

Title 260 WAC

HORSE RACING COMMISSION

Chapters			
260-08	Practice and procedure.	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-12	General rules.	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-13	Licensing requirements for new tracks and transfers of existing tracks.	260-68-070	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-14	Special rules relating to commissioners and commission employees.	260-68-080	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-16	Special types of races.	260-68-090	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-20	Association grounds and facilities.	260-68-100	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-24	Association officials and employees.	260-68-110	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-28	Ownerships, trainers and employees.	260-68-120	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 Repealed by Order 74.1, filed 5/22/74, effective 7/1/74.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.
260-32	Jockeys, apprentices and agents.	260-68-130	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.
260-34	Drug and alcohol testing of licensees and employees.	260-68-140	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.
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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.
260-68-020	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.

Chapter 260-997

**INDEX TO TITLE 260 WAC
(HORSE RACING COMMISSION)**

260-997	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.
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Chapter 260-08 WAC

PRACTICE AND PROCEDURE

WAC

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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 WAC 260-08-010 through 260-08-580 procedural rules. Various commission employees, 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, 210 East Union, Olympia, Washington 98504 (telephone 753-3741) as well as the temporary field offices at each of the several licensed tracks when operating.

[§ 260-08-005, filed 10/6/67.]

WAC 260-08-010 Appearance and practice before commission—Who may appear. No person may appear in a representative capacity before the horse racing commission or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Regulation 08.010, effective 4/7/60.]

WAC 260-08-030 Appearance and practice before commission—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the commission to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

[Regulation 08.030, effective 4/7/60.]

WAC 260-08-040 Appearance and practice before commission—Standards of ethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the commission may decline to permit such person to appear in a representative capacity in any proceeding before the commission.

[Regulation 08.040, effective 4/7/60.]

WAC 260-08-050 Appearance and practice before commission—Appearance by former employee of commission or former employee of attorney general's staff. No former employee of the commission or member of the attorney general's staff may at any time after severing his employment with the commission or the attorney general appear, except with the written permission of the commission, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the commission.

[Regulation 08.050, effective 4/7/60.]

WAC 260-08-060 Appearance and practice before commission—Former employee as expert witness. No former employee of the commission shall at any time after severing his employment with the commission appear, except with the written permission of the commission, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the commission.

[Regulation 08.060, effective 4/7/60.]

WAC 260-08-070 Computation of time. In computing any period of time prescribed or allowed by the commission rules, by order of the commission or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included.

[Regulation 08.070, effective 4/7/60.]

WAC 260-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1).

[Regulation 08.080, effective 4/7/60.]

WAC 260-08-090 Service of process—By whom served. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Regulation 08.090, effective 4/7/60.]

WAC 260-08-100 Service of process—Upon whom served. All papers served by either the commission or

any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Regulation 08.100, effective 4/7/60.]

WAC 260-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Regulation 08.110, effective 4/7/60.]

WAC 260-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

[Regulation 08.120, effective 4/7/60.]

WAC 260-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Regulation 08.130, effective 4/7/60.]

WAC 260-08-140 Service of process—Filing with commission. Papers required to be filed with the commission shall be deemed filed upon actual receipt by the commission at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Regulation 08.140, effective 4/7/60.]

WAC 260-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule.

[Regulation 08.230, effective 4/7/60.]

WAC 260-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Regulation 08.240, effective 4/7/60.]

WAC 260-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the commission or agreed upon by the parties by stipulation in writing filed with the commission. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

[Regulation 08.250, effective 4/7/60.]

WAC 260-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the commission and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Regulation 08.260, effective 4/7/60.]

WAC 260-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the commission or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the commission, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the commission; or the commission may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or

oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the commission or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the commission. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Regulation 08.270, effective 4/7/60.]

WAC 260-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Regulation 08.280, effective 4/7/60.]

WAC 260-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Regulation 08.290, effective 4/7/60.]

WAC 260-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition

may then be used as fully as though signed, unless on a motion to suppress the commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the commission, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Regulation 08.300, effective 4/7/60.]

WAC 260-08-310 Depositions and interrogatories in contested cases--Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Regulation 08.310, effective 4/7/60.]

WAC 260-08-320 Depositions and interrogatories in contested cases--Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Regulation 08.320, effective 4/7/60.]

WAC 260-08-330 Depositions upon interrogatories--Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Regulation 08.330, effective 4/7/60.]

WAC 260-08-340 Depositions upon interrogatories--Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as

provided in WAC 260-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Regulation 08.340, effective 4/7/60.]

WAC 260-08-350 Depositions upon interrogatories--Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the commission, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Regulation 08.350, effective 4/7/60.]

WAC 260-08-360 Depositions upon interrogatories--Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Regulation 08.360, effective 4/7/60.]

WAC 260-08-370 Official notice--Matters of law. The commission or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the federal register;

(2) State law. The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) Agency organization. The commission's organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Regulation 08.370, effective 4/7/60.]

WAC 260-08-380 Official notice--Material facts. In the absence of controverting evidence, the commission

and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) Agency proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the commission;

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) Technical knowledge. Matters within the technical knowledge of the commission as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or the hearing officer or the commission may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) Statement. Where an initial or final decision of the commission rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the commission may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the commission or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Regulation 08.380, effective 4/7/60.]

WAC 260-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the commission, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) Continuity. That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) Identity. That persons and objects of the same name and description are identical;

(3) Delivery. Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) Ordinary course. That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly co-exists with the fact presumed;

(5) Acceptance of benefit. That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) Interference with remedy. That evidence, with respect to a material fact which in bad faith is destroyed, eloiigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Regulation 08.390, effective 4/7/60.]

WAC 260-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the commission 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.

[Regulation 08.400, effective 4/7/60.]

WAC 260-08-410 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

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

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Regulation 08.410, effective 4/7/60.]

WAC 260-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only.

[Regulation 08.420, effective 4/7/60.]

WAC 260-08-430 Prehearing conference rule--Authorized. In any proceeding the commission or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider

(1) The simplification of the issues;

(2) The necessity of amendments to the pleadings;

(3) The possibility of obtaining stipulations, admissions of facts and of documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding.

[Regulation 08.430, effective 4/7/60.]

WAC 260-08-440 Prehearing conference rule--Record of conference action. The commission or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(1990 Ed.)

[Regulation 08.440, effective 4/7/60.]

WAC 260-08-450 Submission of documentary evidence in advance. Where practicable the commission or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) 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 objection.

[Regulation 08.450, effective 4/7/60.]

WAC 260-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Regulation 08.460, effective 4/7/60.]

WAC 260-08-470 Expert or opinion testimony and testimony based on economic and statistical data--Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Regulation 08.470, effective 4/7/60.]

WAC 260-08-480 Expert or opinion testimony and testimony based on economic and statistical data--Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not

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so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Regulation 08.480, effective 4/7/60.]

WAC 260-08-490 Expert or opinion testimony and testimony based on economic and statistical data--Supporting data. That the hearing examiner or other appropriate officer in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 260-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record.

[Regulation 08.490, effective 4/7/60.]

WAC 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. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 260-08-470 or 260-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Regulation 08.500, effective 4/7/60.]

WAC 260-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the commission or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The commission or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the commission or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or

other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Regulation 08.510, effective 4/7/60.]

WAC 260-08-520 Rules of evidence--Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Regulation 08.520, effective 4/7/60.]

WAC 260-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections.

When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Regulation 08.530, effective 4/7/60.]

WAC 260-08-540 Petitions for rule making, amendment or repeal--Who may petition. Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

[Regulation 08.540, effective 4/7/60.]

WAC 260-08-550 Petitions for rule making, amendment or repeal--Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Regulation 08.550, effective 4/7/60.]

WAC 260-08-560 Petitions for rule making, amendment or repeal--Commission must consider. All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Regulation 08.560, effective 4/7/60.]

WAC 260-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. The commission shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Regulation 08.570, effective 4/7/60.]

WAC 260-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition the commission for a declaratory ruling. The commission shall consider the petition and within a reasonable time the commission shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing as provided in subsection (3) is conducted, the commission shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued.

[Regulation 08.580, effective 4/7/60.]

WAC 260-08-590 Forms. Any interested person petitioning the commission for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of agency)." 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 petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

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. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

Any interested person petitioning the commission requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of agency)." 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 petitioning party) for (state whether promulgation, amendment

or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

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 petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. 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 petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

[Regulation 08.590, effective 4/7/60.]

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.

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.]

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 mutual 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.]

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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 helmets required. All owners and trainers, when exercising horses, and all jockeys, apprentice jockeys, exercise boys, outriders, pony boys and pony girls when performing these duties shall wear a safety helmet approved by the commission.

[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.]

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.]

Chapter 260-13 WAC

LICENSING REQUIREMENTS FOR NEW TRACKS AND TRANSFERS OF EXISTING TRACKS

WAC

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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 pari-mutuel 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 policy-making 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 ownership 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 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 post-mortem 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 documentation. 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.

(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

(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 horse racing organizations;

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

(a) Number of 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) 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; and

(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.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-100, filed 6/16/86.]

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 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 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 260-13-180 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 post-mortem 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.]

(1990 Ed.)

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 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:

(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 twenty-five 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 twenty-five thousand dollars exceeds the actual costs of investigation. If costs of the investigation exceed twenty-five 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. An individual or other entity applying for Class A and B licenses simultaneously must submit only one twenty-five thousand dollar investigation fee.

[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 must not consider a substantive amendment to a Class A or B license application after its submission.

[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 must be specified by the commission but, as a minimum, they must provide for at least four months of review.

[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 in the amount of the license fee as follows and is void if the license fee is not received within ten days after issuance.

(1) Nonrefundable fee of ten thousand dollars for a Class A license;

(2) A fee for a Class B license equal to one hundred dollars times the optimum number of racing days sought in the license application. The commission must refund promptly to the licensee any amount by which the fee paid exceeds one hundred dollars times the number of actual days of racing sponsored and managed by the licensee.

[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.

[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.

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(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) 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 compensated on a per race day basis or engaged in direct regulatory functions.

(4) "Thing of economic value," shall have the same meaning as that term has in chapter 42.18 RCW.

[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.]

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. No regulatory employee shall make any wager on the outcome of any horse race at a meeting at which he is employed. No commissioner or employee shall make any wager except through authorized pari-mutuel betting.

[Order 73.3, § 260-14-040, filed 6/28/73.]

WAC 260-14-050 Ownership interests in race horses. (1) No regulatory employee shall have any interest in any race horse running at any race meet at which he is employed.

(2) No employee of the commission, except temporary clerks, shall have any ownership interest in any race horse running at any track under jurisdiction of the commission except as provided by subparagraph (3) hereof.

(3) An employee may retain an interest in a horse as lessor, or an option to purchase or repurchase a horse only under the following conditions:

(a) An affidavit containing:

(i) The name of the horse or horses in which the employee has retained an interest is filed with the commission;

(ii) The nature of the interest retained is disclosed in said affidavit. (i.e., lessor, option, etc.); and

(iii) The nature of the retained interest is such that no purse money or owner's bonuses earned in the state of Washington shall redound directly or indirectly to such employee.

(4) No commissioner shall have any ownership interest in any race horse running under the jurisdiction of the commission unless he discloses such interest in an affidavit filed with the commission.

(5) Copies of affidavits filed hereunder 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 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.]

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.

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260-16-060	Certification of Washington-bred horses— Thoroughbreds.
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' 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 260-16-070 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 to 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.

(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.
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- 260-20-090 Associations to maintain police and watchman service—List.
- 260-20-100 Responsibility of police and watchmen—Letter of instructions.
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- 260-20-120 Report by bureau or security officer of arrests and bookings.
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- 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.

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 260-20-035 Nonparimutuel wagering prohibited. No association shall conduct, or permit to be conducted, on its grounds during a race day any gambling or wagering other than on a horse race by the parimutuel method.

[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.]

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 260-20-080 Exclusion of certain horses, five years or older. No licensed track where thoroughbred racing is conducted under the jurisdiction of the commission, shall assign stable accommodations or accept the entry of any horse five years old or older who has been in competition for the immediate past two-year period and who has failed to finish first, second or third and who has started at least eight times during said two-year period on a licensed horse track.

[Rules of racing, § 23, filed 4/21/61.]

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

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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 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

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WAC 260-24-010 Officials enumerated. The commission officials of a race meeting are as follows: Three or more stewards; one or more patrol judges (racing inspectors); clerk of scales; clocker-identifier; paddock judge; veterinarian; and state mutuel inspector: *Provided however,* That by written request and for good cause, the commission may authorize a racing association to employ and pay one or more of the following officials: One of the three stewards; clerk of the scales; and paddock judge.

The association officials of a race meeting are as follows: Placing judges; racing secretary-handicapper; mutuel manager; starter; paddock plater; film analyst; and any other designated individual by the association with the approval of the commission.

[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.]

WAC 260-24-020 Officials—Duties—Qualifications. It is intended that the above-named commission officials have primary responsibility for the supervisory and regulatory functions at the track pursuant to the directions of the commission and the "rules of racing." All commission officials within WAC 260-24-010 (Rule 233) are to be employed and compensated by the commission. The employment of said commission officials is to be based upon the following qualifications: (1) Experience, (2) training, and (3) competency. One of the three stewards shall be designated as the presiding steward by the commission.

[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.]

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 260-24-040 Disqualification for acting at unrecognized meeting. Any person acting in any official capacity at an unrecognized meeting may be disqualified.

[Rule 235, filed 4/21/61.]

WAC 260-24-050 Trafficking in horses, contracts, insurance, prohibited. A racing official appointed, or whose appointment is approved by the commission, shall not, directly or indirectly, for a commission or gratuity, or otherwise, sell or buy at private sale for himself or another, any thoroughbred horse; nor shall he directly or indirectly buy or sell any contract upon any jockey or apprentice for himself or another; nor shall he write or solicit horse insurance.

[Rule 236, filed 4/21/61.]

WAC 260-24-060 Wagering prohibited. No such racing official or his assistants shall wager money or any chattel of value on the result of any race at the meeting.

[Rule 237, filed 4/21/61.]

WAC 260-24-070 Duty to report violations of rules. Each racing official and his assistants shall report to the stewards all observed violations of the rules.

[Rule 238, filed 4/21/61.]

WAC 260-24-080 Clerk of the scales. (1) The official clerk of the scales shall be responsible primarily for supervising the weighing of jockeys in and out in accordance with (2) through (6) of this section and WAC 260-32-070, 260-32-110, and 260-32-150, and shall record, publish and report any overweight or variation from the weight appearing on the card.

(2) The clerk of the scales shall record and publish on the notice board any overweight or any change of jockey, weight, or racing colors, as compared with those stated on the official program and shall promptly supply all proper racing officials with all pertinent changes.

(3) The clerk of the scales shall promptly report to the stewards any infraction of the rules with respect to weight, weighing, or riding equipment.

(4) The clerk of the scales shall confirm to the stewards after each race, the weights carried by each horse in each race, together with the name of each horse's jockey and the overweight carried by any jockey. He shall also report the post time in each race and other data which may from time to time be required.

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(5) If the overweight is more than two pounds in excess of the weight the horse is to carry (the owner or trainer consenting) the jockey shall 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 have the overweight posted immediately on the notice board. Failure on the part of any jockey to comply with this rule shall be reported to the stewards.

(6) Seven pounds is the limit of the overweight any horse is allowed to carry.

[Order 75-1, § 260-24-080, filed 2/18/75; Rule 58, filed 1/30/67; Rules 58 through 63, filed 4/21/61.]

WAC 260-24-090 Handicapper. The handicapper or board of handicappers shall append to the weight for every handicap, the day and hour in which winners will be liable to a penalty; and no alterations shall be made after publication except in the case of omission, through error, of the name or weight of a horse duly entered, in which case, by permission of the stewards, the omission may be rectified by the handicapper.

[Rule 138, filed 4/21/61.]

WAC 260-24-100 Mutuel manager. See chapter 260-48 WAC.

WAC 260-24-110 Paddock judge. (1) The paddock judge shall be in charge of the paddock and shall have general jurisdiction over the saddling equipment and changes thereof, and his duties shall be determined from time to time by the stewards. The identification of said horses shall be made by the horse identifier who shall report any irregularities to the paddock judge and stewards.

(2) The paddock judge shall, in each race, require the plater in attendance in the paddock to see to it that all horses are properly shod, and a notice forthwith posted in a conspicuous place close to the paddock, easily visible to the public, stating the type of shoes with which the horse is shod and whether with or without caulks and on which feet, or is shoeless as to any of its feet. The said judge shall report immediately to the stewards the findings of the plater.

(3) The paddock judge shall report any irregularities to the stewards.

[Rules 184, 185, and 186, filed 4/21/61.]

WAC 260-24-120 Patrol judges. (1) The Washington horse racing commission shall appoint the patrol judges whose stations shall be designated by the stewards.

(2) The association shall provide communications between patrol judges and the stewards.

[Rules 200 and 201, filed 4/21/61.]

WAC 260-24-130 Placing judges. See WAC 260-52-050.

WAC 260-24-140 Racing secretary--General duties. The racing secretary shall discharge all duties whether expressed or required by the racing rules, and

report to the stewards as the case demands, all violations of these rules, or of the regulations of the course, coming under his notice; he shall keep a complete record of all stakes, entrance money, arrears and fines, and pay over all moneys so collected by him to such officers or persons as may be entitled to receive the same. Winning races shall be recorded by the racing secretary on proper forms, not later than the day following the race having been won.

[Rule 239, filed 4/21/61.]

WAC 260-24-150 Racing secretary--Official program for each racing day. (1) The racing secretary shall compile an official program for each racing day, which shall state the time fixed for the first race and give the names of the horses which are to run in each of the races of the day.

(2) The program shall indicate the order in which each race is to be run; the purse, conditions, distance of each race; the owner, trainer, and jockey of each horse; each owner's racing colors; the weight assigned to each horse; his number and post position, color, sex, age and breeding. The program may show other pertinent data. See WAC 260-52-010(3) for the numbering of entries and field.

[Rules 240 and 241, filed 4/21/61.]

WAC 260-24-160 Racing secretary--To keep record of all races. The racing secretary shall keep a complete record of all races.

[Rule 242, filed 4/21/61.]

WAC 260-24-170 Racing secretary--Duties with regard to stabling. 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, and he shall determine all conflicting claims of stable privileges.

[Rule 243, filed 4/21/61.]

WAC 260-24-180 Racing secretary--List of entries--Posting--Available to newspapers. The secretary shall each morning, as soon as the entries have been closed and compiled, and the declarations have been made, post in a conspicuous place in his office a list thereof. Any newspaper desiring the same shall be furnished a copy.

[Rule 246, filed 4/21/61.]

WAC 260-24-190 Starter--Duties at start of race. See WAC 260-52-030.

WAC 260-24-200 Starter--Appointment of assistants--Misconduct toward jockeys. With the sanction of the stewards, the starter may appoint his assistants, but neither he nor his assistants shall strike or use abusive language toward a jockey, and for each violation of this rule, the starter or his assistants shall be disciplined by the stewards and same shall be reported to the racing commission.

(1990 Ed.)

[Rule 250, filed 4/21/61.]

WAC 260-24-210 Starter--Schooling of horses. Horses shall be schooled under the supervision of the starter or his assistants and the starter shall designate the horses to be placed on the schooling list, a copy of which shall be posted in the office of the racing secretary.

[Rule 251, filed 4/21/61.]

WAC 260-24-220 Starter--To approve entries of two year olds. The starter shall approve all entries of two year olds before they are allowed to start.

[Rule 252, filed 4/21/61.]

WAC 260-24-230 Starter--May fine and suspend jockeys. The starter with the approval of the stewards may fine and suspend a jockey for disobedience of orders or for attempting an unfair advantage, but such fine shall not exceed \$200.00. A suspension shall not take effect until after the last race of the next racing day for which entries have been taken, unless otherwise ordered by the starter, approved by the stewards and reported by them to the racing commission.

[Order 73-8, § 260-24-230, filed 10/23/73; Rule 253, filed 4/21/61.]

WAC 260-24-240 Stewards--Responsibility to commission. The stewards shall be strictly responsible to the commission for the conduct of all racing meetings in every detail, directly or indirectly, pertaining to the laws and rules of the commission relating to racing.

[Rule 255, filed 4/21/61.]

WAC 260-24-250 Stewards--Authority over personnel and grounds. The stewards shall have general supervision and authority over owners, trainers, jockeys, grooms and other persons attendant on horses, and also over the premises where the meeting is conducted.

[Rule 256, filed 4/21/61.]

WAC 260-24-260 Stewards--Powers as to cases not covered by rules--Increased penalties. Should any case occur which may not be covered by the rules of racing herein outlined, it shall be determined by the stewards of the race meeting in conformity with justice and in the 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.

[Rule 257, filed 4/21/61.]

WAC 260-24-270 Stewards--Supervision of entries and declarations. All entries and declarations shall be under the supervision of the stewards.

[Rule 258, filed 4/21/61.]

WAC 260-24-280 Stewards--Authority to award punishment. The stewards have the power to punish at their discretion any person subject to their control either

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by suspension of the privilege of attending the races during the meeting; or by suspension from acting or riding during the meeting; or by fine not exceeding \$750.00; or both, and if in their discretion they deem it necessary they may impose a suspension up to thirty days beyond the meet; for any further punishment or additional fine, they shall so report to the commission. Persons subject to these rules are deemed to come within the control of the board of stewards assigned to a meet beginning on the day an association accepts entries for the first day of racing of that meet.

[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.]

WAC 260-24-290 Stewards--Inspection of documents. The stewards shall inspect owner's, trainer's or jockey's license, partnership papers, all papers and documents with respect to a contract between a jockey and his employer or employers; and papers relating to the appointment of authorized agents; jockey agents; or to the adoption of colors, or to assumed names.

[Rule 260, filed 4/21/61.]

WAC 260-24-300 Stewards--Determining disqualifications in case of fouls. 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.

[Rule 261, filed 4/21/61.]

WAC 260-24-310 Stewards--Duty hours--Sessions. On each racing day at least one steward shall be on duty at the track from scratch time in the morning until the close of the racing program for the day, and the full board of stewards shall sit in regular session to exercise the authority and perform the duties imposed on them by the rules of racing.

[Rule 262, filed 4/21/61.]

WAC 260-24-320 Stewards--Substitutes. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission and is effective only for the day.

[Rule 263, filed 4/21/61.]

WAC 260-24-330 Stewards--Deputies. If only two stewards are present at race time, they shall by agreement appoint a deputy for the absent steward; but, if unable to reach an agreement, shall call upon the commission to appoint such deputy.

[Rule 264, filed 4/21/61.]

WAC 260-24-340 Stewards--Stewards pro tem. If none of the stewards are present at race time, the commission shall appoint three qualified persons to act as stewards pro tem.

[Rule 265, filed 4/21/61.]

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WAC 260-24-350 Stewards--Report of appointment of deputy. Appointments of any deputy or deputies for a steward or stewards shall be reported immediately to the commission.

[Rule 266, filed 4/21/61.]

WAC 260-24-360 Stewards--Number in stand during race. There shall be three stewards (no more, no less) in the stand when a race is being run.

[Rule 267, filed 4/21/61.]

WAC 260-24-370 Stewards--Duty to notice questionable conduct. The stewards shall take notice of any questionable conduct with or without complaint thereof.

[Rule 268, filed 4/21/61.]

WAC 260-24-380 Stewards--Substitution of jockeys. The stewards may substitute a jockey of their selection on any horse.

[Rule 289, filed 4/21/61.]

WAC 260-24-390 Stewards--Placing horse in the temporary charge of trainer. The stewards may place any horse in the temporary charge of a trainer of their selection.

[Rule 270, filed 4/21/61.]

WAC 260-24-400 Stewards--Getting horses to gate at post time. It shall be the duty of the stewards to see to it that horses arrive at the starting gate as near to post time as possible, with exceptions being made in case of accident to horse or jockey, or equipment failure.

[Rule 271, filed 4/21/61.]

WAC 260-24-410 Stewards--Accident before off-time--Excusing horse. In case of accident or casualty to a horse before offtime the stewards may excuse said horse.

[Rule 272, filed 4/21/61.]

WAC 260-24-420 Stewards--Settlement of protests and complaints. The stewards must investigate promptly and render a decision in every protest and in every complaint properly made to them.

[Rule 273, filed 4/21/61.]

WAC 260-24-430 Stewards--Infractions--Reports to commission. The stewards shall, before the close of the succeeding racing day, file with the commission a signed report of any and all infractions of the rules coming under their observance; and shall file with the commission any and all rulings on infractions or otherwise, as soon as said rulings are made.

[Rule 274, filed 4/21/61.]

WAC 260-24-440 Stewards--Violation of rule other than a rule of the race--Procedure. When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:

(1) He shall be summoned to a meeting before the stewards, called for that purpose.

(2) Adequate notice of said meeting shall be given the summoned party. The stewards' decision as to what is adequate notice shall be final.

(3) No penalty shall be imposed until such hearing.

(4) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards.

(5) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in the signed written statement to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.

[Rule 275, filed 4/21/61.]

WAC 260-24-450 Timers. The timers, not to exceed three in number, shall occupy the timer's stand or other appropriate place, during the running of a race, and they shall record for posting the time of each race. They shall, at the close of each day's racing, file a written report with racing secretary of the time, including the fractional time, of each race of the day.

[Rule 276, filed 4/21/61.]

WAC 260-24-460 Veterinarians. (1) The commission shall employ a veterinarian who is an equine surgeon, practicing in good standing, and licensed to practice under the state board of veterinary examiners.

(2) He shall be present in the paddock to inspect all horses, and shall inspect or observe all horses after the finish of a race, and shall perform such other duties as shall be prescribed from time to time by the stewards.

(3) If for any reason, a horse is required to be destroyed while either in the paddock or on the track, the veterinarian employed by the commission or his assistant shall perform the execution. The act of execution shall not take place in view of the public.

[Rules 358, 359 and 360, filed 4/21/61; subsection (1) amended, filed 5/4/66; subsection (3) amended, filed 8/26/65.]

WAC 260-24-465 Veterinarians--Disposal, sterilization of instruments. Veterinarians practicing veterinary medicine on a race track where a race meeting is in progress or imminent shall use one time disposable type needles and shall dispose of them in an approved manner.

All instruments used by veterinarians, farriers or anyone else, whose instruments may or could come in contact with blood or tissue of a horse, including surgical tattooing, dental and similar items must be cleaned and sterilized by autoclaving in an approved manner.

[Rule 426, filed 8/23/66.]

WAC 260-24-470 Clocker-identifier. The clocker-identifier shall be responsible primarily for supervising the proper identification and timing of horses during workouts as well as the proper recordation and reporting

to the commission and public of individual performances of each horse. He shall be present in the paddock before each race to observe and report to the stewards any irregularities observed as to identification. The trainer is responsible to the clocker-identifier for the proper identification of a horse working out.

[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.]

WAC 260-24-480 Film analyst. The film analyst shall be responsible primarily for assisting the stewards and other commission racing officials in the proper interpretation of films taken of each race during the processing of protests pursuant to WAC 260-52-040 and other disputes. The analyst shall perform such other duties as are designated by the commission and board of stewards.

[Rule 428, filed 1/30/67.]

Chapter 260-28 WAC

OWNERSHIPS, TRAINERS AND EMPLOYEES

WAC

260-28-010	Authorized agent.
260-28-020	Stable names--Registration fees and restrictions.
260-28-030	Financial responsibility.
260-28-040	Feed and supplies may be bought at open market.
260-28-050	Colors--Registration and fees.
260-28-060	Engagements and transfer of same.
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260-28-180	Trainer--Insurer of condition of horse.
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260-28-220	Trainer--Duty to register horses with racing secretary.
260-28-230	Trainer--Duty to register personnel--Occupational licenses--Safety helmets.
260-28-235	Trainer--Duty to provide employees financial relief from injury.
260-28-240	Trainer--Restriction as to horses owned by disqualified person.
260-28-250	Trainer--Bribery prohibited.
260-28-260	Trainer--Removing horses from grounds.
260-28-270	Trainer--Employing jockey to prevent riding.
260-28-280	Trainer--Reporting sickness of horse.

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) The annual fee in Washington shall be \$25.00.

(2) 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.

(3) Changes in identities must be reported immediately to and approval obtained from the commission.

(4) 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.

(5) 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.

(6) 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.

(7) A stable name may be changed at any time by registering a new stable name and by paying the fee as required above.

(8) 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.

(9) 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.

(10) A stable name shall be plainly distinguishable from that of another duly registered stable name.

(11) No stable name shall be used if in the judgment of the stewards it is being used for advertising purposes.

(12) Any combination of more than three owners will be required to race under a stable name.

[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; subsec. (4) amended, filed 8/26/65; § 31, filed 4/21/61.]

WAC 260-28-030 Financial responsibility. Any application for owner and/or trainer's license, at the request of the commission, must establish to the satisfaction of the commission his financial stability. He shall maintain his financial responsibility so long as he is licensed by the commission; failure to so comply shall be grounds for revocation of license.

[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 corporation 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 260-28-140 Employment of persons under sixteen. No stable may have in its employment in any capacity any employee under sixteen years of age, except as may be permitted by the applicable laws of Washington.

[Rules of racing, § 182, 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 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 helmets. Each trainer shall register with the racing commission every person in his employ and he shall be responsible for all his employees securing occupational licenses.

He shall also be responsible for every jockey and exercise boy wearing a safety helmet when exercising horses for him. The safety helmet shall be of a type approved by the commission and any changes in the helmet must be approved in writing by the stewards.

[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

JOCKEYS

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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 260-32-120 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, 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 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.

(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 own free will, takes himself 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.

[Order 4, § 260-32-180, filed 12/24/69; Rules of racing, §§ 158, 159, filed 4/21/61.]

WAC 260-32-190 Temporary suspension. A jockey under temporary suspension shall not ride in a race for any one during the period of his suspension, except with the permission of the stewards he may ride out his stake engagements. Said engagement or engagements must be in writing, and filed with the commission prior to the commission of the offense for which said jockey is under suspension.

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Jockeys while under temporary suspension in any other state shall not be permitted to ride stake engagements in Washington unless the racing rules of that state permit said jockey to ride stake engagements while under temporary suspension.

A jockey temporarily suspended may, with the approval of the stewards, be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the association at night, but he shall be refused admission to any part of the racing course or stands during such periods of time as the stewards may order.

[Rules of racing, § 160, filed 4/21/61.]

WAC 260-32-200 When suspension commences. The suspension of a jockey for an offense not involving fraud shall begin on the second day after the ruling, unless otherwise ordered by the stewards. A suspension for fraud shall begin immediately after the ruling.

[Rules of racing, § 161, 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.

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 260-32-360 Apprentice allowances and extensions. (1) Any person sixteen years of age or over who has never previously been licensed as a jockey in any country; and who has of his own free will (if under age, with the written consent of his parents or guardian) bound himself to an owner or trainer for a period of not less than three nor more than five years (subject to written extension if made for less than five years) by written contract approved by and filed with the commission; and after at least one year service with a racing stable, may claim in all overnight races except handicaps an allowance of five pounds until he has ridden forty-five winners or until one year from the date of riding his fifth winner, whichever may occur later.

(2) The commission may grant apprentice period extensions. To be eligible for such extensions, apprentices

shall not have ridden a horse either in a race or morning exercise for a period of at least two consecutive weeks. The commission may extend the terms of the apprentice allowance period if an apprentice rider is unable to ride because of service in the Armed Forces of the United States; cannot ride because of injuries incurred in the conduct of his vocation; restriction of racing within the state; or is enrolled full time in school and making progress toward a diploma or degree as attested to by school authorities: *Provided*, That during such times he does not ride in a race.

[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.]

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 two journeymen 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.

[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

260-34-010	Primary purpose.
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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 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) As part of a physical examination described in WAC 260-32-160, as close as practicable prior to the testee's participation in his/her first race meeting of a calendar year.

(2) 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.

(3) 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 67.16.020 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 commission 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(1), the following procedure will be used:

(a) The licensee, employee, or applicant will report to the specified physician where a member of the medical staff designated by the physician 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 member of the medical staff, chief of security, representative of the horse racing commission, or laboratory for thirty days unless there is a positive test result. If there is a positive test result, the samples will be preserved 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 thirty 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 separate equally or better qualified and reputable laboratory designated by the licensee, employee, or applicant. If the untested sample is transported for testing, transportation will be performed 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 67.16.020 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 one hundred 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 subsequent contested hearing or 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(3).

(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(3).

(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(3).

(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 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 contested hearing or 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 67.16.020 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.]

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, platers, and dentists—License required—Ineligible as trainers.
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.
260-36-090	Duplicate license cards.
260-36-100	Photographs and fingerprints.
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.

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 and shall be \$15.00.

[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, platers, and dentists—License required—Ineligible as trainers. The license fee for veterinarians, platers and dentists shall be for one year and shall be \$15.00. They must be approved by the commission before practicing their professions on the grounds of an association. They shall not be eligible to hold a license to train horses while holding said occupational license.

(1990 Ed.)

[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 by the Washington horse racing commission for one year and the fee shall be \$5.00.

(2) All employees of the Washington horse racing commission shall be exempt from any license fees but shall be issued a photo identification badge which shall be displayed in the same manner as all other licensees while in the performance of their duties at the track.

[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.]

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 permit or license for a three-year period shall expire on December 31st of the third year after it was issued. Every permit or license for a one-year period shall expire on December 31st of the year it was issued.

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[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 260-36-090 Duplicate license cards. In the event of the loss of a license card, the commission may in its discretion issue a duplicate, the fee for which shall be \$5.00.

[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.]

WAC 260-36-100 Photographs and fingerprints. Every person holding a permit to conduct parimutuel wagering in this state and every person who is a member of an association holding such a permit and every person who is an officer or director of a corporation which holds such a permit, and every employee of the holder of such permit in any capacity connected to any extent with the pari-mutuel wagering business in this state, and all trainers, jockeys, apprentices, grooms, exercise boys, managers, agents, blacksmiths, veterinarians, and like persons who actively participate in the racing activities of any such permit holders, shall furnish the commission, on demand, for its files, his fingerprints and photograph, which fingerprints and photograph shall be taken at such time and places and in such manner as the commission may from time to time direct and prescribe.

[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 may deny or revoke a license or permit to any person who shall have been refused a license or permit by any other state racing commission or racing authority: *Provided, however,* That the state racing commission or racing authority of such other state extends to the state racing commission of Washington reciprocal courtesy to maintain the disciplinary control; the commission may deny or revoke any license or permit where the holder thereof has violated the rules and regulations of the commission governing the conduct of persons connected with the race tracks.

(2) The commission may refuse to issue or renew a license, or may suspend or revoke a license issued pursuant to the rule, if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is or has been associating or consorting

with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with or has consorted or associated with bookmakers, touts, or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the commission, or shall have violated any rule of racing which shall have been approved or adopted by the commission, or has been guilty of or engaged in similar, related or like practices.

[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 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.]

Chapter 260-40 WAC

ENTRIES, STARTS, DECLARATIONS AND SCRATCHES

WAC

- 260-40-010 Declarations and scratches.
- 260-40-020 Entry prerequisite to start.
- 260-40-030 Racing secretary to receive entries and declarations.
- 260-40-040 Entries and declarations, how made—Blank forms.
- 260-40-050 Ownership interest required.
- 260-40-060 Joint subscriptions and entries.
- 260-40-070 Description and identification of horse.
- 260-40-080 Refusal of entries and transfers.
- 260-40-090 Jockey club registration certificate.
- 260-40-100 Performance records.
- 260-40-110 Horse must be in care of, saddled by, licensed trainer.
- 260-40-120 Identification prerequisite to start.
- 260-40-130 Stabling.
- 260-40-140 Horse must be eligible to start at time of entry.
- 260-40-145 Prohibiting entry of certain horses.
- 260-40-150 Compliance with partnership registration.
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- 260-40-185 Entries.
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- 260-40-200 Double entries.
- 260-40-210 Withdrawal, change, of unclosed race.
- 260-40-220 Race declared off—Split of overnight race.

- 260-40-230 Subscription to sweepstakes.
- 260-40-240 Entrance money.
- 260-40-250 Closing.
- 260-40-260 Number of entries and starters.
- 260-40-270 Alterations, corrections, after closing.
- 260-40-280 Impaired horses.

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.]

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.

(1) A horse which during the past calendar year, has started in a race which is not reported in the daily racing form monthly chart book shall not be entered at a Washington track unless and until the owner shall have furnished to the racing secretary, at least forty-eight hours prior to such entry, performance records as hereinafter designated. Such performance records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.

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(2) In a maiden race, a horse which at any time, has started in a race which is not reported in daily racing form monthly chart book shall not be entered at a Washington track unless and until the owners shall have furnished to the racing secretary at least forty-eight hours prior to such entry, complete performance records hereinafter designated. Such performance of said horse; where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.

(3) No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the stewards.

(4) If the net value to the winner of a race run in the state of Washington is nine hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Longacres, if the net value to the winner of a race run in the state of Washington is four hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Playfair and Yakima Meadows; however, the maiden allowance shall be lost by the winning of any race at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts. Furthermore, for any race to count against a horse's eligibility at Longacres, Playfair or Yakima Meadows the complete results of that race must be carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts.

All wins, regardless of the net value to the winner, shall be considered in eligibility requirements in all races, including maiden races at all tracks other than at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book, or appaloosa horse club charts.

[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 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) No entry shall be accepted from husband or wife, while either is disqualified.

[Rules of racing, §§ 110, 111, 112, filed 4/21/61.]

(1990 Ed.)

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.

(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.]

[Title 260 WAC—p 56]

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 prerace 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.]

**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.
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

Distance	Age	June	July	Aug.	Sept.
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 should be included

in a jockey's weight: Whip, or a substitute for a whip, head number, bridle, bit, reins, number cloth, blinkers or protective helmet.

[Rules of racing, § 302, filed 4/21/61.]

WAC 260-44-070 Weighing out--Bridle, whip, maximum weights. No bridle shall exceed two pounds in weight, and no whip (or substitute for a whip) shall exceed one pound in weight, unless approved by the stewards.

[Rules of racing, § 303, filed 4/21/61.]

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 he has pulled up the horse he 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. 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.

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(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.

[Rules of racing, §§ 309 through 312, filed 4/21/61.]

WAC 260-44-120 Weighing in--Weigh in/weight--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.

(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.

[Rules of racing, §§ 313, 314, filed 4/21/61.]

Chapter 260-48 WAC

MUTUELS

WAC

260-48-010	Betting rules to be printed in daily program.
260-48-020	Sale of pools permitted only within enclosure of licensed track.
260-48-030	Association to bear cost of minus pools.
260-48-035	Payoff on minus pools.
260-48-040	Purchase of ticket or part of pool for another.
260-48-050	Messengers and future sales windows.
260-48-060	Surrender of winning tickets required for payment.
260-48-070	Minors may not wager--Jockeys may not enter betting area.
260-48-080	Totalizators and result boards--Installation--Operation in plain view.
260-48-090	Locking and unlocking of machines.
260-48-100	Secretary to advise manager as to horses in race.
260-48-110	"Entry"--Wager on one is wager on all.
260-48-120	"Field"--Wager on one is wager on all.
260-48-130	Determining number of pools for race--Additional race in event of no-bet sweepstakes.
260-48-140	Computing pay-off and commissions in event of difference in pool or pools.
260-48-150	Computing pay-off when tote fails or is unreliable.
260-48-160	Refund of bets--Horse excused after betting begun.
260-48-170	Refund of bets--Horse affected by starting gate failure.
260-48-180	Refund of bets--No horse finishing race.
260-48-190	Refund of bets--Two or more horses coupled on same ticket.
260-48-200	Refund of bets--Race declared off.
260-48-210	Apportionment of win pool when no win money bet on winning horse.
260-48-220	Apportionment of place pool when no place money bet on placing horse.
260-48-230	Apportionment of show pool when no show money bet on showing horse.
260-48-240	Apportionment of place and show pools when only one horse finishes.

260-48-250	Apportionment of show pool when only two horses finish.
260-48-260	Rulings after display of "official" sign.
260-48-270	Manager to furnish take-off and calculating sheets to commission auditor.
260-48-280	Error in posting pay-off figures on public board.
260-48-290	Payments to conform to parimutuel practice—Breakage.
260-48-300	Records to be filed with commission.
260-48-305	Calculating the pay-off for entries and fields.
260-48-310	Calculating the pay-off in dead heats.
260-48-320	Daily double.
260-48-322	Quinella rules.
260-48-324	Exacta rules.
260-48-326	Wagering on "short fields."
260-48-327	Daily triple.
260-48-328	Trifecta rules.
260-48-330	Mutuel manager—Verification of winners and calculations.
260-48-340	Mutuel manager—Decisions in emergency.
260-48-350	Abandoned tickets—"Outs."

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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.
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WAC 260-48-010 Betting rules to be printed in daily program. Such rules for parimutuel betting as may be specified by the commission shall be printed in the daily racing programs sold to the public within the premises of racing associations.

[Rules of racing, § 388, filed 4/21/61.]

Daily racing programs: WAC 260-24-150.

WAC 260-48-020 Sale of pools permitted only within enclosure of licensed track. Within the enclosure of any race track licensed and conducted under the racing laws of Washington, but not elsewhere, the sale of parimutuel pools under such regulations as the commission shall provide, is hereby authorized and permitted.

[Rules of racing, § 389, filed 4/21/61.]

WAC 260-48-030 Association to bear cost of minus pools. In the event a minus pool occurs in either the win, place, or show pool, the expense of said minus pool shall be borne by the association, and the state shall receive intact its share of the remaining pools.

[Rules of racing, § 390, filed 4/21/61.]

WAC 260-48-035 Payoff on minus pools. The association must pay to the holder of any ticket or tickets entitling him 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.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 86-09-072 (Order 86-02), § 260-48-035, filed 4/21/86.]

WAC 260-48-040 Purchase of ticket or part of pool for another. 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.

[Rules of racing, § 391, filed 4/21/61.]

WAC 260-48-050 Messengers and future sales windows. If authorized and uniformed messengers or future sales windows are provided by the association, they shall give receipts to patrons purchasing parimutuel tickets through them, and winning tickets shall be paid by such messengers only upon surrender of such receipts.

If a future sales window is provided, the actual winning ticket shall be returned to the patron upon surrender of his receipt. The patron shall then cash for himself this ticket in the normal manner through the "outs" cashier of the association. Each association shall maintain a separate receipt book for these future sales of a type approved by the commission.

No wager shall be accepted by any messenger after seven minutes before official post-time. No wager on the daily double will be accepted by a messenger after fifteen minutes before the official post-time of the first race in the daily double. Messengers shall leave the box section and the restaurant not less than seven minutes before post-time and shall report at the messenger's room not less than five minutes before post-time, subject to such penalty for infraction of this rule as may be imposed by the mutuel manager. When such messengers are employed, specific parimutuel windows shall be designated for their exclusive use, in a room or space set apart therefor, and all persons shall be excluded therefrom except those actually employed thereat. Methods of operation shall, at all times, be in accordance with the rules of the commission.

[Rules of racing, § 392, filed 4/21/61.]

WAC 260-48-060 Surrender of winning tickets required for payment. Payment on winning parimutuel tickets shall be made only upon presentation and surrender of such tickets.

[Rules of racing, § 393, filed 4/21/61.]

WAC 260-48-070 Minors may not wager—Jockeys may not enter betting area. No minor shall be allowed to wager. No jockey shall enter the betting area.

[Rules of racing, § 394, filed 4/21/61.]

WAC 260-48-080 Totalizators and result boards—Installation—Operation in plain view. All race tracks under the jurisdiction of the commission are required to install and maintain mechanically operated totalizators and result boards in plain view of patrons.

[Rules of racing, § 395, filed 4/21/61.]

WAC 260-48-090 Locking and unlocking of machines. All parimutuel machines shall be locked by electrical control by the state steward, immediately upon the start of each race, or as provided under WAC 260-24-400, and in no case shall the parimutuel machines be

unlocked until after the finish of said race. Each association shall provide and maintain in the stewards' stand an electrical device which shall directly control the locking of all parimutuel machines by the state steward.

[Rules of racing, § 396, filed 4/21/61.]

WAC 260-48-100 Secretary to advise manager as to horses in race. The manager of the parimutuel department shall be properly and timely advised by the racing secretary, prior to the beginning of wagering on each race, on the horses that will compete in the race.

[Rules of racing, § 397, filed 4/21/61.]

WAC 260-48-110 "Entry"--Wager on one is wager on all. When two or more horses run in a race, and are coupled because of common ties they are called an "entry" and a wager on one of them shall be a wager on all of them. In cases where the only common tie is that the horses are trained by the same trainer, the horses shall be uncoupled for wagering purposes except in quinella or exacta races. At nonprofit or sixty-forty meets, when the only common tie is that the horses are trained by the same trainer, the horses may be uncoupled for wagering purposes.

[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.]

WAC 260-48-120 "Field"--Wager on one is wager on all. When the total number of horses competing in a race exceeds the numbering capacity of the tote, the highest numbered horse within the capacity of the tote and all horses of a higher number shall be grouped together and called the "field" and a wager on one of them shall be a wager on all of them.

[Rules of racing, §§ 325, 399, filed 4/21/61.]

WAC 260-48-130 Determining number of pools for race--Additional race in event of no-bet sweepstakes. In all races except sweepstakes with five or more separate entries which start, racing associations shall provide win, place and show pools; in all races with four separate entries which start, they shall provide win and place pools; in races of three or two separate entries which start, they shall provide only a win pool; and parimutuel tickets shall be sold accordingly: *Provided, however,* That in sweepstakes with less than four separate entries which start, racing associations, may at their option, provide that there shall be no betting; and in such cases an additional race with betting shall be added to the program. However, the stewards, in any race, may waive the requirements that there must be a place or show pool.

[Rules of racing, § 400, filed 4/21/61.]

WAC 260-48-140 Computing pay-off and commissions in event of difference in pool or pools. Whenever there is a difference in any pool or pools, i.e., a difference between the sum total of the wagers on the individual horses as compared with the grand total as shown by the tote board, the larger amount shall be used as the basis of computing the pay-off. The said larger amounts

shall be used as the base on which the commissions are computed and paid to the association and to the state, respectively.

[Rules of racing, § 401, filed 4/21/61.]

WAC 260-48-150 Computing pay-off when tote fails or is unreliable. Whenever the tote board fails mechanically and is obviously unreliable as to the amounts wagered, the pay-off shall be computed on the sums wagered in each pool as shown by the recapitulation of the sales registered by each ticket issuing machine.

[Rules of racing, § 402, filed 4/21/61.]

WAC 260-48-160 Refund of bets--Horse excused after betting begun. If a horse be excused from racing for any reason whatsoever, after the betting thereon has begun, the money bet on that horse shall be refunded; except that when the horse is part of an entry or the "field," there shall be no refund, if the entry or the "field," as the case may be, has at least one actual starter.

[Rules of racing, § 403, filed 4/21/61.]

WAC 260-48-170 Refund of bets--Horse affected by starting gate failure. 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, the money bet on that horse shall be refunded; except that when the horse is part of an entry or the "field," there shall be no refund, if the entry or the "field," as the case may be, has at least one actual starter.

[Rules of racing, § 404, filed 4/21/61.]

WAC 260-48-180 Refund of bets--No horse finishing race. If no horse finishes in a race all money wagered on that race shall be refunded.

[Rules of racing, § 405, filed 4/21/61.]

WAC 260-48-190 Refund of bets--Two or more horses coupled on same ticket. If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refund unless all the horses so coupled are excused before off-time, or all of the horses so coupled are locked in the gate.

[Rules of racing, § 406, filed 4/21/61.]

WAC 260-48-200 Refund of bets--Race declared off. If a race is declared off by the stewards after wagering begins on that race, all money wagered on that race shall be refunded.

[Rules of racing, § 407, filed 4/21/61.]

WAC 260-48-210 Apportionment of win pool when no win money bet on winning horse. If a horse wins and there is no money wagered on him to win, the win pool shall be appointed [apportioned] among the holders of the place tickets on that horse, if any; otherwise among holders of the show tickets.

[Rules of racing, § 408, filed 4/21/61.]

WAC 260-48-220 Apportionment of place pool when no place money bet on placing horse. If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among holders of the place tickets on the other horse which was placed first or second.

[Rules of racing, § 409, filed 4/21/61.]

WAC 260-48-230 Apportionment of show pool when no show money bet on showing horse. If no money has been wagered to show on a horse which is placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

[Rules of racing, § 410, filed 4/21/61.]

WAC 260-48-240 Apportionment of place and show pools when only one horse finishes. If only one horse finishes in a race, the place and show pools shall be apportioned among the holders of the place and show tickets on that horse.

[Rules of racing, § 411, filed 4/21/61.]

WAC 260-48-250 Apportionment of show pool when only two horses finish. If only two horses finish in a race, the show pool shall be apportioned among the holders of show tickets on those two horses.

[Rules of racing, § 412, filed 4/21/61.]

WAC 260-48-260 Rulings after display of "official" sign. Any ruling of the stewards with regard to the award of purse money made after the sign, "official" has been purposely displayed shall have no bearing on the mutuel pay-off.

[Rules of racing, § 413, filed 4/21/61.]

WAC 260-48-270 Manager to furnish take-off and calculating sheets to commission auditor. The manager of the parimutuel department shall furnish a copy of all take-off and calculating sheets to the commission auditor, as soon as completed.

[Rules of racing, § 414, filed 4/21/61.]

WAC 260-48-280 Error in posting pay-off figures on public board. If an error is made in posting the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off, irrespective of the error on the public board. If because of mechanical failure it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and corrections.

[Rules of racing, § 415, filed 4/21/61.]

WAC 260-48-290 Payments to conform to parimutuel practice--Breakage. Payments due on all wagers shall be made in conformity with the well established practice of the parimutuel system. The practice is to work in dollars and not in number of tickets. The

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"break" permitted by law is deducted in all of the calculations arriving at the payoff prices; i.e., the odd cents over any multiple of five cents of winning per dollar wagered are deducted.

[Rules of racing, § 416, filed 4/21/61.]

WAC 260-48-300 Records to be filed with commission. Complete and detailed records of each race, containing each change of readings of the odds and the actual possible "pay-off" on each horse, shall be filed with the commission at the end of each race.

[Rules of racing, § 417, filed 4/21/61.]

WAC 260-48-305 Calculating the pay-off for entries and fields. When two or more horses racing as an entry or field finish first, second, or third, each horse of the entry or field shall receive its proportionate share of the profits in whichever pool or pools are affected.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-034 (Order 81-06), § 260-48-305, filed 7/10/81.]

WAC 260-48-310 Calculating the pay-off in dead heats. In case of a dead heat in the win pool, the pay-off price shall be figured as in a place pool. (1) In the case of a dead heat for second in the place pool, the winner of the race receives its half share of the profits in that pool; and each of the two horses that dead heats for second receives one-half of the remaining half of the profits.

(2) In the case of a dead heat for third or show in the show pool, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third each receives one-half of the remaining third of the profits.

(3) When two or more horses racing for one interest or field horses participate in dead heats, each horse of the entry or field is entitled to his proportionate share of the profits in the pool in which the dead heat occurs and the other pools affected. For example; Where two horses of an entry or field "dead heat" for win, the win and place prices are calculated as win pools, and the entry is entitled to two thirds of the profits of the show pool.

(4) Where two or more horses of an entry or field figure in a dead heat or multiple dead heats in one race, each horse of the entry or field participating gets his proportionate award of the profits in whatever pool, or pools, are affected by the dead heat or dead heats. The sum of the total profits, in each pool, for the entry or field, is then used as a dividend to calculate the pay-off for said entry or field in that pool.

[Rules of racing, § 418, filed 4/21/61.]

WAC 260-48-320 Daily double. (1) Only one daily double will be permitted during a single racing program.

(2) If no ticket is sold combining the two winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the last race of the daily double in the same manner in which place pool is calculated and distributed.

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(3) If no ticket is sold including the winner of the first race of the daily double then the entire pool will be paid to the holders of tickets which include the winner of the last race of the daily double.

(4) Likewise, if no ticket is sold including the winner of the last race of the daily double, the entire pool will be paid to the holders of tickets which include the winner of the first race of the daily double.

(5) If no ticket is sold including a winner of either race of the daily double, then the pool shall be paid to holders of tickets which include the horses finishing second in the two races of the daily double.

(6) If no ticket is sold that would require distribution of the daily double pool to a winner under the subsections (2), (3), (4) and (5) of this rule, the association shall make a complete and full refund of the daily double pool.

(7) If for any reason the first race of a daily double is cancelled and declared off, full and complete refund will be made of the daily double pool.

(8) If for any reason, the second race of a daily double is cancelled or declared off, the whole of the daily double pool shall be distributed as a win pool to the holders of daily double tickets, upon the winner of the first half of the daily double. If no daily double ticket has been sold upon the winner of the first half of such daily double, the total pool shall be distributed as a win pool to the holders of the daily double tickets upon the horse finishing second in the first half of such daily double.

(9) There shall be a refund of daily double wagers in the event of a horse being scratched before the betting on the daily double has closed. (This refund to apply only to wagers on the horse scratched.)

(10) In the event a horse is excused in the second half of the daily double, after the first race is official, all money wagered on the scratched horse in the second half of the daily double shall be deducted from the daily double pool. Using this money, so deducted, as a win pool, a special or consolation prize shall be paid to all ticket holders, combining the scratched horse with the winner of the first race of the daily double.

(11) Before the running of the race comprising the last half of the daily double pool there shall be posted in a prominent place, easily visible from the grand stand, club house and bleachers, the pay-off of each combination coupled with the winner of the first half of the daily double.

(12) In case of a dead heat for winner in the first half of the daily double, the pay-off of the daily double need not be posted until after the running of the second half of the daily double, owing to the complicated calculations involved. However, announcement of this fact must be made over the loud-speaker and notice to this effect be posted on the board at conclusion of first half of daily double.

(13) If a dead heat should result in either the first or second race of the daily double, the total pool is figured as a place pool.

(14) Sale of daily double tickets shall close not later than "off-time" of the first race of the daily double.

(15) The daily double is not a "parlay" and has no connection with or relation to the pool shown on the totalizator board. In any race, the win, place, show and daily double pools are treated separately and calculated independently of each other.

[Rules of racing, § 419, filed 4/21/61.]

WAC 260-48-322 Quinella rules. Quinella-type betting may be authorized at the discretion of the racing commission upon written application by an association subject to the following procedures:

(1) The quinella is not a parlay and has no connection with or relation to the win, place and show pools shown on the totalizator board. All tickets on the quinella will be calculated in an entirely separate pool.

(2) All quinella tickets will be for the win and place combination only. When purchasing a quinella ticket two horses are selected, which must finish 1-2, or 2-1. For example, if numbers 3 and 6 are selected they must come in 3 first, and 6 second; or 6 first, and 3 second.

(3) The racing secretary shall prefer for quinella races, races in which there are not entries or field horses. In the event a quinella race is run in which entries or field horses are entered, they shall race as a single wagering interest for the purpose of mutuel pool calculations and payouts to the public. If, in the event that any part of the entry or the field is a starter, there shall be no refund to persons wagering on such entry or field. In the event any part of an entry or the field finishes first, the order of finish of all other horses making up such entry or field will be disregarded in determining which horse finished second for the purpose of this rule.

(4) Should any horse or horses entered in a quinella race be scratched or excused by the stewards after wagering has commenced or should any horse or horses be prevented from racing because of the failure of stall doors of the starting gate to open, all tickets including such horse or horses shall be deducted from the quinella pool and money refunded to the purchasers of tickets on the horse or horses so excused or prevented from racing.

(5) Should there be no tickets sold on the winning combination in a quinella race, any and all quinella tickets bearing the number of the individual win horse and any and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a place pool.

(6) Should there be no tickets sold on the winning combination in a quinella race and should there be no quinella tickets sold bearing the number of the individual win horse, any and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

(7) Should there be no tickets on the winning combination in a quinella race, and should there be no quinella tickets sold bearing the number of the individual place horse, any and all quinella tickets bearing the number of the individual win horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

(8) Should there be no tickets on the winning combination in a quinella race, and should there be no quinella

tickets sold bearing the number of the individual win horse, and should there be no quinella tickets sold bearing the number of the individual place horse, the quinella shall be deemed "no race," and all money in the quinella shall be promptly refunded.

(9) Should, after an official start is effected, only one horse finish the quinella race, the total money is figured as a win pool, with those who have picked that one horse in the race participating in the pool.

(10) Should a two-horse dead-heat for win result in a quinella race, the two horses involved in the dead heat shall be the winners of the quinella race.

(11) Should a multiple dead-heat for win result in a quinella race, all horses involved in the dead heat shall be the winners of the quinella race and payoffs figured accordingly. Example: Should numbers 1, 3, 5, and 7 dead-heat for win, the winning quinella combination would be 1-3, 1-5, 1-7, 3-5, 3-7, and 5-7. The net pool after deducting the amounts wagered on the winning combination will be equally distributed in payoff calculations on the winning combinations.

(12) Should a two-horse dead-heat for place result in a quinella race, the total pool is calculated as a place pool.

(13) Should a multiple dead-heat for place result in a quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the quinella race and payoffs calculated accordingly.

(14) Each association conducting a daily quinella pool shall publish the foregoing rule in a manner approved by the commission.

[Order 73.8, § 260-48-322, filed 10/23/73; Order 71-9, § 260-48-322, filed 6/2/71.]

WAC 260-48-324 Exacta rules. Exacta-type betting may be authorized at the discretion of the racing commission upon written application by an association subject to the following procedures:

(1) The exacta is not a parlay and has no connection with or relation to the win, place and show pools shown on the totalizator board. All tickets on the exacta will be calculated in an entirely separate pool.

(2) All exacta tickets will be for the win and place combination only. Each person purchasing an exacta ticket shall designate the exact order in which the first two horses will finish in an exacta race. For example, if number 3 is selected to finish first and number 6 is selected to finish second, they must come in number 3 first, and number 6 second, in order to win.

(3) The racing secretary shall prefer for exacta races, races in which there are not entries or field horses. In the event an exacta race is run in which entries or field horses are entered, they shall race as a single wagering interest for the purpose of mutuel pool calculations and payouts to the public. If, in the event that any part of the entry or the field is a starter, there shall be no refund to persons wagering on such entry or field. In the event any part of an entry or the field finishes first, the order of finish of all other horses making up such entry or field will be disregarded in determining which horse finished second for the purpose of this rule.

(4) Should any horse or horses entered in an exacta race be scratched or excused by the stewards after wagering has commenced or should any horse or horses be prevented from racing because of the failure of stall doors of the starting gate to open, all tickets including such horse or horses shall be deducted from the exacta pool and money refunded to the purchasers of tickets on the horse or horses so excused or prevented from racing.

(5) In the event that no ticket is sold on the winning combination of an exacta pool, the net pool shall be distributed equally between holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

(6) In the event of a dead heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of the winning combinations.

(7) In the event of a dead heat between two or more horses for place, all tickets designating the proper first horse to win which are coupled with any of the place horses involved in a dead heat shall be the winners of the exacta race and payoffs calculated according to their respective interest in the net pool.

(8) In the event of a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combinations. If no tickets combine the winning horse with either of the place horses in the dead heat, the exacta pool shall be calculated and distributed to holders of tickets designating the winning horse or either of the place horses according to their respective interest in the net pool.

(9) In the event of a dead heat between three or more horses for first place, the net pool shall be calculated and distributed to holders of tickets designating any two of the horses participating in the dead heat according to their respective interest in the net pool.

(10) In the event that no ticket is sold that would require distribution to any winner as above defined, the exacta shall be deemed "no race" and all money in the exacta shall be promptly refunded.

(11) Each association conducting an exacta pool shall publish the foregoing rule in the manner approved by the commission.

[Order 73.8, § 260-48-324, filed 10/23/73; Order 71-9, § 260-48-324, filed 6/2/71.]

WAC 260-48-326 Wagering on "short fields." At any race meet, if the number of horses entered in a race is fewer than, or falls below, six horses, the commission may authorize that the wagering on that race be conducted by the quinella or exacta type methods.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-326, filed 7/10/81.]

WAC 260-48-327 Daily triple. (1) The daily triple parimutuel pool is not a parlay and has no connection with or relation to any other parimutuel pool conducted by the association, nor to any win, place, and show pool

shown on the totalisator board, nor to the rules governing the distribution of such other pools.

(2) A valid daily triple ticket shall be evidence of the binding contract between the holder of the ticket and the racing association, and the said ticket shall constitute an acceptance of daily triple provisions and rules contained in the rules and regulations of the Washington horse racing commission.

(3) A daily triple may be given a distinctive name to be selected by the association conducting such races, such as "PICK 3," subject to prior approval of the commission.

(4) The daily triple parimutuel pool consists of amounts contributed for a selection for win only in each of three consecutive races designated by the association with the prior approval of the commission. Each person purchasing a daily triple ticket shall designate the winning horse in each of the three races comprising the daily triple.

(5) The net amount in the parimutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of tickets which correctly designate the winners in all three races comprising the daily triple.

(6) If no ticket is sold combining the three winners of the daily triple, the net amount in the parimutuel pool shall be distributed among the holders of tickets which include the winners of at least two of the three races comprising the daily triple.

(7) If no ticket is sold combining at least two winners of the daily triple, the net amount in the parimutuel pool shall be distributed among holders of tickets which include the winner of any race comprising the daily triple.

(8) If no ticket is sold that would require distribution of the daily triple pool to a winner under this section, the association shall make a complete and full refund of the daily triple pool.

(9) If for any reason one of the races comprising the daily triple is cancelled, the net amount of the parimutuel pool shall be distributed as provided in subsections (5), (6), and (7) of this section.

(10) If for any reason two or more of the races comprising the daily triple are cancelled, a full and complete refund will be made of the daily triple pool.

(11) In the event a daily triple ticket designated a selection in any one or more of the races comprising the daily triple and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

(12) In the event of a dead heat for win between two or more horses in any daily triple race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

(13) No parimutuel ticket for the daily triple pool shall be sold, exchanged, or cancelled after the time of the closing of wagering in the first of the three races comprising the daily triple, except for such refunds on daily triple tickets as required by this section, and no

person shall disclose the number of tickets sold in the daily triple pool or the number or amount of tickets selecting winners of daily triple races until such time as the stewards have determined the last race comprising the daily triple to be official. At the conclusion of the second of the three races comprising the daily triple, an association may, with the prior approval of the commission, display potential distributions to ticket holders depending upon the outcome of the third race of the 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.]

WAC 260-48-328 Trifecta rules. (1) Trifecta means a betting transaction in which the purchaser of a ticket undertakes to select in the exact order of finish the first three horses to finish a race on which the feature is operated.

(2) No trifecta feature pool shall be operated on any race when there is an entry or mutuel field.

(3) No association shall offer to sell trifecta tickets on any race when there are less than eight horses scheduled to start.

(4) Each association shall include in its printed program these trifecta rules and/or post copies of these rules in conspicuous areas accessible to the betting public.

(5) Subject to these regulations, a trifecta ticket is void when the purchaser of such ticket fails to select the exact order of finish of the first three horses.

(6) The trifecta is not a parlay and has no connection with or relation to the win, place and show pools. All tickets on the trifecta will be calculated in an entirely separate pool.

(7) The pay-out price for a trifecta pool shall be calculated in the following manner:

(a) The legal percentages shall be deducted from the total amount bet in any such pool to determine a net pool;

(b) The net pool shall be divided by the value of tickets bet on the winning combination; and

(c) The quotient obtained pursuant to paragraph (b) of this subsection shall be multiplied by the purchase price of each ticket on the winning combination.

(8)(a) When there are no tickets sold in a trifecta feature pool coupling the horses finishing first, second, and third in the exact order of the official result, the trifecta pool shall be calculated in accordance with subsection (7) of this section, except that the net pool shall be divided by the value of tickets sold in that pool on horses on which tickets have been sold, coupled in a combination finishing nearest the official order of finish.

(b) The following sequence based on the official order of finish shall be used to determine such combination:

(i) First, second, and fourth;

(ii) First, third, and fourth;

(iii) Second, third, and fourth;

(iv) First, second, and fifth;

(v) First, third, and fifth;

- (vi) First, fourth, and fifth; and
- (vii) Sequentially thereafter.

(c) When only two horses finish in a race on which trifecta feature is operated, the pool shall be calculated in accordance with subsection (7) of this section, except that the net pool shall be divided by the value of tickets sold in the pool on horses selected to finish first and second in the exact order of the official result, coupled with any other horse that started in the race.

(d) When only one horse finishes in a race on which trifecta feature is operated, the pool shall be calculated in accordance with subsection (7) of this section, except that the net pool shall be divided by the value of tickets sold in the trifecta pool selecting that horse to finish first, coupled with any two other horses started in the race.

(9) In the event of a dead heat, all trifecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in either position dead heated, shall be winning tickets and distribution of the pool shall be made in accordance with established pari-mutuel practice relative to dead heats.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-18-021 (Order 81-08), § 260-48-328, filed 8/25/81.]

WAC 260-48-330 Mutuel manager--Verification of winners and calculations. The mutuel manager is held responsible for the correctness of all pay-off prices posted on the board. Before the mutuel department of any race track posts the pay-off prices of any pool for any race, the mutuel manager shall require each of the calculating sheets of such race to be proved by the calculators, and winners verified. Such proof shall show pay-breaks-commission and added together show they equal total pool. All pay slips are to be checked with calculating sheets as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the calculator before they are released to the public.

[Rules of racing, § 420, filed 4/21/61.]

WAC 260-48-340 Mutuel manager--Decisions in emergency. Should any emergency arise in connection with the operation of the parimutuel department not covered by these rules and an immediate decision is necessary, the manager of the parimutuel department shall make the decision.

[Rules of racing, § 421, filed 4/21/61.]

WAC 260-48-350 Abandoned tickets--"Outs." (1) Every association shall carry on its books an account which shows the total amount due on outstanding unredeemed mutuel tickets, which represents the winning tickets not presented for payment.

(2) When cashing parimutuel tickets which have previously been entered in the "outsbook," each association shall be responsible to see that on the back of each ticket there is clearly stamped the number of the cashier and the words "outticket." All tickets so cashed shall be retained for a period of thirty months from the date they were cashed.

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A copy of the money room report showing the daily "outs" and a copy of the outstanding tickets report prepared by the calculating room showing the daily accumulation of the "outs" totals shall be furnished and delivered to the auditor of the commission by the association within forty-eight hours after the close of each performance.

[Rules of racing, §§ 422, 423, filed 4/21/61.]

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 unless the horse is being warmed up on the way to and just prior to entering the paddock for the next race to be run.

(2) When a horse is being so warmed up before entering the paddock, his official program number shall be displayed by the rider.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

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(8) 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.

(9) No person shall wilfully delay the arrival of a horse at the post.

(10) 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.

(11) 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 67.16.020 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.

Horses shall take their position at the post in the order in which their names have been drawn, beginning from the inside rail, but vicious and unruly horses may be placed on the outside, if necessary.

[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 shall give orders to secure a fair start. After reasonable efforts, if a horse cannot be led or backed into position, the starter shall order the horse to be taken to the outside. The start must not be delayed on account of bad-mannered horses. When the stall gate is used, it shall be placed on the track at the discretion of the starter.

(2) The starter is required to load horses into the starting gate in order of post position. *Provided however,* That the starter may load known fractious horses out of order at his discretion.

(3) All races shall be started by a starting gate approved by the commission, except that with permission of the stewards a race may be started without a gate. When a race is started with or without a gate, there shall be no start until, and no recall after, the assistant starter has dropped his flag in answer to that of the starter.

(4) If a horse is locked in the gate, the starter shall immediately notify the stewards who in turn shall immediately notify the manager of pari-mutuel department. The starter shall be the sole judge of what horse or horses are prevented from starting in a race through failure of gates to open.

[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) When clear, a horse may be taken to any part of the course, except

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that crossing or weaving in front of contenders may constitute interference or intimidation for which the offender may be disciplined.

(2) A horse crossing so as actually to impede another horse is disqualified, unless the impeded horse was partly in fault or the crossing was wholly caused by the fault of some other horse or jockey.

(3) If a horse or jockey jostle another horse, the aggressor may be disqualified, unless the jostled horse or his jockey was partly in fault or the jostle was wholly caused by the fault of some other horse or jockey.

(4) If a jockey wilfully strikes another horse or jockey, or rides wilfully or carelessly so as to injure another horse, which is in no way in fault, or so as to cause other horses to do so, his horse is disqualified.

(5) When a horse is disqualified under this rule the other horse or horses in the same race coupled as an entry under WAC 260-48-110 may be disqualified.

(6) Complaints under this rule can only be received from the owner, trainer or jockey of the horse alleged to be aggrieved, and must be made to the clerk of the scales or to the stewards before or immediately after his jockey has passed the scales. But nothing in this rule shall prevent the stewards taking cognizance of foul riding.

(7) Any jockey against whom a foul is claimed shall be given the opportunity to appear before the stewards before any decision is made by them.

(8) A jockey whose horse has been disqualified or who unnecessarily causes his horse to shorten his stride with a view to complaint, or an owner, trainer or jockey who complains frivolously that his horse was crossed or jostled, may be punished.

(9) All horses are expected to give their best efforts in races in which they run, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are forbidden and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and the commission.

(10) No jockey carrying a whip during a race shall fail to use the whip in a manner consistent with using his best efforts to win. Jockeys are prohibited from whipping a horse during the post parade, over the head, or in an excessive or brutal manner.

[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

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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 placing and patrol judges, however, in all cases, the cameras are merely an aid and the decisions of the judges are to be final. The photograph of each finish shall be posted in at least one conspicuous place as promptly as possible after each race.

(2) The association shall keep on file for the duration of the meeting each plate or film of each race for reference or reproduction upon request of the commission.

[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.

(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 from recalling the sign, "official" in case it has been displayed through error.

[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 260-68-110 [WAC 260-70-130], 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.)

[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.

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[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

- 260-60-010 Who may claim—Owner or agent.
 260-60-020 Prospective owner or agent.
 260-60-030 Limit as to number claimed.
 260-60-040 Claims to be in amount printed on program—Disposition by lot.
 260-60-050 Formal requisites of claim.
 260-60-060 Deposit with association of amount of claim—Receipt credit.
 260-60-070 Time for deposit of claim in claiming box—Claims irrevocable.
 260-60-080 Divulging information prohibited.
 260-60-090 Stewards to pass on claims.
 260-60-100 Affidavit as to claim in own account or as agent.
 260-60-110 Unlawful agreements—Intimidation.
 260-60-115 Claim in bad faith.
 260-60-120 Disclosure of incumbrances—Entry of mare in foal in a claiming race.
 260-60-130 Claiming race, limit as to horses in same interest or control.
 260-60-140 Claimed horse—In whose interest run—Delivery and passage of title.
 260-60-150 Claimed horse—Refusal to deliver.
 260-60-160 Claimed horse—Subsequent entry.
 260-60-170 Claimed horse—Subsequent sale or transfer—Retention by owner.
 260-60-180 Claimed horse—Racing elsewhere.
 260-60-190 Claimed horse—Title recognized according to rules of meeting.
 260-60-200 Claimed horse—Foal certificate.
 260-60-210 Cancellation of claims.
 260-60-230 Rules apply to all races.

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

- 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.

WAC 260-60-010 Who may claim—Owner or agent. In claiming races, any horse is subject to claim for its entered price by any owner at that meeting or by a licensed authorized agent for the account of such owner: *Provided, however,* That no person shall claim his own horse, or cause his horse to be claimed directly or indirectly for his own account.

For the purpose of this rule an "owner" shall be deemed to be an owner as defined in WAC 260-12-010 who has registered in good faith for racing and who has had a horse or horses occupying assigned stall space at the race meeting even though all horses occupying stall space have been eliminated.

[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.]

WAC 260-60-020 Prospective owner or agent. In addition to the above rule, any horse is subject to claim 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, the names of such prospective owners to be prominently displayed in the offices of the commission and the racing secretary. There shall be a fee of twenty-five dollars per person for processing an application for approval as a prospective owner.

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Nothing in this rule should be construed as prohibiting the commission from approving as a prospective owner a person who has been licensed as an owner during the calendar year at a previous meet.

[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.]

WAC 260-60-030 Limit as to number claimed. (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.

[Rules of racing, §§ 34, 35, 36, filed 4/21/61.]

WAC 260-60-040 Claims to be in amount printed on program—Disposition by lot. 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. Should more than one claim be filed for the same horse, the disposition of the horse shall be determined by lot under the direction of one or more of the stewards, or their representative.

[Rules of racing, § 41, filed 4/21/61.]

WAC 260-60-050 Formal requisites of claim. All claims must be made in writing by an owner, a licensed prospective owner, or an authorized agent. Such claims 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, otherwise the claim will be void. In addition, all claims must otherwise be in conformance with the requirements of this chapter.

[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.]

WAC 260-60-060 Deposit with association of amount of claim—Receipt credit. No money shall accompany the claim. Each person desiring to make a claim, must first deposit with the association the whole amount of the claim in cash, or in the discretion of the association, a certified or bank cashier check, for which a receipt will be given unless at the time of depositing said claim he shall have such amount to his credit with the association.

[Order 73.7, § 260-60-060, filed 12/3/73; Rules of racing, § 43, filed 4/21/61.]

WAC 260-60-070 Time for deposit of claim in claiming box—Claims irrevocable. All claims shall be deposited in the claiming box at least fifteen minutes before the established post time of each race. When a

claim has been filed it is irrevocable and at the risk of claimant.

[Order 73.7, § 260-60-070, filed 12/3/73; Rules of racing, § 46, filed 4/21/61.]

WAC 260-60-080 Divulging information prohibited. 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.

[Rules of racing, § 47, filed 4/21/61.]

WAC 260-60-090 Stewards to pass on claims. After deposit of the claim and before the running of the race, the stewards or their authorized representative, shall pass upon the claim. Unless approved at such time, the claim shall be declared invalid. A ruling declaring a claim to be invalid shall be final in all respects.

[Order 73.7, § 260-60-090, filed 12/3/73; Rules of racing, § 48, filed 4/21/61.]

WAC 260-60-100 Affidavit as to claim in own account or as agent. The stewards may, at any time, in their discretion, require any person making a claim for a horse in any claiming race, to make affidavit in writing that he is claiming said horse for his own account or as authorized agent, and not for any other person. Any person making such affidavit wilfully and falsely shall be subject to punishment in the same manner as is herein-after provided for the punishment of other persons violating any of the terms of these rules.

[Rules of racing, § 50, filed 4/21/61.]

WAC 260-60-110 Unlawful agreements--Intimidation. 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; nor shall any person attempt, by intimidation, to prevent any one from running a horse in any race for which it is entered; nor shall any owner or trainer running horses in any claiming race make any agreement for the protection of each other's horses.

[Rules of racing, § 52, filed 4/21/61.]

WAC 260-60-115 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 shall be invalid.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 81-09-075 (Order 81-03), § 260-60-115, filed 4/22/81.]

WAC 260-60-120 Disclosure of incumbrances--Entry of mare in foal in a claiming race. The conditions of any mortgage or lien against a horse must be filed with the racing commission before a horse is entered, and if the animal is leased this fact must be fully disclosed. No person shall enter a mare in a claiming 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 rescision 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.

[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.]

WAC 260-60-130 Claiming race, limit as to horses in same interest or control. In claiming races not more than two horses in the same interest or under the control of the same trainer can start.

[Rules of racing, § 44, filed 4/21/61.]

WAC 260-60-140 Claimed horse--In whose interest run--Delivery and passage of title. A horse claimed shall not be delivered by the original owner to the successful claimant until authorization shall be given by the racing secretary, and every horse so 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" and said 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.

[Rules of racing, § 49, filed 4/21/61.]

WAC 260-60-150 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.

[Rules of racing, § 51, filed 4/21/61.]

WAC 260-60-160 Claimed horse--Subsequent entry. A claimed horse 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.

[Rules of racing, § 37, filed 4/21/61.]

WAC 260-60-170 Claimed horse--Subsequent sale or transfer--Retention by owner. If a horse is claimed it shall not be sold or transferred to any one 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.

[Rules of racing, § 38, filed 4/21/61.]

WAC 260-60-180 Claimed horse--Racing elsewhere. A claimed horse shall not race out of the state of

Washington until after the close of the meeting at which it was claimed, except by special permission of the stewards at the meeting at which it was claimed.

[Rules of racing, § 39, filed 8/26/65; Rules of racing, § 39, filed 4/21/61.]

WAC 260-60-190 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.

[Rules of racing, § 40, filed 4/21/61.]

WAC 260-60-200 Claimed horse--Foal certificate. The foal certificate of a claimed horse must remain in the secretary's office until the new owner removes the horse from the track.

[Rules of racing, § 45, filed 4/21/61.]

WAC 260-60-210 Cancellation of claims. If within thirty days from the running of the race in which a horse is claimed the stewards find that such 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 67.16.020 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.]

WAC 260-60-230 Rules apply to all races. These rules shall apply to all races under the jurisdiction of the commission.

[Rules of racing, § 54, filed 4/21/61.]

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

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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.]

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

260-70-010	Definitions applicable to chapter 260-70 WAC.
260-70-021	Medication standards.
260-70-025	Bleeder list.
260-70-026	Bleeder treatment.
260-70-027	Reciprocity of bleeder list.
260-70-028	Detention stall.
260-70-029	Receiving barn.
260-70-031	Reporting to receiving barn.
260-70-032	Exclusion from receiving and detention barn.
260-70-040	Horses to be tested.
260-70-050	Procedure for taking specimens.
260-70-060	Effect of laboratory analysis.
260-70-070	Persons responsible.
260-70-080	Procedure upon positive finding by chief chemist.
260-70-090	Permitted level of approved NSAIDS.
260-70-100	Penalties relating to overage of permitted medication.
260-70-110	Commission may require association to set apart place for medication and testing.
260-70-120	Sampling medications and drugs.
260-70-130	Voiding track record.
260-70-140	Hypodermic instruments.
260-70-150	Who may administer medications.
260-70-160	Veterinarians under the supervision of state veterinarian—Test barn veterinarian.
260-70-170	Veterinarian report.
260-70-180	Improper medication.
260-70-190	Blocking of legs or ankles.

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260-70-200	Bandages.
260-70-210	Nerving.
260-70-220	Posterior digital neurectomy.
260-70-230	List of nerved horses.
260-70-240	Examination required.
260-70-250	Medication procedures and related instructions.
260-70-260	Adulteration of sample.
260-70-270	Labelling of medications.
260-70-280	Effective date—Repealer.
260-70-290	Reporting to receiving barn.
260-70-300	Exclusion from receiving barn.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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.
260-70-030	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.

WAC 260-70-010 Definitions applicable to chapter 260-70 WAC. As used in this chapter, unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat or prevent disease, relieve pain, or improve health with the exception of prohibited drugs.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is an analgesic, including narcotics or which could serve as a local anesthetic, or a tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, or bronchial dilators; or (b) any interfering substance.

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Approved nonsteroidal anti-inflammatory drug (NSAID)" includes and is limited to phenylbutazone or oxyphenylbutazone; naproxen and meclufenamic acid used in the manner described in WAC 260-70-090.

(5) "Bleeder" means a horse which hemorrhages from a nostril or into its trachea during a race or during exercise or within one hour of the race or exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission veterinarian.

[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.]

WAC 260-70-021 Medication standards. (1) No horse shall have in its body any prohibited drug or interfering substance while participating in a race.

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(2) No person shall administer, attempt to administer, or aid or abet in the administration of, any medication or drug to a horse on the day of a race in which the horse is entered at any time prior to the race except in accordance with this rule.

(3) Subject to the provisions of this rule, medication calculated to improve or protect the health of a horse may be administered to a horse in training.

(4) The administration of medication to any horse on race day, except as hereinafter provided, is prohibited. For the purpose of this rule, the day of the race shall be deemed to commence at 9:00 p.m. on the day preceding the race.

(5) Approved nonsteroidal anti-inflammatory drugs (NSAIDs) may be administered to a horse, but not on race day. No more than one of the NSAIDs may be used on or carried in a horse's body at any one time.

(6) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication, including medications defined in WAC 260-70-010 (1) through (4) and 260-70-090 (1) through (4). Vitamins are permitted, however, if they do not interfere with testing. The finding of any medication in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution; and in addition the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

(7) In the case of delayed-release substances, the time of administration shall be deemed that time at which such medication, drug, or substance is released within the body of a horse.

[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.]

WAC 260-70-025 Bleeder list. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled into the trachea is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn or receiving barn showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the

horse from the list. The list is a state-wide list that applies only at all race meetings at Longacres, Playfair, and Yakima Meadows and not at any other track.

Once a horse is placed on the bleeder list, the horse must be assigned to a prerace security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there 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 secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall must be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

[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.]

WAC 260-70-026 Bleeder treatment. A horse on the bleeder list must be treated at least four hours prior to post time with furosemide (i.e., Lasix®). No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and furosemide (i.e., Lasix®) by oral administration is NOT PERMITTED for such purposes. The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee.

[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.]

WAC 260-70-027 Reciprocity of bleeder list. A bleeder horse shipped into Washington from another racing jurisdiction must comply with Washington rules. However, a horse on a bleeder list in another racing jurisdiction may be placed on the Washington bleeder list provided a current certificate from the jurisdiction where it was confirmed on the bleeder list is presented to the commission veterinarian and, it is approved by the commission veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-027, filed 3/7/84.]

WAC 260-70-028 Detention stall. Every trainer whose horse is on the bleeder list and is to be administered bleeder medication in accordance with the rules, must obtain a detention stall assignment from the commission veterinarian and will be provided a detention stall sign. The trainer must post the detention stall sign in a readily visible location at the detention stall to be

used and the trainer must have a responsible, licensed person remain in close proximity to that stall between the time the horse has been administered the bleeder medication and the time it leaves for the receiving barn or paddock in preparation for a race. Close proximity means that the licensed person must be in a position to observe and to prevent any unauthorized person from approaching the horse. If the horse is found to be unattended during that period or found to have been tampered with during that period, the trainer will be deemed negligent in the performing of required duties.

No unauthorized person shall approach the posted detention stall. If any unauthorized person does approach the posted detention stall, a report of the incident is to be made immediately to the commission veterinarian or to the stewards.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-028, filed 3/7/84.]

WAC 260-70-029 Receiving barn. Longacres, Playfair, and Yakima Meadows shall set aside a receiving barn area approved by the commission.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-029, filed 3/7/84.]

WAC 260-70-031 Reporting to receiving barn. A horse shall not be qualified to start in a race unless his presence at the receiving barn at the time designated by the stewards is reported to the commission veterinarian, and no trainer shall fail to cause a horse in his care to report to the receiving barn at the designated time.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-031, filed 3/7/84.]

WAC 260-70-032 Exclusion from receiving and detention barn. The commission veterinarian shall exclude from the receiving and detention barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance on such horses. No person shall enter the stall in the receiving barn of a horse scheduled to race except with permission of the custodian of the barn or the commission veterinarian. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him, nor refuse to leave when ordered to do so by the custodian or the commission veterinarian.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-032, filed 3/7/84.]

WAC 260-70-040 Horses to be tested. Stewards may at any time order the taking of a blood, urine, or saliva specimen from any horse on the grounds of an association. Any owner or trainer may at any time request that a specimen be taken from a horse he owns or trains by the commission veterinarian to be tested by the commission chemist, providing the costs of such testing are borne by the owner or trainer requesting such test. In the absence of any such order or request, the commission veterinarian or his assistant shall take a urine sample for testing by the commission chemist from all horses which: Finish first in any race; finish first or second in any

quinella or exacta race; finish first, second or third in any trifecta or stake race; any horse whose performance in a race, in the opinion of the stewards, may have been altered by a prohibited drug. No owner, trainer or other person owning, in charge of, or having the care of a horse on the grounds may refuse to submit such a horse for testing when directed by a steward or the commission veterinarian.

[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.]

WAC 260-70-050 Procedure for taking specimens.

All horses from which specimens are to be drawn are to be taken to the detention area at the prescribed time and remain there until released by the commission veterinarian. No person other than the owner, trainer, groom, or hotwalker of a horse to be tested, and no lead pony, shall be admitted to the detention area without permission of the commission veterinarian.

(a) During the taking of specimens from a horse, the owner or responsible trainer (who in the case of a claimed horse shall be the person in whose name such horse raced), or a stable representative designated by such owner or trainer, shall be present and witness the taking of such specimens and so signify in writing.

(b) Samples taken from a horse by the commission veterinarian or his assistant shall be placed in a container and sealed together with a triple identification tag. One portion of such 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 witness and the commission veterinarian shall thereon identify the horse from which such specimen was taken, as well as the race and day, verified by such witness, and such detached portion of identification tag shall be kept by the commission veterinarian for delivery only to the stewards and/or the racing commission. The commission veterinarian shall take every precaution to insure that the commission chemist and no member of the laboratory staff shall know the identity of the horse from which the specimen has been taken prior to the completion of all testing thereon.

(c)(1) If, after a horse remains a reasonable time in the detention area and a specimen may not be taken from such a horse, the commission veterinarian may permit such horse to be returned to its barn in usual surroundings for the taking of the specimen under the supervision of the commission veterinarian.

(2) With the consent of the trainer or attendant the commission veterinarian may administer to the horse a diuretic to facilitate urination. Quantity, identity, and time of administration shall be noted on both portions of the specimen tag by the commission veterinarian.

(d) The commission veterinarian shall be responsible for safeguarding all specimens while in his possession and shall cause such specimens to be delivered only to the chief chemist as soon as possible after sealing, but in such order or in such manner as not to reveal the identity of any horse from which each sample was taken.

(e) All specimens taken by or under the supervision of the commission veterinarian or other authorized representative of the commission shall be delivered to the chief chemist at the laboratory of the commission for official analysis.

(f) Notwithstanding the provisions of these rules requiring certain functions to be performed by the commission veterinarian, he may delegate any of such duties to an authorized representative or representatives, approved by the commission, so long as such delegation is not of a duty which would under the appropriate statutes be defined as the practice of veterinary medicine.

[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.]

WAC 260-70-060 Effect of laboratory analysis. Should the laboratory analysis of any specimen taken from a horse following a race show evidence of medication such shall be deemed prima facie evidence that such was administered and that the horse carried such medication in its body while running in the race.

[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.]

WAC 260-70-070 Persons responsible. Any person found to have administered a medication or to have failed to have administered a medication which caused or could have caused a violation of these rules, or who participated or attempted to participate in any way in such administration or failure to administer, shall be subject to disciplinary action.

The licensed trainer of a horse found to have been administered a medication in violation of these rules shall be deemed responsible in accordance with WAC 260-28-180. Mitigating circumstances or exonerating evidence shall be taken into account by the stewards or commissioners in determining the penalty, if any, for any improper administering of or failure to administer medication.

The assistant trainer, groom, stable watchman, or any other person having the immediate care and custody of a horse found to have been administered a medication in violation of these rules, if found negligent in guarding or protecting such horse from tampering shall be subject to disciplinary action.

A licensed veterinarian shall be responsible for any medication he administers, prescribes, or causes to be administered by his direction on a horse, and if found to have made an error in type or quantity of same administered, on the correctness of which act or judgment a trainer relied in racing treated horse in violation of these rules, then such veterinarian shall be subject to disciplinary action.

[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.]

WAC 260-70-080 Procedure upon positive finding by chief chemist. Whenever a laboratory analysis of a specimen taken pursuant to these rules shows the presence or absence of medication in apparent violation of these rules, the stewards shall conduct or cause to be conducted a thorough investigation of the incident. The stewards may make such temporary orders with respect to the suspension of the trainer, groom, owner, or other person as will protect the public. Such order shall be effective only until the conclusion of a hearing before the stewards which shall be held within three days of request for such hearing. At any such hearing, or, any hearing, held pursuant to these rules before the stewards or the commission, the trainer shall be deemed responsible in accordance with WAC 260-28-180 and unless evidence of sufficient credibility and weight is presented, the stewards may make a finding in accordance with said rule. The stewards may take such action against the person or persons found responsible as they deem proper, including reference to the commission. If the stewards or commissioners are of the opinion that the evidence proves the proper administration of a permitted medication or the absence of administration of a prohibited drug, the stewards or commissioners shall exonerate the trainer completely. The stewards or commissioners shall make such further orders suspending or fining, or both, the person or persons found responsible.

In case the finding is of the presence of a prohibited drug, the owner of a horse shall not participate in the purse distribution of such race, and shall be denied or shall promptly return any portion of the purse, or sweepstakes, and any trophy in such race and the same shall be distributed as in the case of a disqualification. If a horse shall be disqualified in a race because of the infraction of this rule, the eligibility of other horses which ran in such race and which have started in a subsequent race before announcement of such disqualification shall not be in any way affected.

[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.]

WAC 260-70-090 Permitted level of approved NSAIDS. Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Those using approved NSAIDS are also subject to these additional rules:

(1) PHENYLBUTAZONE or OXYPHENYLBUTAZONE shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of phenylbutazone or 5 micrograms of oxyphenylbutazone per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.

(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 or more than 165 micrograms of the drug substance, its metabolites or analogs per milliliter of urine.

(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.

(4) No horse on a program of permitted medication shall be permitted to race without such medication.

[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.]

WAC 260-70-100 Penalties relating to overage of permitted medication. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved non-steroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone in excess of the quantities authorized by WAC 260-70-090, or, the presence of furosemide without permission from the commission veterinarian, the stewards or commission shall levy the following penalties against each person found responsible:

(1) For a first offense within any calendar year, a fine of \$300;

(2) The second offense, within any calendar year, \$750;

(3) For a third offense, within any calendar year, a fine of \$750 with a sixty-day suspension.

If any NSAID or other permitted medication is found in the body of a horse which alone or in combination with a second medication is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule. The finding of any diuretic, including Lasix (furosemide), in the body of a horse shall constitute the presence of an interfering substance and the penalties for use of a prohibited drug or medication shall apply, unless the horse is on the official commission bleeder list.

[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.]

WAC 260-70-110 Commission may require association to set apart place for medication and testing. The commission may require the association set apart a building or other enclosure in a building in a location acceptable to the commission containing such facilities for medication, drug or other test of horses as may be required by the commission.

[Order 74.1, § 260-70-110, filed 5/22/74, effective 7/1/74.]

WAC 260-70-120 Sampling medications and drugs. The state veterinarian, the test barn veterinarian, any duly authorized inspector of the commission, or any member of the board of stewards may take samples of any medicine or other materials suspected of containing

improper medication or drugs which would affect the racing condition of a horse in a race, which may be found in stables or elsewhere on race tracks or in the possession of such tracks or any person connected with racing on the grounds of an association and the same shall be delivered to the chief chemist of the commission for analysis under the same conditions as in this article prescribed for analysis of blood and urine.

[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.]

WAC 260-70-130 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 drug, then such track record shall be null and void.

[Order 74.1, § 260-70-130, filed 5/22/74, effective 7/1/74.]

WAC 260-70-140 Hypodermic instruments. Except by specific written permission of the stewards, no person within the grounds of a racing association shall have in or upon the premises which he occupies, or has the right to occupy, or in his personal property or effects, any hypodermic instrument which may be used for injection into a horse of any medication prohibited by this rule. Every racing association is required to use all reasonable efforts to prevent the violation of this rule upon its grounds.

[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.]

WAC 260-70-150 Who may administer medications. No person other than a Washington licensed veterinarian who shall have obtained a license from the commission shall administer to any horse upon the grounds of an association any veterinary treatment or any medicine, medication, or other substance recognized as medication, except for recognized feed supplements or oral tonics or supplements approved by the state veterinarian, or the test barn veterinarian, or except under the direction, prescription, or authorization of a veterinarian licensed by the board.

[Order 74.1, § 260-70-150, filed 5/22/74, effective 7/1/74.]

WAC 260-70-160 Veterinarians under the supervision of state veterinarian—Test barn veterinarian. Veterinarians licensed by the commission and practicing at an authorized meeting are under the supervision of the state veterinarian, the test barn veterinarian, and the stewards. The state veterinarian or the test barn veterinarian shall recommend to the stewards or the commission the discipline to be imposed upon a veterinarian who violates the rules and he may sit with the stewards in any hearing before the stewards concerning such discipline or violation.

[Order 74.1, § 260-70-160, filed 5/22/74, effective 7/1/74.]

WAC 260-70-170 Veterinarian report. Every veterinarian who treats a horse upon the approved grounds

shall, in writing on a form prescribed by the commission, report to the commission veterinarian in a manner and at a time prescribed by him/her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the commission veterinarian. Detection of any unreported medication, drug, or substance; or failure to detect any permitted medication, drug or substance by the chief chemist in a test may be grounds for disciplinary action. A list of horses on a program of permitted medication shall be kept in the office of the commission and shall be available for public inspection.

[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.]

WAC 260-70-180 Improper medication. Should the analysis of any urine, saliva, or other sample taken from any horse show the presence of any substance which is the result of any oral, topical, or injected medication which has not been prescribed, administered or dispensed by a veterinarian licensed by the commission, the trainer of the horse or any other person shown to have had the care of or attendance of the horse may be disciplined.

[Order 74.1, § 260-70-180, filed 5/22/74, effective 7/1/74.]

WAC 260-70-190 Blocking of legs or ankles. The blocking of the nerves in a horse's leg or ankle by injection or by the use of any local anesthetic or other means with the exception of ice is prohibited at any time on a day when such horse is to race.

[Order 74.1, § 260-70-190, filed 5/22/74, effective 7/1/74.]

WAC 260-70-200 Bandages. Only bandages authorized or approved by the paddock judge may be used on a horse during a race. All other bandages or leg coverings shall be removed fifteen minutes prior to post time, or upon request by the paddock judge or commission veterinarian.

[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.]

WAC 260-70-210 Nerving. 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.

[Order 74.1, § 260-70-210, filed 5/22/74, effective 7/1/74.]

WAC 260-70-220 Posterior digital neurectomy. Notwithstanding the prohibition against "nerving," a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving" is not ineligible to race, nor 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.

[Order 74.1, § 260-70-220, filed 5/22/74, effective 7/1/74.]

WAC 260-70-230 List of nerved horses. The racing secretary shall maintain a list of nerved horses which are on the grounds and shall make such list available for inspection by other licensees participating in the meetings.

[Order 74.1, § 260-70-230, filed 5/22/74, effective 7/1/74.]

WAC 260-70-240 Examination required. The state veterinarian shall examine each horse which is scheduled to race to determine its fitness to start. No horse shall be eligible to start in a race, and shall be declared by the stewards, if it is found to be unfit to race.

[Order 74.1, § 260-70-240, filed 5/22/74, effective 7/1/74.]

WAC 260-70-250 Medication procedures and related instructions. The commission may issue orders governing medication procedures and related instructions, which orders amplify the provisions of this article. As a guide to owners, trainers, and veterinarians, the commission shall from time to time publish a list of medications, shown by brand name and generic names, specifically prohibited for racing, including interfering substances. Such lists shall not be considered exclusive and medications shown thereon shall be considered only as among those, along with others not so listed, prohibited by these rules.

[Order 74.1, § 260-70-250, filed 5/22/74, effective 7/1/74.]

WAC 260-70-260 Adulteration of sample. No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to do so, any sample required to be taken by this article, except for the addition of preservatives for presentation of the sample or in the process of analysis.

[Order 74.1, § 260-70-260, filed 5/22/74, effective 7/1/74.]

WAC 260-70-270 Labelling of medications. No veterinarian or vendor shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, medication, or any substance containing a prohibited drug to any person on the grounds of an association unless there is a label specifying the name of the dispensing veterinarian, the name of the horse or the purpose for which the said preparation or medication is dispensed, and the name of the person to which dispensed, or is otherwise labelled as required by law. Any substance containing a prohibited drug shall be labelled, "Caution. Contains prohibited drug."

[Order 74.1, § 260-70-270, filed 5/22/74, effective 7/1/74.]

WAC 260-70-280 Effective date--Repealer. WAC 260-70-010 through 260-70-270 shall become effective July 1, 1974. Chapter 260-68 WAC and all sections therein are repealed effective July 1, 1974.

[Order 74.1, § 260-70-280, filed 5/22/74, effective 7/1/74.]

WAC 260-70-290 Reporting to receiving barn. The stewards may, prior to a trifecta race, request a horse to report to the receiving barn at a designated time, at which time the horse is subject to inspection by the state veterinarian. The trainer shall be responsible for the horse reporting to the receiving barn on time.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-290, filed 4/9/82.]

WAC 260-70-300 Exclusion from receiving barn. The commission veterinarian, or his representative shall exclude from the receiving barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance on such horses. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him.

[Statutory Authority: RCW 67.16.020 and 67.16.040. 82-09-016 (Order 82-03), § 260-70-300, filed 4/9/82.]

Chapter 260-72 WAC

COMMUNICATIONS TO AND FROM GROUNDS

WAC

260-72-010	Communication systems, commission approval required—Closure during racing.
260-72-020	Transmission of race results.
260-72-030	Transmission or broadcast of information relating to feature races.

WAC 260-72-010 Communication systems, commission approval required--Closure during racing. No telephone, telegraph, teletype, semaphore, signal device, radio, television, or other method of electrical, mechanical, manual or visual communication shall be installed within the enclosure of any licensee, until same has been approved by the commission.

(1) All public telephones and telegraph wires at the track, or on the grounds of the association conducting the meeting, shall be closed with the opening of the parimutuel windows for the first race of the day. No calls or wires shall be allowed to be made or received after the telephones and telegraph wires are closed until after the last race has been finished except by the officials of the commission, by duly authorized officials of the association, or duly accredited members of the press.

(2) The association is responsible to see that no unauthorized person uses their telephones during the period from thirty minutes prior to the first race to fifteen minutes after the last race of the day.

(3) No person shall be permitted to communicate information through the use of private telephones or other methods of communication, including but not limited to cellular telephones, while on the grounds of the association after the opening of the parimutuel windows for the first race of the day until after the last race has been

finished, except as permitted by the officials of the commission or duly authorized officials of the association.

[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.]

WAC 260-72-020 Transmission of race results. No association licensed by this commission shall knowingly transmit or allow to be transmitted by telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, manual or visual communication from the enclosure of its track the result of any race until at least fifteen minutes after said race is declared official, with the exception of the final race of the program: *Provided, however*, associations licensed by this commission may allow radio or television broadcasts of racing programs upon approval of the commission, as stipulated in WAC 260-72-030.

[Rules of racing, § 385, filed 4/21/61.]

WAC 260-72-030 Transmission or broadcast of information relating to feature races. Any association licensed by this commission desiring to broadcast, televise or transmit by press wire pertinent information relating to any feature horse race run at its track, not inconsistent with the express provisions of section 11, chapter 55, Laws of 1933, [RCW 67.16.110] shall first file with the commission, for its approval, an application, at least ten days prior to the opening day of such association's annual meet, stating therein the particular feature races during its meet, and the dates thereof, that such association desires to be broadcast, televised or transmitted by press wire, together with the name and address of the representative of the public press, radio or television authorized by said association to broadcast, televise or transmit by press wire the requested feature races.

[Rules of racing, § 386, filed 4/21/61.]

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.]

[Title 260 WAC—p 78]

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.]

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	Ejection 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	Appeal to the commission.
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WAC 260-88-010 Appeal to the commission. (1) Any person against whom a ruling is made by the stewards may appeal the ruling to the commission.

(2) Such an appeal must be made in writing at the office of the commission within five days of the date of the stewards' ruling.

(3) The appeal shall be signed by the person making it and must set forth the alleged errors in the stewards' ruling.

(4) Any person bringing an appeal will be heard in person or by counsel. A person bringing an appeal may submit his case entirely in writing.

(5) All communications to the commission with respect to an appeal must be in writing, and all papers filed with the commission shall be the property of the commission.

(6) An appeal from a decision of a racing official to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction. Upon a showing of good cause, the commission may stay the effect of any ruling of the stewards pending commission review of the ruling. The granting of such a stay shall carry no presumption as to the validity of the stewards' ruling. The commission may lift such a stay pending appeal if appropriate.

[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.]