

## Title 260 WAC

### HORSE RACING COMMISSION

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#### Chapter 260-08 WAC

##### PRACTICE AND PROCEDURE

#### WAC

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

- 260-08-010 Appearance and practice before commission—Who may appear. [Regulation 08.010, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-030 Appearance and practice before commission—Solicitation of business unethical. [Regulation 08.030, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-040 Appearance and practice before commission—Standards of ethical conduct. [Regulation 08.040, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-050 Appearance and practice before commission—Appearance by former employee of commission or former employee of attorney general's staff. [Regulation 08.050, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-060 Appearance and practice before commission—Former employee as expert witness. [Regulation 08.060, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-070 Computation of time. [Regulation 08.070, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-080 Notice and opportunity for hearing in contested cases. [Regulation 08.080, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-090 Service of process—By whom served. [Regulation 08.090, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-100 Service of process—Upon whom served. [Regulation 08.100, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-110 Service of process—Service upon parties. [Regulation 08.110, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
- 260-08-120 Service of process—Method of service. [Regulation 08.120, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.

260-08-130	Service of process—When service complete. [Regulation 08.130, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-410	Form and content of decisions in contested cases. [Regulation 08.410, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-140	Service of process—Filing with commission. [Regulation 08.140, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-420	Definition of issues before hearing. [Regulation 08.420, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-230	Depositions and interrogatories in contested cases—Right to take. [Regulation 08.230, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-430	Prehearing conference rule—Authorized. [Regulation 08.430, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-240	Depositions and interrogatories in contested cases—Scope. [Regulation 08.240, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-440	Prehearing conference rule—Record of conference action. [Regulation 08.440, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-250	Depositions and interrogatories in contested cases—Officer before whom taken. [Regulation 08.250, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-450	Submission of documentary evidence in advance. [Regulation 08.450, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-260	Depositions and interrogatories in contested cases—Authorization. [Regulation 08.260, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-460	Excerpts from documentary evidence. [Regulation 08.460, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-270	Depositions and interrogatories in contested cases—Protection of parties and deponents. [Regulation 08.270, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. [Regulation 08.470, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-280	Depositions and interrogatories in contested cases—Oral examination and cross-examination. [Regulation 08.280, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. [Regulation 08.480, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-290	Depositions and interrogatories in contested cases—Recordation. [Regulation 08.290, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-490	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. [Regulation 08.490, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-300	Depositions and interrogatories in contested cases—Signing attestation and return. [Regulation 08.300, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-500	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 260-08-470 or 260-08-480. [Regulation 08.500, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-310	Depositions and interrogatories in contested cases—Use and effect. [Regulation 08.310, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-510	Continuances. [Regulation 08.510, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-320	Depositions and interrogatories in contested cases—Fees of officers and deponents. [Regulation 08.320, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-520	Rules of evidence—Admissibility criteria. [Regulation 08.520, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-330	Depositions upon interrogatories—Submission of interrogatories. [Regulation 08.330, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-530	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Regulation 08.530, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-340	Depositions upon interrogatories—Interrogation. [Regulation 08.340, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-540	Petitions for rule making, amendment or repeal—Who may petition. [Regulation 08.540, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-350	Depositions upon interrogatories—Attestation and return. [Regulation 08.350, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-550	Petitions for rule making, amendment or repeal—Requisites. [Regulation 08.550, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-360	Depositions upon interrogatories—Provisions of deposition rule. [Regulation 08.360, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-560	Petitions for rule making, amendment or repeal—Commission must consider. [Regulation 08.560, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-370	Official notice—Matters of law. [Regulation 08.370, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-570	Petitions for rule making, amendment or repeal—Notice of disposition. [Regulation 08.570, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-380	Official notice—Material facts. [Regulation 08.380, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.	260-08-580	Declaratory rulings. [Regulation 08.580, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.
260-08-390	Presumptions. [Regulation 08.390, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.		
260-08-400	Stipulations and admissions of record. [Regulation 08.400, effective 4/7/60.] Repealed by 93-24-015, filed		

260-08-590 Forms. [Regulation 08.590, effective 4/7/60.] Repealed by 93-24-015, filed 11/19/93, effective 12/20/93. Statutory Authority: RCW 67.16.040.

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

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

**WAC 260-08-010 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-030 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-040 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-050 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-060 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-070 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-080 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-090 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-100 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-110 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-120 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-130 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-140 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-230 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-240 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-250 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-260 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-270 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-280 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-290 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-300 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-310 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-320 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-330 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-340 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-350 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-360 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-370 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-380 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-390 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-400 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-410 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-420 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-430 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-440 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-450 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-460 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-470 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-480 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-490 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-500 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-510 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-520 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-530 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-540 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-550 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-560 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-570 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-580 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-590 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 260-08-600 Disclaimer of public liability.** No racing commissioner, employee or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon release of a public record if the commissioner,

employee or custodian so releasing acted in good faith in attempting to comply with the provisions of this chapter and chapter 42.17 RCW.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-600, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-610 Public records—Officer.** A public records officer shall be appointed by the executive secretary of the commission. Such person shall maintain all records kept at the main office. For those records maintained at field offices, the public records officer shall be the presiding steward at that location.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-610, filed 11/19/93, effective 12/20/93.]

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

(1) Informal oral requests may be made to the commission's main office.

(2) The commission may require a person who has made an informal request to submit a formal written request.

(3) All formal requests shall be submitted by mail or personally.

(4) Each formal request shall include the following information:

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

(b) The time of day and calendar date on which the request is made.

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

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

(5) The staff of the commission shall assist any person making a request, whether formal or informal, in identifying the requested record or records but in the case of formal request, return the formal request for resubmission with additional description of the requested records.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-620, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-630 Copying fees.** No fee shall be charged for the inspection of public records. The commission may charge a fee per page for providing copies of public records and for use of the office's copy equipment, subject to a minimum charge per order of \$1.00, plus postage at actual cost. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying and mailing or transmission.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-630, filed 11/19/93, effective 12/20/93.]

**WAC 260-08-640 Exemptions.** (1) The commission reserves the right to determine that a public record requested in accordance with WAC 260-08-620 is exempt under the provisions of RCW 47.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the commission reserves the right to delete identifying details when it makes available or publishes any record in any cases where there is a reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The commission will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-640, filed 11/19/93, effective 12/20/93.]

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

(2) After receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairperson of the commission or his or her designee. The chairperson of the commission or designee shall immediately consider the matter and either affirm or reverse such denial within five business days following the original denial.

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

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-650, filed 11/19/93, effective 12/20/93.]

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

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

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

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

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the commission shall not be permitted.

[Statutory Authority: RCW 67.16.040. 93-24-016, § 260-08-660, filed 11/19/93, effective 12/20/93.]

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

by the applicant. The application for hearing should specify the issue to be brought before the commission.

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

**WAC 260-08-680 Proceedings—Notice.** (1) In any proceeding held by the commission, all parties shall be served with a notice of hearing not less than seven days before the date of the hearing. Notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.

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

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

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

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

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

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

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

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

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

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

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

(2) A request for a continuance made prior to the hearing date may be oral or written and shall state that the party seeking the continuance has notified all other parties of

the request and that either all other parties agree to the continuance or that all parties do not agree to the continuance. If all parties do not agree to the continuance, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

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

**WAC 260-08-720 Filing and service of papers.** (1)

All notices, pleadings, and other papers filed with the presiding officer shall be served upon all counsel and representatives or record and upon unrepresented parties or upon their agents designated by them of law.

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

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

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

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

(a) An acknowledgement of service.

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

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

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

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

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

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

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

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

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

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

**WAC 260-08-740 Prehearing conference.** (1) The

presiding officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage on a prehearing conference or conferences to consider:

(a) Simplification of the issues.

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

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

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

(e) Procedural matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

on any person showing good cause for having the hearing conducted in person at a rescheduled time.

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

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

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

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

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

- (1) Determine the order of presentation of evidence.
- (2) Administer oaths and affirmation.
- (3) Issue subpoenas.
- (4) Rule on procedural matters, objections and motions.
- (5) Rule on offers of proof and receive relevant evidence.

(6) Interrogate witnesses in an impartial manner so as to develop any facts deemed necessary to fairly and adequately decide the matter.

(7) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties.

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

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

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

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

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

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

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

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

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

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

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

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

(7) Contain a statement describing post hearing remedies.

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



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

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

(2) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of the petitioner's reason for the action sought.

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

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

#### **WAC 260-08-830 Consideration and disposition.**

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

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

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

### **Chapter 260-32 WAC JOCKEYS, APPRENTICES AND AGENTS**

#### **WAC**

260-32-115 Safety vests.

**WAC 260-32-115 Safety vests.** Effective January 1, 1994 it shall be mandatory that jockeys wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and shall be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association (BETA). The safety vest shall not be counted in the jockey's weight.

[Statutory Authority: RCW 67.16.040. 93-23-010, § 260-32-115, filed 11/5/93, effective 12/6/93.]

### **Chapter 260-44 WAC**

#### **WEIGHTS AND EQUIPMENT**

#### **WAC**

260-44-060 Weighing out—Equipment not included.

**WAC 260-44-060 Weighing out—Equipment not included.** None of the following items shall be included in a jockey's weight: Whip, or a substitute for a whip, head number, bridle, bit, reins, number cloth, blinker, protective helmet or safety vest.

[Statutory Authority: RCW 67.16.040. 93-23-011, § 260-44-060, filed 11/5/93, effective 12/6/93; Rules of racing, § 302, filed 4/21/61.]

### **Chapter 260-48 WAC**

#### **MUTUELS**

#### **WAC**

260-48-110 "Entry"—Wager on one is wager on all.  
260-48-328 Trifecta rules.  
260-48-331 Twin trifecta rules.

**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.

[Statutory Authority: RCW 67.16.040. 93-14-124, § 260-48-110, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 81-15-033 (Order 81-05), § 260-48-110, filed 7/10/81; Order 73.8, § 260-48-110, filed 10/23/73; Rules of racing, § 398, filed 4/21/61.]

**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) 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.

(6) 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.



(7) The net trifecta pool shall be distributed to the winning wagers in the following precedence, based upon the official order of finish:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire pool shall be refunded on trifecta wagers for that race.

(8) 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 67.16.040, 93-14-125, § 260-48-328, filed 7/6/93, effective 8/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040, 81-18-021 (Order 81-08), § 260-48-328, filed 8/25/81.]

**WAC 260-48-331 Twin trifecta rules.** (1) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket on the second twin trifecta race in order to remain eligible for the second-half twin trifecta pool. Such tickets may be exchanged only at specified ticket windows prior to the second twin trifecta race. Winning first-half wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta races shall be included in only one twin trifecta pool.

(2) Twin trifecta wagering may be conducted by Class A and B licensees at the discretion of the commission upon written application by an association.

(3) After wagering closes for the first-half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: The first-half twin trifecta pool and the second-half twin trifecta pool. The percentage allocated to each pool must be approved by the commission.

(4) In the first twin trifecta race only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta race:

(a) As a single price pool to those whose combination finished in the correct sequence as the first three betting interest; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) The entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be cancelled.

(5) If no first-half twin trifecta ticket selects the first three finishers of that race in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(6) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta race:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interest; but if there are no such tickets, then

(b) The entire second-half twin trifecta pool for that race shall be added to any existing carryover monies and retained for the corresponding second-half twin trifecta pool of the next consecutive race card.

(7) If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta race, the ticket holder may still collect the monetary value associated with the first-half twin trifecta pool but forfeits all rights to any distribution of the second-half twin trifecta pool.

(8) Coupled entries and mutuel fields shall be prohibited in twin trifecta races.

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

(10) Should a betting interest in the first-half of the twin trifecta be scratched, those twin trifecta wagers including the scratched betting interest shall be refunded.

(11) Should a betting interest in the second-half of the twin trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta race, the ticket holder forfeits all rights to the second-half twin trifecta pool.

(12) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner.

In the case of dead heat occurring in:

(a) The first-half of the twin trifecta, the payoff shall be calculated as a profit split

(b) The second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(13) If either of the twin trifecta races are cancelled prior to the first twin trifecta race, or the first twin trifecta race is declared "no contest," the entire twin trifecta pool for that day shall be refunded on twin trifecta wagers for that race and the second-half shall be cancelled.

(14) If the second-half twin trifecta race is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that race as a single price pool, but

not the twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subsections (4) of the twin trifecta rules.

(15) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than 6, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin pool for that race as a single price pool, but not the twin trifecta carryover.

(16) If it be determined by the stewards that a horse has been prevented from racing because of the failure of the stall door of the starting gate to open (non starter) in the second-half of the twin trifecta only, there will [be] no refund or consolation payoff. The official order of finish as posted shall be used to determine payoffs. This will not affect other pools for this race.

(17) A written request for permission to distribute the twin trifecta carryover on a specific race card may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date of race card for the distribution.

(18) Contrary to subsection (5) of the twin trifecta rules, during a race card designated to distribute the twin trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations as described in subsection (4) of the twin trifecta rules.

(19) Should the twin trifecta carryover be designated for distribution on a specified date, the following precedence will be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(a) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

(b) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(c) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(d) As a single price pool to holders of valid exchange tickets.

(20) The twin trifecta carryover shall be designated for distribution on a specified date and race card only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (16) of the twin trifecta rules.

(b) On the closing race card of the meet or split meet.

(21) If, for any reason, the twin trifecta carryover must be held over to the corresponding twin trifecta pool of the association's subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then be added to the second-half twin trifecta pool of the association's following meet.

(22) If racing is cancelled prior to the first-half of the twin trifecta on the closing race card of the meet or split

meet, the carryover will be held over in accordance with subsection (21) of the twin trifecta rules.

(23) If racing is cancelled after the running of the first-half but before the running of the second-half on the closing race card of the meet or split meet, the carryover pool will be paid as a single price to holders of exchange tickets or outstanding winning tickets from the first-half.

(24) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator [totalizator] and parimutuel department employees for processing of pool data.

(25) The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued shall constitute an acknowledgment by the bettor that the ticket is correct. Exchange tickets may not be canceled and/or reissued except as provided by these rules. The association, totalisator [totalizator] company, and state may not be liable to any person for a twin trifecta ticket which is not:

(a) A winning ticket in accordance with the provisions of this rule; or

(b) Delivered for any reason, including but not limited to mechanical malfunction, electrical failure, machine locking, phone line failure, or other cause.

(26) An association may have the option to limit payoffs, at satellite locations, approved in accordance with Sec. 01. RCW 67.16.200, to \$10,000 in cash, with the balance delivered in the form of a check by the end of the next race day.

(27) For the second-half race the association shall clearly identify and designate an adequate number of parimutuel windows to be used exclusively as "twin trifecta exchange" windows.

(28) Twin Trifecta tickets shall be sold and exchanged only by the association through parimutuel machines.

(29) The twin trifecta carryover may be capped at a designated level approved or set by the commission so that if, at the close of any race card, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the twin trifecta carryover is frozen, 100 percent of the net twin trifecta pool for each individual race shall be distributed to winners of the first-half of the twin trifecta pool.

[Statutory Authority: RCW 67.16.040. 93-14-126, § 260-48-331, filed 7/6/93, effective 8/6/93.]

## Chapter 260-70 WAC

### CONTROLLED MEDICATION PROGRAM

#### WAC

260-70-025

Bleeder list.

260-70-028

Detention stall.

**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 Class A or Class B licensed associations and not at any other track. If the commission so orders, horses placed on the bleeders list shall 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 shall 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 shall be posted and the stall shall 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 67.16.040. 93-23-009, § 260-70-025, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 87-15-020 (Resolution No. 87-03), § 260-70-025, filed 7/8/87; 84-06-061 (Order 84-01), § 260-70-025, filed 3/7/84.]

**WAC 260-70-028 Detention stall.** If so ordered by the commission, a trainer whose horse is on the bleeder list and is to be administered bleeder medication in accordance with the rules, shall obtain a detention stall assignment from the commission veterinarian and will be provided a detention stall sign. The trainer shall 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 shall 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 67.16.040. 93-23-008, § 260-70-028, filed 11/5/93, effective 12/6/93. Statutory Authority: RCW 67.16.020 and 67.16.040. 84-06-061 (Order 84-01), § 260-70-028, filed 3/7/84.]

## Title 275 WAC

### SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (INSTITUTIONS)

#### Chapters

- 275-16** Liability for costs of care and hospitalization of the mentally ill.
- 275-19** Alcohol and drug treatment facilities.
- 275-25** County plan for mental health, developmental disabilities.
- 275-26** Community residential services and support.
- 275-38** ICF/MR program and reimbursement system.
- 275-155** Sexual predator program—Special commitment process.

#### Chapter 275-16 WAC

#### LIABILITY FOR COSTS OF CARE AND HOSPITALIZATION OF THE MENTALLY ILL

##### WAC

- 275-16-030 Schedule of charges.

**WAC 275-16-030 Schedule of charges.** Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month, based on the following schedule:

#### (1) COSTING AND BILLING RATES

		Child Study and Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Hospital Costs Per Day	\$ 286.20	342.30	293.70
Physician Costs	*	N/A	*

\*The department shall bill the client for physician costs on a fee-for-service basis.