

CHAPTER 7877
MINNESOTA RACING COMMISSION
HORSE RACING; CLASS C LICENSES

| | | | |
|-----------|---|-----------|---|
| 7877.0100 | GENERAL REQUIREMENTS. | 7877.0155 | CONDITIONS PRECEDENT TO LICENSING. |
| 7877.0110 | PROCEDURE FOR OBTAINING CLASS C LICENSE. | 7877.0160 | DURATION AND EXTENT OF CLASS C LICENSES. |
| 7877.0120 | FEES. | 7877.0165 | CREDENTIALS. |
| 7877.0125 | CRITERIA FOR DETERMINING ELIGIBILITY. | 7877.0170 | DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES. |
| 7877.0130 | STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES. | 7877.0175 | DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS. |
| 7877.0135 | DUAL LICENSING. | 7877.0180 | CONFLICTS. |
| 7877.0140 | TEMPORARY LICENSE. | 7877.0185 | APPLICABILITY OF RULES AND RULINGS. |
| 7877.0145 | EMERGENCY LICENSE. | | |
| 7877.0150 | REPLACEMENT LICENSE. | | |

7877.0100 GENERAL REQUIREMENTS.

Subpart 1. **Scope.** Except as otherwise provided by rule, an individual who serves on the association board of directors, an association officer, and any person whose work, in whole or in part, is conducted at a licensed racetrack shall first obtain a Class C license from the commission.

Subp. 2. **Licensing criteria.** In issuing a Class C license, the commission shall first determine that the applicant's age, experience, reputation, competence, record of law abidance, and financial responsibility are consistent with the best interests of horse racing, the provisions of Minnesota Statutes, chapter 240, and that licensure will not adversely affect the public health, welfare, and safety within Minnesota.

Statutory Authority: *MS s 240.08; 240.10; 240.23; 240.24*

History: *9 SR 2527; 22 SR 1785*

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. **Application.** A person desiring a Class C license shall make application on forms provided by the commission and, upon written request of the commission, shall provide information supplemental to the application. Applications may be obtained from and filed with the licensing office at any current race meeting regulated by the commission, or with the commission's main office.

Subp. 2. **Application content.** An application for a Class C license must include the following information with respect to the applicant:

- A. date of birth;
- B. social security number;
- C. home address;
- D. home telephone number;
- E. names and addresses of previous employers;
- F. a signed statement authorizing the release of information to the commission and the Alcohol and Gambling Enforcement Division; and
- G. if the applicant is 18 through 70 years of age, a completed FBI fingerprint card.

Subp. 3. **Application submission.** An application shall not be considered filed until the application form has been filled out completely and all information requested by the commission has been supplied.

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

- A. assistant racing secretary;
- B. association veterinarian;

MINNESOTA RULES 2003

209

HORSE RACING; CLASS C LICENSES 7877.0120

- C. claims clerk;
- D. clerk of course (harness);
- E. clerk of scales (thoroughbred or quarter horse);
- F. clocker (thoroughbred or quarter horse);
- G. director of security;
- H. equipment inspector (harness);
- I. general manager;
- J. identifier;
- K. jockeys' or drivers' room custodian;
- L. mutuels manager;
- M. paddock judge;
- N. patrol judge;
- O. placing judge;
- P. program director (harness);
- Q. outrider;
- R. racing secretary;
- S. starter;
- T. steward;
- U. timer; and
- V. track superintendent.

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless he or she has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

Statutory Authority: *MS s 240.08; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 13 SR 38; 14 SR 332; 16 SR 2684; 22 SR 1785; 24 SR 1568*

7877.0120 FEES.

Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

- A. bloodstock agent, \$100;
- B. concessionaire/vendor, \$100;
- C. concession/vendor employee, \$15;
- D. driver (harness), \$35;
- E. exercise rider, \$20;
- F. farrier, \$35;
- G. farrier's assistant, \$15;

- H. gate crew, \$15;
- I. groom/hot-walker, \$10;
- J. horsepersons' bookkeeper, \$25;
- K. jockey, \$35;
- L. jockey agent, \$35;
- M. jockey, apprentice, \$35;
- N. owner, individual, \$35;
- O. owner, multiple, corporate, partnership, or stable, \$35;
- P. pari-mutuel clerk, \$15;
- Q. pony rider, \$15;
- R. racing official, \$35;
- S. stable supervisor, \$10;
- T. trainer, \$35;
- U. trainer, assistant, \$20;
- V. valet, \$10;
- W. veterinarian, \$100;
- X. veterinary assistant, \$35;
- Y. association employees, temporary full time or temporary part time, \$15;
- Z. association staff, permanent full time, \$35;
- AA. owner/trainer/driver, \$25; and

BB. with the exception of owner/trainer/driver, all applicants to participate at a Class B or D licensed facility where the meet to be conducted is seven or fewer days, \$10.

Subp. 2. Fingerprinting and licensing reciprocity. The commission shall license persons holding valid permanent licenses issued by other racing jurisdictions in North America if the persons meet the criteria specified in this subpart. The licensee must be in good standing, have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 60 months, file an application and/or affidavit as may be required by the commission, and pay the required applicable fees before participating in racing.

A. The commission shall recognize racing licenses from other racing jurisdictions in North America for purposes of issuing Minnesota licenses, provided the applicant meets the licensing qualifications in Minnesota Statutes, chapter 240, and rules of the commission.

B. Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

C. Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

D. All applicants who have not previously been licensed by the commission must submit fingerprints with their initial application. All licensees must submit fingerprints every 60 months for the purpose of a criminal records check by the FBI or RCMP. The applicant shall provide the commission with proof of licensure from another racing jurisdiction to which fingerprints were submitted.

E. The applicant shall submit the license application form and license fee required by the commission.

F. Provided the requirements in items A to E have been met, the commission shall issue a license and/or a validation sticker. The validation sticker shall be affixed to a license issued by the commission. The validation sticker shall contain Minnesota's two-letter postal service abbreviation, the year of the validation, and may contain the audit trail code or serial number, if applicable. The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation

MINNESOTA RULES 2003

sticker shall constitute licensing. The commission shall determine the period of time that the license is valid in Minnesota.

G. In the event the licensee is absent from Minnesota, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office by the licensee so that a commission representative may affix the proper validation sticker to the racing license badge. Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency.

All reference to fingerprinting in this subpart does not apply to applications submitted by persons under the age of 18 or over the age of 70.

Subp. 3. **Jockey mount fees.** Except as otherwise specially agreed by the parties, the fees to be paid jockeys shall be according to the following fee scale:

| Purse | Winning Mount | Second Mount | Third Mount | Other Mounts |
|-----------------|------------------|-------------------|------------------|--------------|
| \$599 and Under | \$33 | \$33 | \$33 | \$33 |
| 600-699 | 36 | 33 | 33 | 33 |
| 700-999 | 10% of win purse | 33 | 33 | 33 |
| 1,000-1,499 | 10% of win purse | 33 | 33 | 33 |
| 1,500-1,999 | 10% of win purse | 35 | 33 | 33 |
| 2,000-3,499 | 10% of win purse | 45 | 40 | 38 |
| 3,500-4,999 | 10% of win purse | 55 | 45 | 40 |
| 5,000-9,999 | 10% of win purse | 65 | 50 | 45 |
| 10,000-14,999 | 10% of win purse | 5% of place purse | 5% of show purse | 50 |
| 15,000-24,999 | 10% of win purse | 5% of place purse | 5% of show purse | 55 |
| 25,000-49,999 | 10% of win purse | 5% of place purse | 5% of show purse | 65 |
| 50,000-99,999 | 10% of win purse | 5% of place purse | 5% of show purse | 80 |
| 100,000 and up | 10% of win purse | 5% of place purse | 5% of show purse | 105 |

For the purpose of this subpart, "purse" includes purse supplement money from the Minnesota Breeders' Fund pursuant to parts 7895.0110, subpart 4, item A, and 7895.0300, subpart 6.

Subp. 4. **Driver's fee.** In the absence of a contract or special agreement, drivers' fees shall be \$20 or five percent of the purse earned, whichever is greater.

A. For the purpose of this subpart "purse earned" means the amount paid the winning horse less the fees paid by the owner to enter the horse in the race.

B. The purpose of this subpart is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary.

A driver's fee shall be considered earned when the horse which the driver has been engaged to drive leaves the paddock for the post; provided, however, that in the event of a substitution of drivers after the fee is considered earned, no additional driver fee or double driver fee need be paid except when so ordered by the stewards.

C. In the event the parties reach an agreement with respect to the fee to be paid the driver, a contract or agreement in writing signed by the driver (or his or her agent) and the owner (or his or her authorized agent) specifying the agreed upon fee shall be delivered to the horsepersons' bookkeeper prior to the running of the race in question. The horsepersons' bookkeeper shall debit the owner's account in accordance with the contract or written agreement.

D. If no contract or written agreement is submitted to the horsepersons' bookkeeper prior to the running of the race in question, the horseperson's bookkeeper shall debit the owner's purse account in accordance with the applicable fees found in this subpart.

Statutory Authority: *MS s 240.08; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 14 SR 332; 14 SR 2008; 14 SR 2454; 16 SR 2684; 17 SR 1279; 19 SR 2307; 20 SR 2592; 22 SR 1785; 24 SR 1568; 25 SR 1609*

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

Subpart 1. **Age.** An applicant for a Class C license, except an individual owner's license, shall be at least 14 years of age unless an older age is required by statute or rule; however Class C licensees who work in proximity to horses shall be at least 16 years of age.

Subp. 2. **Burden of proof.** If an applicant for a Class C license has had a license denied or had his or her license suspended or revoked or been excluded by another racing jurisdiction, or has engaged in conduct that the commission determines would adversely affect the public health, welfare, and safety or the integrity of racing in Minnesota, the commission shall consider such fact as prima facie evidence that the applicant is unfit to be granted a Class C license, and the burden of proof shall rest upon the applicant to establish his or her fitness. In reviewing such applications, the commission shall consider the factors provided in part 7877.0100, subpart 2.

Subp. 3. **Compliance with laws.** An applicant for a Class C license shall certify that he or she is in compliance with all applicable federal and state laws and rules including, but not limited to, racing, tax, affirmative action, the ADA, and workers' compensation.

Statutory Authority: *MS s 240.08; 240.10; 240.23; 240.24*

History: *9 SR 2527; 12 SR 2393; 19 SR 2307*

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. **Individual owners.** An applicant for an individual owner's license must own, lease, or be a lessor of a horse eligible to race in Minnesota which is registered with the racing secretary and under the care of a trainer licensed by the commission.

If younger than 18 years of age, an applicant for an individual owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2. If the commission has reason to doubt the financial

responsibility of an applicant for an individual owner's license, the applicant shall complete a verified financial statement.

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with subpart 1 and the following requirements.

A. A corporation, general partnership, limited partnership, trust, or any combination of two or more individuals, except spouses, which owns or leases a horse eligible to race in Minnesota (hereinafter referred to as "multiple owner") must obtain a Class C license issued by the commission.

B. Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission.

C. Individuals or entities required by items A and B to obtain a Class C license must make their best effort, as defined in part 7870.0030, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, any interest in a race horse other than horses owned or leased by the multiple owner, and any agreement or understanding entered into regarding the racing of horses owned or leased by the multiple owner or the distribution of the benefits of racing the horses.

D. A multiple owner must make its best effort, as defined in part 7870.0030, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, the nature and extent of every direct or indirect record of beneficial ownership or other voting interest or control, whether absolute or contingent, in the multiple owner. The disclosure shall include the names and addresses of every individual and other entity. The individuals and other entities identified, except those required to be licensed pursuant to item B, shall not be licensed and shall not have access to restricted areas at racetracks.

E. A corporation must file with the commission, at the time of application for a Class C license, a copy of its articles of incorporation and a notarized statement signed by its chief executive officer agreeing to represent the entire ownership and be responsible for the corporation's horses and all racing matters.

F. A general partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized agreement signed by all the partners designating a partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

G. A limited partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized designation of a general partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

H. A stable is defined as any ownership operating under a name other than their own name and must be registered with the commission by filing an application on a form prescribed by the commission. No person may use the real name of another owner of race horses as a stable name. A stable name which has already been registered may not be registered by another owner. The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota. The registration of a stable name must reflect all actual ownership interests.

Subp. 3. **Trainers and assistant trainers.** Applicants for a trainer's or assistant trainer's license must comply with the following requirements.

A. An applicant for a trainer's license or an assistant trainer's license must be at least 18 years old.

B. Any person applying for the first time in Minnesota for a trainer's or assistant trainer's license shall submit to the examination required of prospective trainers and assistant trainers under subpart 4, items B and C unless the applicant has

been licensed as a trainer or assistant trainer in another racing jurisdiction for at least the two preceding years, and meets the criteria in part 7877.0100, subpart 2.

C. An applicant for a trainer's license shall have at least one horse to train which is eligible to race in Minnesota. An applicant for an assistant trainer's license shall be employed by a licensed trainer with at least six horses in his or her stable at the time of filing the assistant trainer's application.

D. An applicant for a trainer's license shall provide proof of having complied with the workers' compensation laws, Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder.

Subp. 4. **Prospective trainers and assistant trainers.** An applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer must have at least two years' experience in an occupation that indicates a knowledge of horsemanship and racing practices.

A. The applicant must submit three letters of recommendation from former employers or currently licensed trainers attesting to the applicant's ability and experience.

B. The applicant must pass a written examination administered by the stewards, or their designee, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment.

C. The applicant must pass a practical test of horsemanship administered by the stewards or their designee.

Subp. 5. **Jockeys.** Applicants for a jockey's license must comply with the following requirements.

A. An applicant for a jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously as a jockey or apprentice jockey by the commission or by another racing jurisdiction.

C. The applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. An applicant for a jockey's license may not be the owner or trainer of a race horse.

Subp. 6. **Apprentice jockeys.** Applicants for an apprentice jockey's license must comply with the following requirements.

A. An applicant for an apprentice jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously by the commission or another racing jurisdiction as an apprentice jockey or as an exercise rider, or have acquired comparable experience at a training facility or farm. If licensed as an exercise rider or acquired comparable experience, an applicant must demonstrate the ability to break a horse from a starting gate in company with other horses under the observation of a starter and, thereafter, ride in at least two races under the observation of the stewards.

C. An applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. Only thoroughbred races at authorized race meetings in the United States, Canada, or Mexico, which are reported in the Daily Racing Form or other recognized racing publication, shall be considered in determining eligibility for licensing as an apprentice jockey.

E. An applicant for an apprentice jockey's license may not be the owner or trainer of a race horse.

F. An apprentice jockey shall race under certificate issued by the commission in accordance with the standards in part 7877.0170, subpart 3, item A.

Subp. 7. **Exercise rider.** An applicant for an exercise rider's license must have been licensed as an exercise rider by the commission or by another racing jurisdiction. If unable to meet this requirement, an applicant shall demonstrate to the stewards, or their designee, the ability to ride a galloping race horse.

Subp. 8. **Harness driver.** Applicants for a harness driver's license must be at least 16 years old and must pass a physical examination administered by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to drive. In addition:

A. The applicant must have been licensed previously as a harness driver by the commission or another racing jurisdiction, or the USTA. When licensed by the USTA and applying to drive at a Class D race meet, the USTA license classifications shall apply.

B. If the applicant has never been licensed as a harness driver, he or she must demonstrate to the stewards the ability to drive a horse at training speeds and must pass a written examination demonstrating knowledge of harness racing rules and horsemanship administered by the stewards or their designee.

(1) If such an applicant successfully completes those prerequisites, he or she shall be issued a "Q" (qualifying) license to compete in qualifying and other nonwagering races only.

(2) The holder of a "Q" license must drive in at least 12 qualifying or nonwagering races, under supervision of the stewards, before being awarded a harness driver's license.

Subp. 9. **Veterinarians.** An applicant for a veterinarian's license must:

A. provide proof of current validation to practice veterinary medicine in Minnesota;

B. demonstrate to the commission's veterinarian that he or she is familiar with current equine medical practices and possesses knowledge of the commission's medication rules as specified in chapter 7890;

C. provide proof of current United States Department of Agriculture Animal and Plant Inspection Service accreditation in Minnesota; and

D. provide proof of current registration status under the Controlled Substance Act of 1970, including the schedules for which the applicant has been approved by the Drug Enforcement Administration.

Subp. 10. **Farriers.** An applicant for a farrier's license must have been licensed previously as a farrier by the commission or another racing jurisdiction, or must pass an examination related to the shoeing of race horses administered by the stewards or their designee.

Subp. 11. **Pony riders.** An applicant for a pony rider's license must have been licensed previously as a pony rider by the commission or by another racing jurisdiction. If unable to meet this requirement, the applicant must demonstrate his or her riding ability to the stewards or their designee.

Subp. 12. **Stable supervisor.** An applicant for a stable supervisor's license must have been licensed previously as a stable supervisor by the commission or by another racing jurisdiction, or must have been licensed as a groom for at least one year in any racing jurisdiction.

Subp. 13. **Jockey agents.** An applicant for a jockey agent's license must have been licensed previously as a jockey agent by the commission or by another racing jurisdiction, and may represent no more than two jockeys and one apprentice jockey.

If never licensed as a jockey agent, the applicant must have at least one year's experience as a Class C licensee or have held an occupational license from another racing jurisdiction, and must pass a written examination administered by the stewards or their designee relating to jockey engagements, horse eligibility, and other topics relevant to his or her appointment as a jockey agent.

Subp. 14. **Authorized agents.** To be appointed an authorized agent, the appointee must be licensed as either an individual owner or as a trainer. A written agency appointment authorizing him or her to act on behalf of a licensed individual owner or licensed multiple owner, or licensed trainer in racing matters not directly related to the care and training of horses must accompany the appointment. The authorization shall be on a form provided by the commission and shall define the powers, limits, and terms of the agency agreement. The authorization must be signed by the individual principals or the multiple owner designated representative and notarized.

A separate notarized agency appointment is required for each principal an authorized agent intends to represent. All such agencies shall remain in effect for the duration of the current race meeting unless written notice of revocation is submitted to the stewards at the meeting where the principal is racing.

Subp. 15. **Bloodstock agents.** Any person who for gain, gratuity, commission, or reward, in either money or goods, acts as an agent for the sale or purchase of any race horse not his or her own which is eligible to race at an authorized race meeting in Minnesota, and who offers for sale, offers to purchase for a client or for his or her own account for resale within 60 days, or offers his or her services as an agent in the purchase or sale of any race horse not his or her own which is eligible to race in Minnesota, must obtain a Class C license from the commission to act as a bloodstock agent.

Subp. 16. **Concessionaire or vendor.** Notwithstanding part 7877.0100, subpart 1, any person or entity that sells or distributes products or provides services at a Class A or D facility outside of the time of a live race meeting for fewer than four consecutive days, or less than a total of 11 days in a calendar year, and which products or services are sold or distributed in a restricted area or are necessary for the running of a horse race, does not need to be licensed. The director of pari-mutuel racing shall request the director of the division of alcohol and gambling enforcement to investigate the background, financial responsibility, security, and integrity of any person or entity providing such products or services to a licensed racetrack.

Statutory Authority: *MS s 240.08; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 15 SR 2307; 16 SR 2684; 17 SR 1279; 19 SR 2307; 20 SR 2592; L 1997 c 129 art 2 s 15; 24 SR 1568*

7877.0135 DUAL LICENSING.

In determining whether to issue more than one Class C license to an applicant, the commission shall consider the nature of the licenses sought or already held, and whether holding multiple licenses would be a conflict of interest.

A. A person licensed as a jockey or veterinarian may not be licensed in another capacity.

B. No racing official may serve or act in a nonofficial capacity at a race meeting at which he or she is licensed as an official.

C. In addition to the prohibitions of item B, a person licensed as an owner may not be licensed as a jockey agent, nor may any person licensed as a jockey agent be licensed as an owner.

D. No Class C licensee shall act in any capacity other than that for which he or she is licensed.

E. For all county fairs in which the average daily handle for the preceding year was less than \$150,000, the commission may authorize county fair associations to allow officials other than stewards to act in dual capacities. Stewards may act as placing judges and timers. The commission may require that additional officials be present at a county fair meet at the time of application approval or renewal of the class D license.

Statutory Authority: *MS s 240.23*

History: *9 SR 2527; 11 SR 2201; 16 SR 2684; 18 SR 886*

7877.0140 TEMPORARY LICENSE.

Subpart 1. **Issuance.** Pending completion of an investigation of qualifications and fitness, and a decision by the commission to issue or deny a Class C license, the commission may grant a temporary license to a person who has filed a complete and sufficient application for a Class C license and paid all applicable fees, which are nonrefundable. A temporary license must be granted if:

A. the applicant desires to act in a capacity for which a Class C license is required prior to the time the commission will make a decision on his or her application;

B. the applicant, in the exercise of reasonable care and diligence, could not have made application in time for the commission to make its decision before the applicant desires to commence the activity; and

C. the commission does not have reason to believe that the applicant is ineligible for the Class C license he or she seeks.

Subp. 2. **Termination.** A temporary license shall carry no presumption of qualifications or fitness and may be terminated summarily by the commission for cause.

A temporary license shall terminate upon a decision of the commission to issue or deny a Class C license, or 120 days after the grant of the temporary license, whichever occurs first.

Statutory Authority: *MS s 240.24*

History: *9 SR 2527; 10 SR 2161*

7877.0145 EMERGENCY LICENSE.

Subpart 1. **Racing officials.** If a racing official approved by the commission becomes incapacitated or is unable to perform his or her duties, the stewards may approve an emergency license. The approval shall be based on the standards in part 7877.0175, and must be reported to the commission for consideration at the next commission meeting. If the emergency licensee has not previously been considered by the commission, the association shall be responsible for immediately submitting a completed license application to the commission.

Subp. 2. **Owners.** If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's license on behalf of the absent owner.

The trainer applying for an emergency owner's license on behalf of an absent owner must submit a notarized affidavit with the license application specifying the reasons the owner is unable to complete the application.

The trainer must, at the time of submission for an emergency owner's license, provide at least the following information: the owner's full name, home or business address, telephone number, and social security number. At the time of application, the appropriate licensing fee must be paid to the commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

Within 21 days of the issuance of the emergency owner's license, the owner must submit a properly completed owner's application, fingerprint card, and fingerprint fee. Failure to provide the foregoing information is grounds for suspension of the emergency owner's license. In addition, if the required information is not submitted due to an act or omission on the part of the trainer, the trainer may also be subject to disciplinary action.

Statutory Authority: *MS s 240.23*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201*

7877.0150 REPLACEMENT LICENSE.

A person whose license (ID badge) is lost, destroyed, or mutilated must request issuance of a replacement license and pay a fee of \$10.

Statutory Authority: *MS s 240.08; 240.10; 240.23*

History: *9 SR 2527*

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a provisional license, shall mean that the licensee consents and agrees to the following conditions:

A. The licensee will abide by commission rules.

B. The licensee will abide by all rulings and decisions of the stewards, unless the commission has modified or reversed a ruling or decision after a hearing.

C. The licensee will fully and truthfully provide information requested by the stewards or the commission in the course of an investigation, inquiry, hearing, or application for a license.

D. The licensee will notify the stewards or the commission immediately about any bribe, attempted bribe, or any violation of a statute or rule relating to horse racing or gambling of which he or she has knowledge.

E. The licensee will submit to inspections and searches as hereinafter provided:

(1) When investigating for violations of law or rules upon the grounds of an association, the commission or the stewards may designate the Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A, B, or D licensee under the commission's jurisdiction. This authority shall extend to searches and inspections of persons and personal effects in and about grounds.

(2) Each applicant for a Class C license and each employee or agent of a Class A, B, or D licensee consents to such searches and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search or inspection.

F. The licensee will, upon request of the commission, the commission's director of security, or the stewards, provide a blood, breath, or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.

G. The licensee shall, upon request, furnish the commission with additional sets of classifiable fingerprints on designated law enforcement agency cards.

H. The licensee will conduct himself or herself in a manner that is not detrimental to the best interests of racing.

Statutory Authority: *MS s 240.23*

History: *9 SR 2527; 11 SR 2201; 16 SR 1800; 19 SR 2307; L 1997 c 129 art 2 s 15*

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

Subpart 1. **Duration.** A Class C license shall expire at midnight on December 31 of the calendar year after its issuance.

Subp. 2. **Extent.** A Class C license issued at one race meeting during the calendar year shall be eligible for validation at any other race meeting regulated by the commission that year provided that:

A. the licensee is in good standing with the commission; and

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed at the race meeting other than the meeting for which the license was issued.

Subp. 3. **Change of employees.** At the time a Class C licensee changes employees, the licensee must notify the commission office of the change no later than by the end of the next racing day of that race meeting.

Subp. 4. **Renewal.** The commission may renew a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

Statutory Authority: *MS s 240.08; 240.10; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 14 SR 332; 15 SR 2307; 24 SR 1568*

7877.0165 CREDENTIALS.

The commission shall issue an identification badge to each Class C licensee.

The licensee must wear the badge on outer apparel at all times he or she is within any restricted area unless the activity for which he or she is licensed renders wearing of the badge on outer apparel unsafe or creates a substantial risk of loss, destruction, or mutilation of the badge, in which case the badge shall be in possession of the licensee.

No licensee shall permit any other person to use his or her badge for identification, entrance to the racetrack, or for any other purpose on or off the racetrack grounds.

Statutory Authority: *MS s 240.08; 240.10; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 24 SR 1568*

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the following responsibilities:

- A. Owners are responsible for stakes payment, jockeys' fees, and drivers' fees.
- B. Any owner wagering for a jockey/driver on any horse that the jockey/driver is to ride/drive for the owner shall keep a written record of the wager.
- C. Owners shall comply with rules of claiming as specified in chapter 7883.
- D. An owner of a thoroughbred, quarter horse, arabian, or other breed is responsible for the registration of colors and for their availability to, and use by, the jockey engaged to ride the owner's horse.
- E. Upon receipt of a positive lab report, an owner is subject to part 7892.0150.

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

- A. A trainer shall keep in his or her charge or under his or her supervision at the racetrack horses owned only by owners who are licensed by the commission.
- B. A trainer shall ascertain the true identity of all horses in his or her charge.
- C. A trainer shall be responsible for horses he or she enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in his or her custody, care, or control to be started if he or she knows, or might have known, or has cause to believe, that the horse has received any medication in contravention of the provisions of chapter 7890.

(2) The commission shall consider any positive test to be prima facie evidence that the trainer is responsible for such positive test unless he or she can prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

(3) A trainer must guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent the administration of any medication in contravention of the provisions of chapter 7890.

D. A trainer must obtain a designated stall assignment from the association before occupying any stall on the racetrack grounds.

E. A trainer must register each horse in his or her charge within 24 hours of the horse's arrival on the grounds of an association by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred, quarter horses, arabian, or other breeds must submit with that registration a description of the owner's colors for each horse in his or her charge.

F. Each trainer must provide a list of all persons in his or her employ to the association's security office and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the association's security office by no later than the end of that racing day.

G. The trainer shall supply each horse in his or her care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in his or her care that are entered to race or at any time that the horses are on the grounds of an association.

I. No trainer may register under a stable name as trainer, but may be permitted to be the owner or part-owner of horses registered under the stable name.

J. A trainer shall represent an owner in making entries and scratches, and in all other matters pertaining to the running of a race.

K. A thoroughbred, quarter horse, arabian, or other breed trainer shall personally attend his or her horses in the paddock, and shall supervise his or her horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers he or she has engaged that each shall give his or her best effort and that each horse shall be ridden or driven to win.

M. If a horse entered to race becomes unfit for racing because of illness or injury, the trainer shall notify the stewards or the commission's veterinarian promptly.

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11.

O. A trainer is responsible for having each horse in his or her charge that is racing in Minnesota or stabled on the grounds of an association tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each horse's negative EIA test results must be attached to the horse's foal registration certificate on or before the time of entry into a race or the entry must not be accepted. The EIA test certificates must be dated within a 12-month period prior to the date of entry, and must be renewed or replaced on the foal registration certificate no later than ten days following the date of expiration.

P. A trainer must ensure that at the time of arrival at a licensed racetrack, each horse in his or her care that will be entered and remain in the stable area for more than 24 hours is accompanied by a health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian.

Q. A trainer must promptly report the death of any horse in his or her care on the grounds of an association to the commission veterinarian and must comply with part 7891.0110 governing postmortem examinations.

MINNESOTA RULES 2003

221

HORSE RACING; CLASS C LICENSES 7877.0170

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

S. Trainers licensed as owners must train all horses owned wholly or in part by them.

T. Each trainer shall comply with all provisions of Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

Subp. 2a. **Assistant trainers.** An assistant trainer shall be charged with the same responsibilities as a trainer. The assistant trainer shall be held equally culpable with the trainer by whom he or she is employed for any acts to which the assistant trainer has prior knowledge or involvement.

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

A. An apprentice jockey must ride with a five-pound weight allowance beginning with his or her first mount and for one full year thereafter, unless the jockey is riding in stakes races, handicap races, or substituting for a journeyman jockey who is unable to fulfill a riding engagement. If after one full year from the date of his or her fifth winning mount the apprentice jockey has failed to ride 40 winners, he or she shall continue to ride with a five-pound weight allowance for up to two years from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first. If an apprentice jockey is unable to ride for a period of 14 consecutive days or more after the date of the jockey's fifth winning mount because of service in the United States armed forces, enrollment in an institution of secondary or post-secondary education, or because of physical disability, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride.

B. For purposes of the remainder of this subpart, reference to "jockey" also includes apprentice jockey.

C. Each jockey engaged to ride in a race must be in the jockey's room at the reporting time specified by the stewards on each day he or she is scheduled to ride. Upon arrival, the jockey shall report to the clerk of scales.

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication with any person outside the jockeys' room, without the permission of the stewards, other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

E. Each jockey engaged to ride in a race shall report his or her riding weight to the clerk of scales at the time specified by the association.

F. Each jockey engaged to ride in a race must report to the clerk of scales for weighing-out not more than 30 minutes before post time for the first race, if he or she is riding in that race, nor sooner than the running of the preceding race, if he or she is riding in any other race.

G. The jockey's weight shall include his or her clothing, boots, saddle, and saddle attachments. The jockey's weight excludes the helmet and safety vest.

H. No jockey may weigh-out if he or she is more than two pounds over the weight assigned to his or her horse without permission of the owner or trainer, and under no circumstances shall the overweight exceed seven pounds.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct his or her business as if he or she were his or her own agent.

J. A jockey must fill his or her riding engagements. However, no jockey may be forced to ride a horse he or she believes to be unsafe, or to ride on a race course he or she believes to be unsafe.

K. A jockey unable to fulfill his or her riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

L. A jockey must wear the racing colors provided by the owner of the horse he or she is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program. No symbols, words, or emblems shall be worn which, in the opinion of the commission, are not in keeping with the customs of the turf or are employed for advertising or promotional purposes.

M. A jockey must wear a protective helmet with a buckled chin strap while mounted upon any horse at a licensed racetrack. A jockey must wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and 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.

N. In any race, a jockey must ride to win or to finish as near as possible to first. A jockey shall not ease his or her horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

O. A jockey must make his or her best effort to control and guide his or her horse in such a way so as not to endanger his or her own horse or other horses and jockeys, nor to cause a foul.

P. A jockey must unsaddle his or her own horse before weighing-in, and shall weigh-in with the equipment with which he or she weighed out.

Q. Each jockey must check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. A jockey must notify the stewards in writing on a form provided by the commission if he or she intends to sever a business relationship with an agent or if he or she intends to change agents. The notification must be signed by both the jockey and agent.

S. A jockey not prohibited by contract may agree to give first or second call on his or her services to any licensed owner or trainer. Such agreements must be in writing if for a period of more than 30 days.

T. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. A jockey mount fee shall be considered earned by a jockey when he or she is weighed out by the clerk of scales, except in the following cases:

(1) When the jockey does not weigh-out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay the appropriate fee to each jockey engaged for the race.

(2) When a jockey elects to take himself or herself off a mount without proper cause.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

W. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that he or she is a holder of a valid license and not under suspension, and that he or she agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and,

MINNESOTA RULES 2003

223

HORSE RACING; CLASS C LICENSES 7877.0170

at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

Subp. 4. Drivers. In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse.

Each driver shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger other drivers or horses, and so as not to cause a foul.

A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any prerace warmup, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

Subp. 5. Pharmaceutical representatives. Each pharmaceutical representative must register with the commission veterinarian at the racetrack, and file with the veterinarian for his or her approval a list of the items proposed to be sold or delivered.

Subp. 6. Bloodstock agents. Every bloodstock agent who participates as an agent in the purchase or sale of a race horse where any warranty of soundness, condition, or racing ability is expressed or implied shall file with the commission within five days of the date of sale a memorandum report of warranty which shall set forth all warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agent acting in their behalf.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in Minnesota, where any condition of such purchase or sale includes any lien upon such horse by the seller or other person, shall file a memorandum report of conditional sale with the commission within five days of the date of sale.

Any warranty or condition of sale set forth in any sale catalog, printed offer of sale, or sales agreement shall be considered as a memorandum of warranty or condition of sale, whether or not filed with the commission.

No bloodstock agent shall misrepresent any material fact, nor knowingly withhold any material fact from any person connected with the sale of a horse, nor misrepresent his or her personal interest in any horse.

Subp. 7. Jockey's agent. A jockey's agent shall keep a written record of all engagements made for jockeys he or she represents. The record shall be accurate and up-to-date, and shall be available at all times for inspection by the stewards.

No jockey agent shall be permitted to contract riding engagements for more than two jockeys and one apprentice jockey. No agent may arrange more than two calls for a jockey in any race and shall designate one of the engagements as a first call and the other as a second call.

A jockey's agent shall be in the racing secretary's office, or shall check-in with the racing secretary's office, at scratch time to confirm a jockey's commitments for the day's program.

A jockey's agent shall notify the stewards in writing if he or she no longer intends to serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.

Subp. 8. Horsepersons' bookkeeper. It shall be the responsibility of the association to administer the horsepersons' accounts by providing the services of a horsepersons' bookkeeper who shall be bonded in the amount of \$100,000.

The association must establish an interest-bearing trust account for the horsepersons' accounts. The horsepersons' trust account shall be separate and distinct from any other account. Deposits made into the horsepersons' trust account by the association are the property of the horsepersons' trust account and not of the association.

The horsepersons' bookkeeper shall be the custodian of the horsepersons' trust account and shall keep accurate records of all receipts, deposits, and disbursements and make those records available at all times for inspection by the commission. The horsepersons' bookkeeper shall not distribute any purse money to a person with an emergency license.

The association must deposit into the horsepersons' account:

A. by the end of the business day following the date of the race in which purses are earned, an amount to cover all of its obligations including breeders fund purse supplements, other supplements, guarantees, stated purses of official races, and, when due, any other payments that the association has agreed to make including agreements entered into under Minnesota Statutes, section 240.13, subdivision 5, paragraph (b); and

B. by the end of the business day following the date of receipt by the association, all stakes, entrance money, starting fees, purchase money in claiming races, and deposits made by other parties.

Subp. 9. Veterinarians. The following shall apply to veterinarians licensed by the commission:

A. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the veterinarian to ensure compliance with this subpart.

B. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

C. Veterinarians shall not be in possession of medications or substances which have not been approved for use in the United States by the Food and Drug Administration. Veterinarians shall not possess medications or substances without a specific manufacturer's name, lot number, and expiration date.

D. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers.

F. Veterinarians shall dispense prescription drugs abiding by the rules of the state of Minnesota, Boards of Pharmacy and Veterinary Medicine, and according to the guidelines of the American Veterinary Medical Association.

G. All medications and hypodermic equipment must be in the veterinarian's possession, personal vehicle, or stored off grounds.

Subp. 10. Pony riders. The following applies to pony riders licensed by the commission:

A. Within 24 hours of obtaining a Class C license, a pony rider must register with the commission veterinarian and provide at that time a list of all pony horses for which he or she is responsible and which he or she intends to bring onto the grounds of the association. Such a list will include the name, sex, age, and brief description of color and markings for each pony horse. Should a pony rider obtain additional pony horses during the racing season, he or she must also register these animals with the commission veterinarian prior to bringing them onto the grounds of the association.

B. A pony rider is responsible for having each pony horse in his or her charge tested for equine infectious anemia (EIA) once every 12 months. The test shall be performed by a laboratory approved by the United States Department of Agriculture.

A copy of each pony horse's current negative EIA test results must be provided to the commission veterinarian at the time of registration pursuant to item A or, if not available at the time of registration, prior to the arrival of the pony horse at the racetrack. Any certificate which expires during the racing season must be replaced with a current EIA test certificate no later than ten days following the date of expiration.

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by a health certificate completed by an accredited veterinarian and issued not more than 14 days prior to arrival. The health certificate must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. A pony horse which leaves the grounds for a period of two weeks or less does not have to be accompanied by a new health certificate upon its return.

D. The pony rider shall supply each pony horse in his or her care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

E. A pony rider must promptly report the death of any pony horse in his or her care on the grounds of an association to the commission veterinarian, and must comply with part 7891.0110 governing postmortem examinations if such examination is deemed necessary by the commission veterinarian.

Statutory Authority: *MS s 240.08; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201; 13 SR 38; 14 SR 2008; 14 SR 2454; 15 SR 2307; 16 SR 2684; 18 SR 886; 19 SR 2307; 20 SR 2592; 24 SR 1568; 25 SR 1609; 26 SR 1438*

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in items A to J.

A. The racing secretary shall be responsible for scheduling races during a meeting; compiling and publishing condition books or sheets; assigning weights or making allowances for handicap races; processing all entries, nominations, and scratches; compiling a registry of all horses and owners participating at the race meeting, plus their corresponding colors and, when applicable, stable names; and establishing a purse structure for the race meeting.

B. The racing secretary shall make stall assignments pursuant to chapter 7876 and shall maintain a record of the arrival and departure of all horses stabled on the grounds of an association.

C. The racing secretary shall be responsible for publication of the official daily program, if the association does not employ a program director.

D. The racing secretary shall be responsible for the daily posting of entries.

E. The racing secretary shall be responsible for the safekeeping of registration certificates, eligibility certificates, and racing permits for horses; for recording required information on such documents; and for returning the documents to the owners, trainers, or authorized agents at the conclusion of the race meeting. However, an association employing a clerk of the course may assign these duties to the clerk of the course.

F. The racing secretary shall maintain a list of horses that were entered but denied an opportunity to race because they were eliminated from a race programmed in printed condition books issued by the association.

G. The racing secretary's office shall keep up-to-date performance records on all horses registered to race at a race meeting. Such files shall be kept current and furnished intact to the racing secretary of the succeeding race meeting.

H. The racing secretary must post, in a location accessible to all trainers, a list of all horses registered as "nerved," pursuant to part 7897.0100, subpart 11.

I. The racing secretary shall establish a preference system for horses which have been excluded from races due to overfilling and shall maintain the system for the

duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

J. In the event that a race is declared off due to an insufficient number of entries, the racing secretary must post in a conspicuous place the names of all trainers that entered horses in each race that was declared off.

Subp. 2. **Clerk of scales.** The clerk of scales shall have the responsibilities in items A to I.

A. The clerk of scales shall be responsible for the security, regulation, and control of the jockeys' room.

B. The clerk of scales shall supervise all valets and the issuance of numbered saddle cloths and equipment for each jockey.

C. The clerk of scales shall be jointly responsible, with each jockey's valet, for the proper attire and neat appearance of the jockey.

D. The clerk of scales shall be responsible for having changes in colors or jockeys posted and announced to the public before any race if the colors or jockeys differ from those listed in the daily program.

E. The clerk of scales shall weigh-out every jockey riding in the first race not more than 30 minutes before post time for the race. The clerk of scales shall weigh-out jockeys riding in any other race no sooner than the preceding race. In weighing-out each jockey, the clerk of scales shall record any overweight, which shall be posted and announced to the public at the time specified by the association.

F. The clerk of scales shall weigh-in in public view immediately after the finish of each race the following jockeys:

(1) for nonstakes races, those jockeys finishing first through fourth places and, if designated by the stewards during or immediately after the race, any other jockey in the race; and

(2) for stakes races, every jockey finishing the race.

G. The clerk of scales shall notify the stewards immediately if:

(1) a jockey fails to arrive in the jockeys' room at the designated time;

(2) a jockey does not present himself or herself to be weighed in;

(3) a jockey is underweight or more than two pounds overweight, or if the jockey is guilty of any fraudulent practice with respect to weight or weighing;

(4) a jockey dismounts before reaching the scales, unless the jockey or the horse is ill or disabled; and

(5) the clerk of scales receives any complaint, objection, or protest from an owner, trainer, or jockey.

H. The clerk of scales shall notify the mutuels manager of every horse scratched pursuant to part 7883.0120.

I. The clerk of scales shall be responsible for maintaining and keeping up-to-date apprentice jockey's certificates and foreign jockey's declaration sheets.

Subp. 3. **Starter.** The starter shall have primary supervision over horses entered in any race from the moment they leave the paddock until the time that the start is effected.

A. The starter shall have radio or telephone communication with the stewards immediately available from the time the horses leave the paddock until the start is effected. The starter shall report to the stewards any disobedience of his or her orders or attempts to take unfair advantage at the starting gate.

B. The starter shall be responsible for providing a fair and equal start of all horses in a race by means of a starting gate. Whenever a horse is prevented from obtaining a fair start, the starter shall immediately notify the stewards.

C. The starter shall require and supervise schooling in the starting gate for any horse not sufficiently trained in starting gate procedures to ensure a fair and safe

MINNESOTA RULES 2003

227

HORSE RACING; CLASS C LICENSES 7877.0175

start. The starter shall maintain a list of any horses so ordered, and those horses shall be ineligible to start until they are sufficiently schooled in starting gate procedures and until the starter has removed their names from the schooling list.

D. The following starter's duties and responsibilities are applicable only to thoroughbred or quarter horse racing:

(1) The starter with the consent of the stewards shall determine the procedures for loading horses into the starting gate.

(2) The starter shall appoint and use the services of assistant starters as necessary, and shall daily change the gate position of each assistant starter without notice to the assistant starters until the field for the first race comes onto the course.

(3) The starter shall honor the written request of the trainer not to allow an assistant starter to "tail" or "tong" a horse, insofar as practical. However, the starter shall instruct assistants to handle any horse when he or she deems such handling necessary for a safe, orderly start.

(4) The starter shall report the cause of any delayed start to the stewards. If a delay occurs at the post, the starter may permit the jockeys to dismount and the horses to be cared for during the delay; otherwise, jockeys shall not be permitted to dismount.

(5) The starter shall maintain a daily written record showing the names of all horses starting, the assistant starter who handled each horse, and any equipment other than a lead strap used for each horse. The record shall be made available to the stewards upon request.

(6) The starter shall observe anyone seeking an apprentice jockey's license breaking a horse from a starting gate in company with other horses. The starter shall report his or her observations to the stewards.

Subp. 4. Paddock judge. The paddock judge shall have the responsibilities in items A to L.

A. The paddock judge shall be in charge of the paddock, and shall notify the stewards of any apparent rule violation occurring in the paddock.

B. The paddock judge shall see that only authorized persons are in the paddock.

C. The paddock judge shall be responsible for the orderly saddling and equipping of all horses in any race. The saddling and equipping shall, in the case of thoroughbred racing, be open to public viewing and free from interference whenever possible. Horses shall leave the paddock for post in order of their program numbers.

D. The paddock judge shall assemble the horses in the paddock no later than 15 minutes before the scheduled post time for each thoroughbred race, and at least one hour before the scheduled post time for each harness race.

E. The paddock judge shall immediately report to the stewards the absence of, ineligibility of, or any other irregularity with respect to a horse or its equipment.

F. The paddock judge shall inspect and maintain a written record of all equipment worn by each horse in a race, and shall approve all equipment changes. The paddock judge shall immediately notify the stewards of any change, violation, or defect relating to equipment.

G. The paddock judge shall inspect the bandages worn by all horses arriving in the paddock and may order the bandages removed or replaced if he or she has reason to believe that a violation of statute or rule has occurred, is occurring, or will occur.

(1) The paddock judge shall not allow a horse in the paddock if it is wearing bandages at knee level or higher.

(2) Paddock boots and all bandages, except those bandages that will be worn during a race, must be removed immediately after saddling in the paddock so that a satisfactory examination may be assured.

H. The paddock judge shall immediately report to the commission veterinarian or the association veterinarian the suspected infirmity or unsoundness of any horse.

I. The paddock judge shall immediately notify the stewards of the reason for any horse returning to the paddock after having entered the course for the post parade and before the start of the race.

J. The paddock judge shall inspect and supervise the maintenance of emergency equipment kept in the paddock.

K. The paddock judge shall notify the stewards of any trainer or groom who leaves the paddock before the horse in his or her charge has left the paddock.

L. The paddock judge shall compile a schooling list of any horse that is fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses.

Subp. 5. **Identifier.** The identifier shall check the identification of all horses entering the paddock by checking tattoo numbers, sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascertain a horse's identity.

The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's tattoo numbers, markings, or other identifying characteristics.

The identifier shall supervise the identification of any horse on the grounds of an association before approving the horse for tattooing.

Subp. 6. **Equipment inspector (harness).** Each association shall employ a person in the paddock who shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the tattoo number for each horse racing at the meeting. The equipment inspector shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

Subp. 7. **Claims clerk.** The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140.

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than ten minutes before post time for each race.

The claims clerk shall ascertain whether:

- A. errors exist in the form or deposit of the claim;
- B. the claimant has established eligibility to claim;
- C. the claimant has the amount of the claim to his or her credit; and
- D. persons acting on behalf of a claimant are authorized to do so.

The claims clerk shall immediately report all findings to the stewards, and shall issue a written authorization on behalf of the stewards for delivery of a horse to any claimant who is successful.

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

- A. horses that are scratched because of illness or injury;
- B. horses that are pulled up because of lameness or other injury during a race;
- C. horses that are bleeders, pursuant to part 7890.0140, subpart 1; and
- D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to start in a race for five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. All workouts required by the commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. For purposes of this subpart, the five-day period during which a horse is ineligible to start begins to run on

the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

The commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony on the grounds of an association for the purpose of testing for equine infectious anemia (EIA), and shall supervise the removal from the racetrack of any horse or pony having positive EIA test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian or association veterinarian may administer emergency treatment on the request of the owner or the owner's agent. In such cases, the owner is responsible for any costs incurred.

Subp. 8a. Association veterinarian. The association may, with the prior approval of the commission, appoint an association veterinarian. The responsibilities of the association veterinarian may include, but are not limited to, the following:

- A. conduct racing soundness examinations pursuant to part 7891.0100;
- B. notify the stewards of any horse he or she considers unfit to race;
- C. provide the names of horses which shall be placed on or removed from the veterinarian's list;
- D. monitor horses in the paddock, post parade, and starting gate for signs of illness or injury; and
- E. tend to crippled or disabled horses pursuant to part 7883.0160, subpart 14.

Subp. 9. Patrol judge. Patrol judges shall be stationed at elevated locations specified by the stewards, and shall observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

- A. every apparent violation of commission rules;
- B. any action on the race course that could improperly affect the result of a race;
- C. any indication of a forthcoming claim of foul or other complaint of violation of the commission's rules;
- D. the lameness or unfitness of any horse;
- E. any lack of or broken racing equipment; and
- F. any unusual or illegal behavior of horses, jockeys, or drivers.

When instructed by the stewards, patrol judges shall be present at video reviews of races to confirm or to clarify reported observations.

Subp. 10. Placing judge. At least two placing judges shall view each race from a stand directly above the finish line, and shall determine the order of horses as they cross the finish line. In making that determination, the placing judges shall take note of the horses' numbers, racing colors, and distinguishing equipment, and shall determine the order of finish by considering only the noses of the horses.

The placing judges shall be responsible for having the numbers of the first four horses to cross the finish line displayed on the result board.

The placing judges shall announce their decisions promptly, and those decisions shall be final unless an objection to any horse placed within the purse is made and

sustained. However, this rule shall not prevent the judges from correcting any mistakes, subject to the stewards' confirmation.

The placing judges shall use photographs from the racetrack's photo-finish camera as an aid in determining the order of horses as they cross the finish line. The placing judges shall use the photographs of all finishes in which the winning margin is less than half a length, or in which the horses are widely spaced across the race course. Copies of those photographs shall be posted in convenient locations for public inspection.

Subp. 11. Timer. A timer shall determine the official time of each race, which shall be the period from the time the first horse crosses the timing beam or track marker at the start of the race until the first horse crosses the finish line.

The timer shall verify the race time recorded by the racetrack's electric timing device. Should the timing device malfunction, the time shown on the watch of the timer shall be the official time of the race.

Subp. 12. Clocker (thoroughbred, quarter horse, arabian, or other breeds). A clocker shall accurately record all workouts on any race course at which a race meeting is being conducted.

Upon order of the stewards, a clocker shall be able to demonstrate knowledge and proficiency in accurately recording times of horses working out.

A clocker shall present daily records to the racing secretary and the stewards, post for the benefit of the public daily records of all workouts clocked, and make a record of daily workout times available to the news media.

Subp. 13. Outrider. The outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours.

The outriders shall be present on the race course, mounted and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times that horses are permitted on the race course.

The outriders shall escort to the post all horses starting in any race, and shall remain on duty until all horses on that program have been returned to their handlers.

Each outrider must comply with part 7877.0170, subpart 10, for each pony horse in his or her care.

Subp. 14. Jockeys' room custodian. The jockeys' or drivers' room custodian shall:

- A. supervise the orderly conduct of business in the jockeys' or drivers' room;
- B. maintain cleanliness and neatness in the jockeys' or drivers' room; and
- C. be responsible for the care and storage of racing colors.

Subp. 15. Clerk of the course (harness). The clerk of the course shall keep the stewards' sheets on which he or she shall record the following information:

- A. names of all horses entered and their eligibility numbers;
- B. names of owners and drivers;
- C. drivers' license numbers;
- D. a record of each race, noting positions of horses at the finish;
- E. names of scratched or ruled out horses;
- F. recorded times; and
- G. all protests, penalties, and appeals.

The clerk of the course shall see that the stewards' sheets are signed, and shall forward copies of them to the commission not later than the next day.

The clerk of the course shall check eligibility certificates before and after each race, and shall keep the certificates up-to-date.

MINNESOTA RULES 2003

231

HORSE RACING; CLASS C LICENSES 7877.0185

When requested by an owner or owner's authorized agent, the clerk of the course shall return a horse's eligibility certificate after a race.

Statutory Authority: *MS s 240.08; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 13 SR 38; 14 SR 2008; 16 SR 2684; 20 SR 2592; 22 SR 1785; 24 SR 1568*

7877.0180 CONFLICTS.

Subpart 1. Racing officials. No racing official, other than a general manager, shall own any interest in a privately held Minnesota racetrack at which he or she is serving as an official. In the case of a publicly held corporation, no racing official, other than a general manager, shall own more than five percent of the outstanding shares of stock. No racing official shall own any interest in a horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall buy or sell for himself or herself, or as an agent for anyone else, any horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall hold any interest in the contract of a jockey or apprentice jockey riding at a meeting at which the official serves.

No racing official shall buy or sell for another person any right to a contract of any jockey or apprentice jockey riding at a meeting at which the racing official serves.

No racing official shall wager money or anything of value on any race in Minnesota during his or her term of employment.

No racing official, detention barn employee, commission staff, assistant starter, claims clerk, outrider, association veterinarian, or track superintendent shall request or accept any remuneration or honorarium in payment or kind from any owner, trainer, or other person licensed by the commission.

Subp. 2. Veterinarians. No veterinarian or veterinary assistant may participate in pari-mutuel wagering while licensed by the commission. No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the grounds of the association. In that case, the official veterinarian shall notify the commission of any compensation received.

Subp. 3. Owners, trainers, drivers, or jockeys. No owner, trainer, driver, or jockey shall wager to win on any horse except his or her own in a race in which he or she competes.

Statutory Authority: *MS s 240.23*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201; 16 SR 2684; 19 SR 2307*

7877.0185 APPLICABILITY OF RULES AND RULINGS.

Rules pertaining to Class C licensees and rulings or orders against them shall apply equally to other persons if:

A. participation in an activity by the other person would circumvent the intent of a rule, ruling, or order by permitting the person to serve, in essence, as a substitute for the ineligible licensee; or

B. the other person is legally liable for the conduct that violated the rule or is the subject of the ruling; or

C. the other person benefited financially from the conduct that violated the rule.

The transfer of a horse in an effort to avoid application of a commission rule or ruling is prohibited.

Statutory Authority: *MS s 240.08; 240.10; 240.23*

History: *9 SR 2527; 14 SR 2008*