scratched and $250 fine to trainer and plater	Horse scratched and $500 fine to trainer and plater	Horse scratched and $1000 fine to trainer and plater
Failure to possess license badge when in restricted area WAC 260-36-110	$25	$50	$100

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee will include violations which occurred in Washington as well as any other recognized racing jurisdiction within the calendar year, absent mitigating circumstances. The stewards may impose more stringent penalties if aggravating circumstances exist. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column will apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a).

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty will include, but are not limited to, the following:

(a) The past record of the licensee or applicant;

(b) The impact of the offense on the integrity of the parimutuel industry;

(c) The danger to human and/or equine safety;

(d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or

(e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards will follow the penalty guidelines as set forth in WAC 260-84-090, 260-84-110, 260-84-120, and 260-84-130.

(6) The executive secretary or stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a referral will not preclude commission action in any matter. An executive secretary's or stewards' ruling will not prevent the commission from imposing a more severe penalty.

[Statutory Authority: RCW 67.16.020. WSR 26-05-074, s 260-84-060, filed 2/17/26, effective 3/20/26; WSR 20-05-069, § 260-84-060, filed 2/18/20, effective 3/20/20; WSR 18-09-060, § 260-84-060, filed 4/16/18, effective 5/17/18; WSR 14-03-055, § 260-84-060, filed 1/13/14, effective 2/13/14; WSR 13-07-046, § 260-84-060, filed 3/15/13, effective 4/15/13; WSR 12-05-042, § 260-84-060, filed 2/10/12, effective 3/12/12; WSR 11-03-053, § 260-84-060, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-05-066, § 260-84-060, filed 2/13/09, effective 3/16/09; WSR 08-05-086, § 260-84-060, filed 2/15/08, effective 3/17/08. Statutory Authority: RCW 67.16.020. WSR 07-03-066, § 260-84-060, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-07-058, § 260-84-060, filed 3/10/06, effective 4/10/06; WSR 05-07-064, § 260-84-060, filed 3/11/05, effective 4/11/05. Rules of racing, § 381, filed 4/21/61.]

WAC 260-84-065 Licensees—Drug and alcohol penalties. (1) Be under the influence of or affected by intoxicating liquor, marijuana, and/or prescription drugs, in violation of WAC 260-34-020 (1) and (5):

(a) First offense - Warning to one-day suspension;

(b) Second offense - Three-day suspension;

(c) Third offense - Thirty-day suspension;

(d) Subsequent offenses (within five years) - One-year suspension.

(2) Be under the influence of or affected by intoxicating liquor, marijuana, and/or prescription drugs, while on horseback, in violation of WAC 260-34-020 (1) and (5):

(a) First offense - Warning to one-day suspension;

(b) Second offense - Three-day to thirty-day suspension;

(c) Third offense - Thirty-day to one-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(3) Be under the influence of or affected by, or have within their body any illegal controlled substance or unprescribed medication in violation of WAC 260-34-020(1):

(a) First offense - Thirty-day suspension;

(b) Second offense - One hundred eighty-day suspension;

(c) Third offense - Three hundred sixty-five day suspension;

(d) Subsequent offenses - Revocation.

(4) Engage in the illegal sale or distribution of alcohol in violation of WAC 260-34-020(2):

(a) First offense - Five-day suspension;

(b) Second offense - Thirty-day suspension;

(c) Third offense - One-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(5) Engaging in the illegal sale or distribution of a controlled substance, including marijuana, or possess an illegal controlled sub-

stance, including marijuana with intent to deliver in violation of WAC 260-34-020(3), revocation and immediate ejection from the grounds.

(6) Possess an illegal controlled substance, including marijuana if under the age of twenty-one, and excluding marijuana if twenty-one years or older in violation of WAC 260-34-020(4):

(a) First offense - Thirty-day suspension;

(b) Second offense - One-year suspension; and

(c) Third offense - Revocation.

(7) Possession of marijuana over the age of twenty-one, WAC 260-34-020(5):

(a) First offense - Warning to three-day suspension;

(b) Second offense - Three-day to thirty-day suspension;

(c) Third offense - Thirty-day to one-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(8) Possession of any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing an illegal controlled substance, or any equipment, products or materials of any kind, which are used or intended for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal controlled substance in violation of WAC 260-34-020(6):

(a) First offense - Three-day suspension;

(b) Second offense - Three-day to thirty-day suspension;

(c) Third offense - One-year suspension;

(d) Subsequent offenses (within five years) - Revocation.

(9) Refusal to submit to blood, breath, oral fluids, and/or urine testing, in violation of WAC 260-34-020(7), immediate ejection from the grounds and a one-year suspension.

Subsequent offenses - Revocation.

(10)(a) For violations of WAC 260-34-020 (1), (4), or (5), the board of stewards may stay a suspension if the licensee or applicant shows proof of an evaluation conducted by a certified substance abuse counselor approved by the stewards, and fulfilling any recommendations indicated in the evaluation. Individuals will only be allowed a stay of a suspension under this subsection once in a five-year period. If during the period of the stay a licensee or applicant violates the provisions of chapter 260-34 WAC, the violation for which the stay of suspension was entered will be considered as a prior violation for penalty purposes. Before being granted a stay of the suspension, the licensee or applicant must also agree to comply with the following conditions during the duration of the treatment program:

(i) Remain in compliance with the rehabilitation and/or treatment program as reported by a certified substance abuse counselor.

(ii) Submit to random drug or alcohol testing at the discretion of the board of stewards or commission investigators.

(iii) Have no violations of chapter 260-34 WAC.

Upon completion of the rehabilitation or treatment program, the licensee or applicant must provide documentation of completion to the board of stewards. Upon making a determination that the licensee or applicant successfully completed the rehabilitation or treatment program, the board of stewards may direct that the final disposition of the violation will be that the licensee or applicant completed a treatment program in lieu of suspension.

(b) If the board of stewards finds that the licensee or applicant failed to comply with the conditions required in (a)(iii) of this sub-

section, the board of stewards may impose the original suspension. If the failure to comply with the conditions of the stay is a violation of chapter 260-34 WAC, the board of stewards may also hold a ruling conference for that rule violation and impose such penalty as is provided for that violation.

(11) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of an illegal controlled substance is prohibited from performing any duties for which a license is required until the licensee does not test positive (presumptive or confirmatory) for the presence of any illegal controlled substance.

(12) Any licensee or applicant who is affected by intoxicating liquor or who has an alcohol concentration of 0.08 percent or higher is prohibited from performing any duties for which a license is required until the licensee is not affected by intoxicating liquor and his/her alcohol concentration is below 0.08 percent.

(13) Any licensee or applicant who has an alcohol concentration of 0.02 percent or higher while on horseback is prohibited from being on horseback until his/her alcohol concentration is below 0.02 percent.

(14) Any licensee or applicant who tests positive (presumptive or confirmatory) for the presence of marijuana is prohibited from performing any duties for which a license is required until the licensee provides a negative test for the presence of marijuana.

[Statutory Authority: RCW 67.16.020. WSR 15-07-058, § 260-84-065, filed 3/16/15, effective 4/16/15; WSR 14-05-050, § 260-84-065, filed 2/14/14, effective 3/17/14; WSR 13-07-046, § 260-84-065, filed 3/15/13, effective 4/15/13; WSR 11-03-053, § 260-84-065, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 09-05-066, § 260-84-065, filed 2/13/09, effective 3/16/09. Statutory Authority: RCW 67.16.020. WSR 07-03-066, § 260-84-065, filed 1/16/07, effective 2/16/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-07-058, § 260-84-065, filed 3/10/06, effective 4/10/06.]

WAC 260-84-090 Equine medication and prohibited substances—Penalties—Guidelines. (1) Upon a finding of a violation of the medication and prohibited substances rules in chapter 260-70 WAC, the stewards will consider the classification level of the medication, drug or substance prior to imposing a penalty. The stewards will also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation and whether the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's report received per WAC 260-70-540.

(2) Upon the finding of the laboratory of a positive test, the equine medical director shall prepare, for presentation at the steward's conference, testimony to assist the stewards in determining the seriousness of the violation. Industry experts should be contacted to assist with the research as to whether the reported violation is of a nature that may have affected the outcome of the race. The finding of the equine medical director may be considered as mitigating or aggravating circumstances.

Based upon the finding of fact, if the quantification of a therapeutic substance is considered by the stewards and equine medical di-

rector to be of no significance, the trainer and veterinarian of record will be contacted for administration details, but a formal hearing notice may be waived.

(3) A lesser penalty than that established in WAC 260-84-110 may be imposed if a majority of the stewards determine that mitigating circumstances warrant a lesser penalty. If a majority of the stewards determine a greater penalty is appropriate or that a penalty in excess of the authority granted them is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action. In determining if there are mitigating circumstances surrounding a medication violation for substances referred to in chapter 260-70 WAC, at least the following will be considered:

(a) The past record of the trainer and/or veterinarian in medication/drug cases;

(b) The potential of the medication/drug to influence a horse's racing performance;

(c) The availability of the medication/drug;

(d) Whether there is reason to believe the responsible party knew of the administration of the medication/drug used;

(e) The steps taken by the trainer to safeguard the horse;

(f) The probability of environmental contamination or inadvertent exposure due to human drug use;

(g) The purse of the race;

(h) Whether the medication found was one for which the horse was receiving a treatment as determined by the veterinarian report(s);

(i) Whether there was any suspicious betting pattern in the race;

(j) Whether the presence of the medication/drug in urine was confirmed in serum or plasma; and

(k) The level of the overage and its probability to affect the outcome of the race.

(4) If a majority of the stewards determine a penalty greater than established in these rules is appropriate, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

(5) If the penalty is not otherwise established for a violation of chapter 260-70 WAC, the penalty will be determined by the board of stewards.

(6) Equine medication violations from Washington and all recognized racing jurisdictions will be considered when assessing penalties.

[Statutory Authority: RCW 67.16.020. WSR 15-07-058, § 260-84-090, filed 3/16/15, effective 4/16/15. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-086, § 260-84-090, filed 2/15/08, effective 3/17/08; WSR 06-07-058, § 260-84-090, filed 3/10/06, effective 4/10/06; WSR 05-07-064, § 260-84-090, filed 3/11/05, effective 4/11/05.]

WAC 260-84-110 Penalties for uniform classifications. (1) Penalties will be assessed against any person found to be responsible or party to the improper administration of a drug or the intentional administration of a drug resulting in a positive test. In assessing penalties under this section, violations in the last three hundred sixty-five days for Category "B," "C," and "D" penalties from Washington and all recognized racing jurisdictions will be considered. For Category

"A" penalties, lifetime violations in Washington and all recognized racing jurisdictions will be considered.

(a) The following are recommended penalties for violations of a drug carrying a Category "A" penalty:

First Offense	Second Offense	Third Offense
Up to a one-year suspension and up to a fine of $1500 absent mitigating circumstances. DQ and loss of purse.	One-year suspension and up to a fine of $2500 absent mitigating circumstances. DQ and loss of purse. Referred to commission for additional consideration.	Revocation of license and a fine of $2500 absent mitigating circumstances. DQ and loss of purse.

(b) The following are recommended penalties for violations of a drug carrying a Category "B" penalty:

First Offense	Second Offense (365-day period)	Third Offense (365-day period)
Zero to a fifteen-day suspension and up to $500 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.	Up to a thirty-day suspension and up to $1000 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.	Minimum sixty-day suspension and up to $2500 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.

(c) The following are recommended penalties for violations of a drug carrying a Category "C" penalty, overages for permitted NSAIDs, (except phenylbutazone), and no furosemide when reported:

First Offense	Second Offense (365-day period)	Third Offense (365-day period)
Minimum written warning to maximum $500 fine.	Minimum written warning to maximum $750 fine.	Minimum $500 fine to maximum $1000 fine. Possible DQ and loss of purse.

(d) The recommended penalty for a violation involving a drug that carries a Category "D" penalty is a written warning. Multiple violations may result in fines and/or suspensions.

(e) The recommended penalty for a finding of an overage of cobalt:

Levels between 26 ppb to 49 ppb	Level 50 ppb or greater First Offense (365-day period)	Level over 50 ppb or greater Second Offense (365-day period)
Horse placed on official veterinarian list until providing a sample under 26 ppb	Zero to a fifteen-day suspension and up to $500 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.	Up to a thirty-day suspension and up to $1000 fine absent mitigating circumstances. DQ and loss of purse absent mitigating circumstances.

(2) A lesser penalty may be imposed if a majority of the stewards determine that mitigating circumstances, as outlined in WAC 260-84-090 exist.

[Statutory Authority: RCW 67.16.020. WSR 18-09-060, § 260-84-110, filed 4/16/18, effective 5/17/18; WSR 15-07-058, § 260-84-110, filed 3/16/15, effective 4/16/15. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-086, § 260-84-110, filed 2/15/08, effective 3/17/08; WSR 05-07-064, § 260-84-110, filed 3/11/05, effective 4/11/05.]

WAC 260-84-120 Penalties relating to multiple NSAIDs and phenylbutazone. (1) Should the laboratory analysis of serum or plasma taken from a horse show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules the following penalties will be assessed:

(a) For a first offense within a three hundred sixty-five day period - Fine not to exceed $300;

(b) For a second offense within a three hundred sixty-five day period - Fine not to exceed $750;

(c) For a third offense within a three hundred sixty-five day period - Fine not to exceed $1,000.

(2) Should the laboratory analysis of serum or plasma taken from a horse show the presence of phenylbutazone in excess of the quantities authorized by this rule, the following penalties will be assessed:

Concentration	1st offense within 365 days	2nd offense within 365 days	3rd and subsequent offenses within 365 days
> 2.0 but < 3.5 mcg/ml	Warning	Fine not to exceed $300	Fine not to exceed $500
> 3.5 but < 7.0 mcg/ml	Fine not to exceed $300	Fine not to exceed $500	Fine not to exceed $1000
> 7.0 mcg/ml	Fine not to exceed $500	Fine not to exceed $1000	Fine not to exceed $2500 and possible suspension

(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 a permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action, which may include a fine not to exceed three hundred dollars. Multiple

violations by an individual within a three hundred sixty-five day period may include additional fines and/or suspension or revocation.

(5) In assessing penalties for equine medication, prior offenses will count regardless of whether the violation(s) occurred in Washington or another recognized racing jurisdiction, and regardless of the prior concentration level.

[Statutory Authority: RCW 67.16.020. WSR 18-09-060, § 260-84-120, filed 4/16/18, effective 5/17/18; WSR 15-07-058, § 260-84-120, filed 3/16/15, effective 4/16/15; WSR 12-07-005, § 260-84-120, filed 3/9/12, effective 4/9/12; WSR 11-03-053, § 260-84-120, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-086, § 260-84-120, filed 2/15/08, effective 3/17/08; WSR 05-07-064, § 260-84-120, filed 3/11/05, effective 4/11/05.]

WAC 260-84-125 Multiple medication violations. (1) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a class 1-5 medication, as provided in WAC 260-70-685 shall be assigned points based upon the substances penalty class designation for the substance.

Class	Points if Threshold is Established by WHRC	Points if No Threshold is Established by WHRC
Class A	N/A	6
Class B	2	4
Class C	1/2, with incremental increases of 1/2 point for each additional violation within 365 days	1, with incremental increases of 1/2 point for each additional violation within 365 days
Class D	0	0

If the stewards or commission determine that the violation is due to environmental contamination, they may assign fewer or no points against a trainer based on specific facts of the case.

(a) The points assigned to a medication violation shall be included in the steward's or commission ruling. The ruling will contain the penalty imposed for the original violation as defined in chapters 260-70 and 260-84 WAC.

(b) If an appeal is filed after the original ruling is issued, a second ruling will be issued citing the appeal and stating that no points shall be applied until the licensee has exhausted their rights of appeal.

(c) If the trainer's point total exceeds the limit for a secondary suspension, a conference will be held to assess the suspension. Once all appeals period have expired or all appeals are exhausted or waived, the second conference will be held at which time the points, based on the WHRC guidelines shall immediately become part of the trainer's record and shall then subject the trainer to the enhanced penalties imposed by the stewards or commission.

(d) A trainer's cumulative points, based on the commission guidelines, for violations in all jurisdictions shall be used in determining the enhanced penalty for medication violations and whether enhanced penalties shall be imposed. Points will be reported to Associa-

tion of Racing Commissioners International and become part of the trainer's official record.

(e) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice of the violations by the commission may be treated as a single violation.

(f) The official ARCI record of the trainer's past violations shall be prima facie evidence of a trainer's past violations.

(2) In addition to the penalty imposed for the original violation, the following enhanced penalty shall be imposed upon a trainer based on the cumulative points as determined by the stewards or commission.

Points	Suspension in Days
5 to 5.5	15 to 30 days
6 to 8.5	30 to 60 days
9 to 10.5	90 to 180 days
11 or more	180 to 360 days

(a) Enhanced penalties for multiple medication violations are not a substitute for the original penalty and are intended to be an additional penalty when the licensee:

(i) Has more than one violation for the relevant time period; and

(ii) Exceeds the permissible number of points.

(b) The suspension periods as provided above shall run consecutive to any suspension imposed for the original offense. The stewards or commission ruling shall distinguish the penalty for the original offense and enhanced penalty based on the trainer's cumulative points.

(c) Points shall expire as follows:

Penalty Classification	Expunged Time
Class A	3 years
Class B	2 years
Class C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date when the suspension is completed.

[Statutory Authority: RCW 67.16.020. WSR 17-07-056, § 260-84-125, filed 3/10/17, effective 4/10/17.]

WAC 260-84-130 Penalties for prohibited practices. For a person or persons found to be responsible for violation of WAC 260-70-545, including the treating veterinarian, the following penalties will be assessed:

(1) For violations of WAC 260-70-545, except WAC 260-70-545 (4)(b).

(a) For first offense - Thirty day suspension and $1,000 fine;

(b) For second offense - Sixty day suspension and $2,000 fine;

(c) For third offense - One year suspension, $2,500 fine; and

(d) For subsequent offense(s) - Revocation of license and a $2500 fine.

(2) For violations of WAC 260-70-545 (4)(a), the person or persons found to be responsible for the violation, including the treating veterinarian a $2,500 fine and a minimum of a one-year suspension.

[Statutory Authority: RCW 67.16.020. WSR 13-03-061, § 260-84-130, filed 1/11/13, effective 2/11/13; WSR 11-03-053, § 260-84-130, filed 1/14/11, effective 2/14/11. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 08-05-086, § 260-84-130, filed 2/15/08, effective 3/17/08; WSR 05-07-064, § 260-84-130, filed 3/11/05, effective 4/11/05.]

WAC 260-84-135 Penalties relating to industrial insurance. For trainers, whether at a race track or farm or training center, who fail to report correct industrial insurance requirements (number of persons in their employ and the number of horses in their care), the following penalties will be assessed:

(1) Failure to report correct number of horses on the grounds will result in a fine of one hundred dollars for each horse and full payment of premium.

(2) Failure to report proper identification of horses entering or leaving the stable area will result in a fine of fifty dollars.

(3) Failure to report the correct number of employees (grooms, assistant trainers, exercise riders - farm, and pony riders - farm) will result in a fine of one hundred dollars per month, per employee and full payment of premium.

(4) Failure to pay industrial insurance premium payment required under WAC 260-36-250 will result in a fine of one hundred dollars if payment is not received on or prior to the dates required. If the payment is not received within two days of the due date, the trainer's license will be suspended until the premium and fine are received by the commission. If a trainer leaves the grounds of a race track, taking his/her horses and fails to pay all premiums due, the trainer may be summarily suspended until the premium and the fine are received by the commission.

(5) Trainers who fail to comply with the industrial insurance requirements of WAC 260-36-250 may also have conditions placed on their license, including the inability to license farm employees, or being limited to conducting their business only on the grounds of a Washington race track during its licensed race meet and periods of training.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-84-135, filed 11/9/12, effective 12/10/12; WSR 12-05-042, § 260-84-135, filed 2/10/12, effective 3/12/12.]