

CHAPTER 7877
MINNESOTA RACING COMMISSION
HORSE RACING; CLASS C LICENSES

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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, an advance deposit wagering provider, 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 14.389; 240.08; 240.10; 240.131; 240.23; 240.24*

History: *9 SR 2527; 22 SR 1785; 41 SR 809*

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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. **Individual application content.** An application from an individual for a Class C license must include the following information with respect to the applicant:

- A. date of birth;
- B. Social Security number, Social Insurance Number, or other foreign equivalent;
- C. address where the commission may send official notices related to the application and license;
- D. telephone number where the commission may contact the applicant regarding the application or license;
- E. name and address of current or most recent employer;
- F. a signed statement authorizing the release of information to the commission and the Alcohol and Gambling Enforcement Division;
- G. if the applicant is 18 through 70 years of age and has not provided the commission with fingerprints in the last five years, a completed FBI fingerprint card or written authorization to obtain classifiable fingerprints taken by another licensing or law enforcement agency; and
- H. any other information the commission reasonably deems necessary to evaluate the licensing criteria listed in part 7877.0100, subpart 2.

Subp. 2a. **Nonindividual application content.** An application for a Class C license from a corporation, partnership, or other nonindividual entity must include:

- A. the name and address of the applicant, including a physical address and website or e-mail address;
- B. the name, title, and contact information of an individual authorized to communicate with the commission on matters relating to the application and license;
- C. details of the applicant's corporate structure and organization, if applicable;
- D. the tax identification number of the applicant;
- E. the names, addresses, dates of birth, and Social Security numbers of all key employees and beneficial owners;
- F. a completed FBI fingerprint card or written authorization to obtain classifiable fingerprints taken by another licensing or law enforcement agency from each key employee and beneficial owner who is age 18 through 70 and has not provided the commission with fingerprints in the last five years;
- G. a list of licenses held by the applicant with other racing or gaming jurisdictions;

H. a list of all criminal, civil, and regulatory actions involving the applicant and any key employee or beneficial owner of the applicant;

I. details of licenses that have been denied, suspended, or revoked in any racing or gaming jurisdiction, including all licenses where any key employee or beneficial owner of the applicant was a key employee or beneficial owner of the entity whose license was denied, suspended, or revoked;

J. copies of all contracts with Class A or B license holders;

K. consent to submit to the jurisdiction of Minnesota state courts and agencies in any action relating to the subject matter of the license, application, or business with a Class A or B license holder; and

L. any other information the commission reasonably deems necessary to evaluate the licensing criteria listed in part 7877.0100, subpart 2.

Subp. 3. **Application submission.** An application shall not be considered filed until the application form has been filled out completely, all information requested by the commission has been supplied, and the license fee has been paid. Knowingly providing the commission with false or misleading information shall be grounds for denial of the application.

Subp. 3a. **Racing Commissioners International Multi-Jurisdictional Licensing Program Application accepted.** In lieu of submitting an application on forms provided by the commission, an individual applicant for a Class C owner's license may submit a signed and dated copy of the Racing Commissioners International Multi-Jurisdictional Licensing Program application, the application fee listed in part 7877.0120, and a supplemental affidavit on a form prescribed by the commission. All requirements listed in subpart 2 apply to such applicants.

Subp. 3b. **National Racing Compact license accepted for single owners.** An individual applicant for a Class C owner's license may apply through the National Racing Compact, pay the fee listed in part 7877.0120, and submit a supplemental affidavit on a form prescribed by the commission. An individual licensed by the National Racing Compact whose license is in good standing in each jurisdiction where the individual has held a racing license will be granted a single owner's license upon submission of the required license fee and supplemental affidavit.

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;
- C. claims clerk (Thoroughbred, Quarter Horse, or Arabian);
- D. clerk of course (harness);

- E. clerk of scales (Thoroughbred, Quarter Horse, or Arabian);
- F. clocker (Thoroughbred, Quarter Horse, or Arabian);
- G. director of security;
- H. general manager;
- I. identifier;
- J. jockeys' or drivers' room custodian;
- K. mutuels manager;
- L. paddock judge;
- M. patrol judge;
- N. placing judge;
- O. program director (harness);
- P. outrider;
- Q. racing secretary;
- R. starter;
- S. steward;
- T. timer;
- U. track superintendent; and
- V. any other official as designated by the commission.

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, including a personal resume, 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 the 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 the applicant 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 begin working in that capacity unless the person has provided the commission with documentation of having satisfactorily passed an optical examination within 90 days prior to beginning work. The documentation must show that the person has at least 20-20 vision (corrected) and the ability to distinguish colors.

Statutory Authority: *MS s 14.389; 240.03; 240.08; 240.10; 240.13; 240.131; 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; 31 SR 1277; 41 SR 809; 41 SR 1322; 42 SR 1258; 44 SR 1031*

Published Electronically: *April 22, 2020*

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, \$50;
- G. farrier's assistant, \$25;
- 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, single, one-year, \$50; three-year, \$150;
- O. owner, multiple, corporate, partnership, or stable, one-year, \$50; three-year, \$150;
- P. pony rider, \$15;
- Q. racing official, \$35;
- R. stable supervisor, \$10;

- S. trainer, \$50;
- T. trainer, assistant, \$25;
- U. valet, \$10;
- V. veterinarian, \$100;
- W. veterinary assistant or equine masseuse, \$50;
- X. association employees, part time or temporary full time, \$15;
- Y. association staff, permanent full time, \$35;
- Z. stable name registration, \$25;
- AA. authorized agent, \$5;
- BB. owner/trainer/driver, \$100;
- CC. 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;
- DD. advisory committee member, no charge;
- EE. large racing or gaming-related vendor, \$2,500;
- FF. small racing or gaming-related vendor, \$1,000;
- GG. tip sheet provider, \$100; and
- HH. commission staff or contractor, no charge.

Subp. 2. [Repealed, 44 SR 1031]

Subp. 3. **Jockey mount fees.** Except as otherwise specially agreed by the parties, the fees to be paid jockeys shall be at least in an amount set forth in the following fee scale:

Purse	Winning Mount	Second Mount	Third Mount	Other Mounts
\$0-12,499	10% of win purse	\$125	\$100	\$75
\$12,500-19,999	10% of win purse	5% of place purse	\$125	\$75
\$20,000-49,999	10% of win purse	5% of place purse	5% of show purse	\$75
\$50,000-99,999	10% of win purse	5% of place purse	5% of show purse	\$85
\$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 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: *MSs 240.03; 240.08; 240.10; 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; 28 SR 699; 33 SR 2095; 40 SR 29; 44 SR 1031; 44 SR 1047*

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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, a key employee or beneficial owner of the applicant, or an entity with a key employee or beneficial owner in common with the applicant, has had a license denied, suspended or revoked or been excluded in Minnesota or 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 the applicant is and shall remain in compliance with all applicable federal and state laws and rules including but not limited to laws and rules relating to immigration, discrimination, racing, tax, affirmative action, the ADA, and workers' compensation.

Statutory Authority: *MS s 14.389; 240.08; 240.10; 240.131; 240.23; 240.24*

History: *9 SR 2527; 12 SR 2393; 19 SR 2307; 41 SR 809; 44 SR 1031*

Published Electronically: *April 22, 2020*

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. **Single owners.** An applicant for a single 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. The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

A. all prerace examination data collected or created by the commission veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

B. all injury data collected or created by the commission, the commission veterinarian, or their designees.

If younger than 18 years of age, an applicant for a single 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, and must meet the criteria for licensure set forth in part 7877.0100, subpart 2, and Minnesota Statutes, section 240.08. If the commission has reason to doubt the financial responsibility of an applicant for a single 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 legally formed corporation, partnership, or 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 multiple owner 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. The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

(1) all prerace examination data collected or created by the commission veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

(2) all injury data collected or created by the commission, the commission veterinarian, or their designees.

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 multiple owner must file with the commission, at the time of application for a Class C license, a notarized statement signed by one or more individuals agreeing to represent the entire ownership and be responsible for the multiple owner's horses and all racing matters.

F. 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. The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."

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 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 comply with the workers' compensation laws and maintain all applicable policies and requirements under Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder. The Minnesota Racing Commission shall be named as a certificate holder with the insurance company providing the workers' compensation coverage. The commission, as a certificate holder, must be notified of any changes in the policy at the same time as the policy holder or by the earliest date permitted under the policy and applicable law.

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. A person licensed as an exercise rider is eligible to be licensed as a pony rider.

Subp. 8. **Harness driver.** Applicants for a harness driver's license must be at least 16 years old. 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, the applicant must meet the qualifications of Rule 17 for the current United States Trotting Association (USTA) Charter, Bylaws, Rules and Regulations to qualify for drivers licenses.

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

(2) The holder of a "P" (provisional) 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. be currently licensed by the Minnesota Board of Veterinary Medicine 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. 9a. **Equine masseuse.** An applicant for an equine masseuse license must:

- A. provide documentation of completion of formal training as an equine masseuse; and
- B. demonstrate to the commission veterinarian that the applicant is familiar with equine anatomy, equine behavior, devices used by an equine masseuse, and with current equine masseuse practices.

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 an individual owner, a trainer, or an assistant trainer. A written agency appointment authorizing the authorized agent 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, the following vendors, and their employees or representatives, do not need a license from the commission:

A. providers of professional services that are currently licensed in good standing by the state, including but not limited to accountants, attorneys, insurance companies, construction companies, private investigators, medical professionals, and caterers;

B. state or local government agencies;

C. the Minnesota Lottery;

D. entertainers and entertainment promoters;

E. nonprofit organizations and their volunteers; and

F. any vendor, other than a racing or gaming-related vendor as defined in subpart 17:

(1) that sells or distributes products or provides services at a Class A or D licensed 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

(2) whose products or services are not sold or distributed in a restricted area of a licensed racetrack.

Subp. 17. **Racing or gaming-related vendors.**

A. Any person meeting the definition of Minnesota Statutes, section 240.01, subdivision 18a, must be licensed as a racing or gaming-related vendor. This includes all vendors who sell, provide, distribute, repair, or maintain the following:

(1) totalizator equipment and services;

(2) satellite equipment and services;

(3) security and surveillance equipment and services;

(4) teletimer equipment and services;

(5) tip sheets;

(6) electronic game tables and game systems;

(7) card tables and their components;

(8) licensed card games;

(9) chips, cards, shufflers, and related services and supplies;

(10) photo and video equipment, services, and supplies;

(11) pari-mutuel wagering machines, systems, and tickets;

(12) chart caller services; and

(13) any other goods or services that the commission reasonably determines are directly related to the running of a horse race, simulcasting, pari-mutuel betting, or card playing. In making any such determination, the commission shall consider whether the goods or services:

(a) are designed for use in the conduct of horse racing or card playing;

(b) will be used to conduct racing, gaming, or related functions;

(c) have the capacity to affect the outcome of a horse race or card game;

(d) have the capacity to affect the calculation, storage, collection, or control of gross receipts or payouts; or

(e) may materially impact the operation, security, surveillance, regulation, or management of horse racing or card playing.

B. "Small racing or gaming-related vendor" means a racing or gaming-related vendor, other than a tip sheet provider, that does not collect more than \$50,000 in gross receipts from all business transacted with, or on the premises of, all Class A or B license holders combined during a calendar year in which it is licensed.

C. "Large racing or gaming-related vendor" means a racing or gaming-related vendor that collects more than \$50,000 in gross receipts from all business transacted with, or on the premises of, all Class A or B license holders combined during a calendar year in which it is licensed.

D. In addition to the information required by part 7877.0110, at the time of application for a Class C license, and at any other time upon request of the commission, a racing or gaming-related vendor shall provide the commission with a report detailing its monthly gross receipts from all business transacted with, or on the premises of, all Class A and B license holders during the most recent calendar year.

Statutory Authority: *MSs 240.03; 240.08; 240.10; 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; 28 SR 1482; 31 SR 1277; 33 SR 8; 40 SR 29; 44 SR 1031; 44 SR 1047*

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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 and 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 240.10; 240.23; 240.24*

History: *9 SR 2527; 11 SR 2201; 16 SR 2684; 18 SR 886; 44 SR 1031*

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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 and badge 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; and

B. 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, upon voluntary withdrawal of the application for a Class C license, or 60 days after the grant of the temporary license, whichever occurs first. An individual whose license is denied or who withdraws an application for a Class C license shall immediately surrender the individual's badge to the commission.

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

History: *9 SR 2527; 10 SR 2161; 44 SR 1031*

Published Electronically: *April 22, 2020*

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 and personal resume 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 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, Social Insurance Number, tax identification number, or foreign equivalent. 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. An emergency owner's license shall expire 21 days from the date it is issued.

Prior to the expiration of the emergency owner's license, the owner must submit a properly completed owner's application as required by parts 7877.0110 and 7877.0130. Failure to do so is grounds for forfeiture of any purse money won by the owner when racing under the emergency 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 240.10; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201; 44 SR 1031*

Published Electronically: *April 22, 2020*

7877.0150 REPLACEMENT BADGE.

A person whose badge is lost, destroyed, or mutilated must request issuance of a replacement badge and pay a fee of \$25.

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

History: *9 SR 2527; 28 SR 699; 44 SR 1031*

Published Electronically: *April 22, 2020*

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

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

A. The licensee is responsible for knowing and abiding by applicable laws and 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, cheating, 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, and to the seizure of any items reasonably suspected to be prohibited by law or the commission's rules, 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, seizures, 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, seizures, 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, seizure, or inspection.

F. The licensee will, upon request of the commission, the commission's director of security, or the stewards, provide a blood, breath, saliva, 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 240.03; 240.10; 240.23; 240.24*

History: *9 SR 2527; 11 SR 2201; 16 SR 1800; 19 SR 2307; L 1997 c 129 art 2 s 15; 42 SR 1258; 44 SR 1031*

Published Electronically: *April 22, 2020*

7877.0160 DURATION OF CLASS C LICENSES.

Subpart 1. **Duration.** Except as otherwise provided in this subpart, a Class C license other than a temporary or emergency license shall expire at midnight on December 31 of the calendar year for which it was issued. A three-year owner license shall expire at midnight on December 31 of the second calendar year after the calendar year for which it was issued.

Subp. 2. [Repealed, 44 SR 1031]

Subp. 3. [Repealed, 44 SR 1031]

Subp. 4. [Repealed, 44 SR 1031]

Statutory Authority: *MS s 14.389; 240.08; 240.10; 240.13; 240.131; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 14 SR 332; 15 SR 2307; 24 SR 1568; 41 SR 809; 44 SR 1031*

Published Electronically: *April 22, 2020*

7877.0165 CREDENTIALS.

Subpart 1. **Badges.**

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

B. The licensee must wear the badge on outer apparel at all times the licensee is within any restricted area unless the activity for which the licensee 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.

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

Subp. 2. **Temporary pass.** The association may issue a temporary pass for an individual whose work is located in the stable area. The temporary pass is valid for a limited time not to exceed three consecutive days in duration. Before issuing a temporary pass, the association must verify the identity of the recipient and the need for the pass. Within 72 hours, the association must provide the commission with the name of an individual issued a temporary pass.

Statutory Authority: *MS s 240.03; 240.08; 240.10; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 24 SR 1568; 28 SR 1482; 42 SR 1258*

Published Electronically: *May 1, 2018*

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the responsibilities in items A to E.

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 chapters 7883 and 7884.

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 penalties provided in parts 7869.0200 and 7892.0150.

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

A. A trainer shall keep in the trainer's charge or under the trainer's supervision at the licensed racetrack horses owned or leased only by owners or lessees who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in the trainer's charge.

C. A trainer is responsible for horses the trainer 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 the trainer's custody, care, or control to be started or to participate in any timed workout, if the trainer knows, or in the exercise of due care should have known, that the horse has received any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse in contravention of the provisions of chapter 7890.

(2) No trainer may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13.

(3) The commission shall consider any positive test or overage under chapter 7890 to be prima facie evidence that the trainer is responsible for such positive test or overage unless the trainer 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 or prohibited substance.

(4) A trainer must guard each horse in the trainer's charge in such a manner and for such time prior to racing the horse as to prevent the administration of any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse 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 the trainer's 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 the trainer's charge.

F. Each trainer must provide a current list of all persons in the trainer's employ to the association's security office and the commission's licensing office. The list must include each

employee's name, occupation, license number, and local address or dorm room number. A trainer must provide an updated list to the stewards within 24 hours of any changes. The trainer must ensure that all employees are licensed by the commission no later than the next racing day after they arrive on the grounds of an association.

G. The trainer shall supply each horse in the trainer's 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 the trainer's 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 the trainer's horses in the paddock, and shall supervise the trainer's 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 the trainer has engaged that each shall give the trainer's 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. This includes notifying the racing secretary when a horse is pregnant or is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier, racing secretary, and commission veterinarian.

O. A trainer is responsible for having each horse in the trainer's 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 by 9:00 a.m. on the day in which the horse is scheduled to race. 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 48 hours following the date of expiration.

P. Except as provided in part 7876.0130, a trainer must ensure that at the time of arrival at a licensed racetrack, each horse in the trainer's care is accompanied by an original 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 certificate must also contain rectal temperature and date of most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. 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 the trainer's care on the grounds of an association to the commission veterinarian and must comply with part 7891.0110 governing postmortem examinations.

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer or assistant trainer to fulfill the absent trainer's 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 Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

U. A trainer shall ensure that complete written records are kept of all treatments provided to each horse that is registered with the racing secretary under item E or entered to race at a licensed racetrack. Each treatment shall be recorded within 48 hours of treatment.

(1) For purposes of this subpart, "treatment" means any medication administered or procedure containing a medication given to a horse by a licensed trainer or a designee. Treatment also includes any medication or treatment prescribed by a veterinarian licensed by the commission but administered or given by a trainer or a designee and those administered or provided by a veterinarian not licensed by the commission. Treatment does not include medications given by a veterinarian licensed by the commission or the veterinarian's designee.

(2) The written record must include the following information on a form prescribed by the commission:

(a) the name of the horse or, if unnamed, the registered name of the dam and year of foaling;

(b) the generic or brand name of the drug or biological;

(c) the name of the prescribing veterinarian;

(d) the date of administration;

(e) the method of administration;

(f) the dosage administered;

(g) the approximate time of administration;

(h) the first and last name of the individual that administered the treatment, medication, or injection;

(i) the anatomical location of the injection, if any; and

(j) the signature of the prescribing veterinarian.

(3) The record shall be maintained electronically or on paper until the end of the calendar year in which the trainer is licensed by the commission.

(4) The record must be made available for inspection upon request of the commission, stewards, or commission veterinarian.

(5) For any horse that has not been in a trainer's control for at least 14 days, the trainer must obtain and make available a record going back at least 14 days that complies with this subpart.

(6) A licensed trainer whose horse is transferred to a new trainer shall provide the new trainer with the complete written or electronic records required by this subpart.

V. The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian the complete written record, as specified in item U, of all treatments, medications, and intra-articular injections that were administered to the horse within the 30 days preceding the race. In the case of a horse that has been in the trainer's control for less than 30 days, the trainer shall provide a record going back as long as the horse has been in the trainer's control. The trainer of the claimed horse shall authorize the commission veterinarian to provide the record to the new trainer.

Subp. 2a. **Assistant trainers.** An assistant trainer shall be charged with the same responsibilities as a trainer. If warranted after full consideration by the stewards of all facts and circumstances as contained in chapter 7879, the assistant trainer shall be held equally culpable with the trainer by whom the assistant trainer 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 the jockey's 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 the jockey's fifth winning mount the apprentice jockey has failed to ride 40 winners, the jockey shall continue to ride with a five-pound weight allowance for up to two years from the date of the jockey's fifth winning mount or until the jockey has ridden a total of 40 winners, whichever comes first. Apprentice allowances may be waived with the stewards' permission at the time of entry by the trainer or the trainer's designee. 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 postsecondary 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 concerning the day's races 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. (1) A jockey's weight shall include clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, goggles, number cloth, and safety equipment including helmet, vest, overgirth, reins, and breast collar.

(2) Upon the steward's approval, jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.

H. No jockey may weigh-out if the jockey is more than two pounds over the weight assigned to the jockey's 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 business as if the jockey is the agent.

J. A jockey must fill all riding engagements. However, no jockey may be forced to ride a horse that the jockey believes to be unsafe, or to ride on a race course the jockey believes to be unsafe.

K. A jockey unable to fulfill riding engagements because of 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 the jockey 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. With the approval of the stewards, the jockeys will be permitted to wear black mud pants during bad weather conditions or during muddy or sloppy track conditions.

(1) A jockey shall not wear advertising or promotional material of any kind on clothing during a race unless the material:

- (a) advertises or promotes the Jockeys' Guild;
- (b) advertises or promotes a racing-related 501(c)(3) nonprofit organization;
- (c) contains the jockey's name; or
- (d) constitutes other advertising or promotional material that does not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association, race, or race meet in progress.

(2) All advertising or promotional material must comply with the following limits on size and location:

- (a) there may be up to 32 square inches of advertising or promotional material on each thigh of the pants, which must be located on the outer side between the hip and knee;
- (b) there may be up to ten square inches of advertising or promotional material on the rear of the pants, which shall be located near the rear waistline at the base of the spine;
- (c) there may be up to 24 square inches of advertising or promotional material on boots and leggings, on the outside of each, nearest the top of the boots; and
- (d) there may be up to six square inches of advertising or promotional material on the front center of the neck area, on a turtleneck, or other undergarment.

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

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

O. A jockey must unsaddle the jockey's own horse before weighing in.

(1) A jockey shall weigh in at no less than the same weight at which the jockey weighed out, and if under that weight, and after consideration of mitigating circumstances by the board of stewards, the jockey's mount may be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all money wagered on the horse shall be refunded unless the race has been declared official.

(3) A jockey's weight shall include clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, number cloth, overgirth, reins, and breast collar.

(4) Upon approval of the stewards, the jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.

(5) The postrace weight of jockeys includes any sweat, dirt, and mud that have accumulated on the jockey, and the jockey's clothing, safety equipment, and overgirth. This accounts for additional weight, depending on specific equipment, as well as weather, track, and racing conditions.

P. 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.

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

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

S. 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.

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

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

(1) (a) 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 a jockey mount fee that is equal to that earned by the jockey who rode the horse to each jockey engaged for the race.

(b) In the event an owner or trainer elects to remove a jockey from a mount after naming the jockey at the time of the draw, the stewards shall require a jockey fee to be paid to the removed jockey if that jockey is available to ride in the race. The fee to be paid to the jockey who was removed from the mount must be equal to that earned by the jockey who rode the horse.

(2) When a jockey, of the jockey's own free will, elects to be taken off a mount where injury to the horse or rider is not involved.

(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.

(4) Any conditions or considerations not covered by this part shall be addressed at the discretion of the stewards. All jockey protests must be filed prior to the race.

V. No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or riding crop, from the time they leave the paddock until after dismounting from a race.

W. A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension. For each racing day that a jockey is permitted to ride in a stakes or trial race under this item, the stewards shall designate an additional day of suspension to be served.

X. Beginning April 1, 2021, jockeys and apprentice jockeys shall comply with the concussion protocol in place at the licensed racetrack.

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 a best effort to control and guide the 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 pre-race warm-up, 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.

A driver reporting to the driver's room must remain there until the driver has fulfilled all of that day's driving engagements. While in the performance of the driver's duties, the driver must have no contact or communication with any person outside the driver's room, without the permission of the stewards, other than with an owner or trainer for whom the driver is driving that day, or other commission officials.

Beginning April 1, 2021, a driver shall comply with the concussion protocol in place at the licensed racetrack.

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 the agent's personal interest in any horse. All bloodstock agents licensed pursuant to part 7877.0130, subpart 15, must file with the stewards and commission security personnel by the 30th of each month a report of their activities for the previous month. Failure to provide these reports by the 30th of each month shall result in disciplinary action by the stewards. All bloodstock agents must make available to the stewards and commission security personnel upon request all documents necessary to verify and evaluate the licensee's business activity as a bloodstock agent. If in the opinion of the stewards pursuant to part 7879.0200, subpart 1, it is determined that the licensee's conduct and business activity as a bloodstock agent can be questioned, the stewards shall take appropriate disciplinary action.

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 the first engagement shall be designated as the first call and the other as the second call. The jockey would have to fulfill the contract with the first call unless the horse is unable to start.

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. All drugs, substances, medication, venom, or biological product administered, dispensed, or carried by a veterinarian on the grounds of an association must be FDA or USDA approved. A veterinarian may possess substances that are FDA or USDA approved, but not specifically for use on the horse, only by providing prior notice to the commission's veterinarian and the Board of Stewards. 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 or make arrangements with the commission veterinarian regarding removal.

F. Veterinarians shall dispense prescription and compounded 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.

H. Veterinarians shall immediately report any horse suspected of harboring a communicable infectious disease to the commission veterinarian.

I. No veterinarian shall have contact with an entered horse on race day except for administration of furosemide under the guidelines in part 7890.0100, subpart 13, and medical emergencies under the guidelines in part 7890.0160.

Subp. 9a. **Veterinary assistants.** The following apply to veterinary assistants licensed by the commission:

A. Veterinary assistants must work under the direct supervision of a veterinarian who is currently licensed by the commission. For purposes of this item, "direct supervision" means that the licensed veterinarian is in the stable area of the grounds of the association at all times when veterinary assistants employed by the licensed veterinarians are engaged in their duties in the stable area of the grounds of the association, and that the animal patient under the care of the veterinary assistant has been examined by the licensed veterinarian. When the veterinarian has delegated certain animal care tasks to a veterinary assistant, the licensed veterinarian is at all times quickly and easily available to the veterinary assistant to render veterinary care consistent with the delegated animal health care task. Veterinary assistants are held to the same standard of care as the licensed veterinarian.

B. Veterinary assistants shall not:

- (1) diagnose disease, lameness, or illness;
- (2) provide a prognosis;
- (3) prescribe any treatments, drugs, medications, or appliances;
- (4) dispense, compound, or mix drugs or medications;
- (5) perform surgery;
- (6) draw blood;
- (7) place catheters, needles, swabs, or tubes of any kind in any body part of the horse;
- (8) apply splints, slings, or tourniquets;
- (9) administer injectable medications including rabies vaccine; or
- (10) sign the veterinarian's daily log.

C. Veterinary assistants may assist licensed veterinarians with the following procedures, but may not perform the procedures themselves:

- (1) radiology;
- (2) ultrasound;
- (3) extracorporeal shock wave treatment; or
- (4) endoscopic assistance.

D. Veterinary assistants may perform the following tasks:

- (1) maintain the veterinarian's medication inventory;
- (2) draw up injectable medications;

- (3) deliver prescription medications to the appropriate trainer;
- (4) maintain the veterinarian's daily log;
- (5) dispose of biohazardous materials, including needles, syringes, and used medication vials in the appropriate containers in the detention barn; and
- (6) perform equine dentistry and equine massage therapy.

Subp. 9b. **Equine masseuse.** The following shall apply to an equine masseuse licensed by the commission.

A. An individual licensed as an equine masseuse shall not:

- (1) diagnose disease, lameness, or illness;
- (2) provide a prognosis;
- (3) prescribe any treatments, drugs, medications, or appliances or administer medications;
- (4) dispense, compound, or mix drugs or medications;
- (5) perform surgery;
- (6) draw blood;
- (7) place catheters, needles, swabs, or tubes of any kind in any body part of the horse;
- (8) apply splints, slings, or tourniquets; or
- (9) administer injectable medications.

B. An equine masseuse must keep a daily log either in writing or electronically on a form prescribed by the commission of horses treated at a licensed racetrack and must show the log to the commission veterinarian upon request. The log must be kept until the end of the calendar year in which the equine masseuse is licensed by the commission. The log must contain the following:

- (1) date and time of treatment;
- (2) name of the horse treated;
- (3) trainer of the horse;
- (4) anatomical location of treatment; and
- (5) device name used during the treatment session.

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 48 hours 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 an original certificate of veterinary inspection completed by an accredited veterinarian and issued not more than ten days prior to arrival. It must contain complete equine infectious anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate of veterinary inspection must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection for horses leaving and returning on an ongoing basis throughout the meet must be renewed within the first five days of each month.

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.

Subp. 11. Required safety equipment for all licensees.

A. A person mounted on or driving a horse on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety helmet at all times. The helmet must comply with one of the following minimum safety standards or later revisions:

- (1) American Society for Testing and Materials (ASTM 1163);
- (2) European Standards (EN-1384 or PAS-015 or VG1);
- (3) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or
- (4) Snell Equestrian Standard 2001.

B. A person mounted on a horse or racing in a sulky on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety vest at all times. The safety vest must comply with one of the following minimum standards or later revisions:

- (1) British Equestrian Trade Association (BETA):2000 Level 1;
- (2) Euro Norm (EN) 13158:2000 Level 1;
- (3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or
- (5) Australian Racing Board (ARB) Standard 1.1998.

C. A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

Statutory Authority: *MSs 240.03; 240.08; 240.10; 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; 28 SR 1482; 31 SR 1277; 33 SR 8; 34 SR 1135; 36 SR 10; 39 SR 1739; 40 SR 29; 41 SR 1322; 42 SR 1258; 44 SR 1031; 44 SR 1047*

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7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

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

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 and nominations; 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 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'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.

G. The racing secretary shall establish a preference system for horses that 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.

H. 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.

I. Effective January 1, 2020, the racing secretary shall ensure that the foal certificates for all Thoroughbred horses entered to race at a licensed racetrack that were foaled in 2018 or thereafter have a digital tattoo as defined in part 7869.0100, subpart 20a.

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

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 be responsible for maintaining and keeping up-to-date apprentice jockey's certificates.

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 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 kept for at least 90 days after the last day of the race meet and shall be made available to the stewards or the commission 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, Quarter Horse, or Arabian 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, Quarter Horse, or Arabian 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 comprised of horses that are fractious or unruly in the paddock or that exhibit poor or inconsistent behavior in the paddock that could endanger the safety of other participants in racing. The schooling list shall be provided to the stewards at the end of each race day and posted in the race office. No horse on the schooling list may be eligible to race until removed from the list by the paddock judge. To be removed from the schooling list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:

A. Getting the field on the track for post parades in accordance with the schedule given by the stewards.

B. Inspection of horses for changes in equipment, nonrecognized racing equipment, broken or faulty equipment, head numbers, or saddle pads.

C. Supervision of paddock gate persons.

D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo, freeze brand, digital tattoo, or microchip number.

E. Directing the activities of the paddock blacksmith.

F. Immediately notifying the stewards of anything that could in any way change, delay, or otherwise affect the racing program. The paddock judge will report to the stewards any cruelty to any horse that the paddock judge observes.

G. Ensuring that only authorized persons are permitted in the paddock and notifying the stewards of any apparent rule violation occurring in the paddock.

H. Immediately reporting to the commission veterinarian or the association veterinarian the suspected infirmity or unsoundness of any horse.

Subp. 5. **Identifier.** The identifier shall have the responsibilities in items A and B.

A. The identifier is responsible for checking the identification of all horses entering the paddock by checking the microchip, tattoo, freeze branding, or other identification method approved by the appropriate breed registry, as well as the 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 microchip, tattoo, freeze brand, other approved identification method, markings, or other identifying characteristics.

The identifier is responsible for supervising the identification of any horse on the grounds of an association before approving the horse for microchipping, tattooing, freeze branding, or other approved identification method.

B. The identifier shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the microchip, tattoo, freeze brand, or other approved identification method for each horse racing at the meeting. The identifier shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

Subp. 6. [Repealed, 31 SR 1277]

Subp. 7. **Claims clerk (Thoroughbred, Quarter Horse, and Arabian only).** The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140, subpart 2.

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 15 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 the claimant's 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, injury, or unsoundness;
- 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;
- D. horses that test positive for a prohibited substance or medication overage;
- E. horses that have received a medication or treatment invoking a mandatory stand-down time; and

F. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian.

The veterinarian's list shall be posted in a conspicuous and accessible place outside the commission veterinarian's office, and any horse whose name is on the list shall be ineligible to start in a race for seven calendar days, or until the commission 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. Horses requiring an official timed workout must have a published workout observed by the commission veterinarian, must pass a post-workout assessment of racing condition by the commission veterinarian, and are subject to testing under chapter 7892. Any horse with a positive test in violation of chapter 7890 shall not be released from the veterinarian's list until another official timed workout is completed and a negative post-workout test is obtained.

For purposes of this subpart, the seven-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 and shall include horses on the veterinarian's list in other racing jurisdictions.

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

The commission veterinarian shall monitor horses in the paddock, post parade, and starting gate for signs of illness or injury and shall tend to disabled horses pursuant to part 7883.0160, subpart 14.

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

The commission veterinarian shall have the authority to draw and submit blood to the diagnostic laboratory from any horse or pony on the grounds of a licensed racetrack for the purpose of testing for equine infectious anemia (EIA) and other reportable infectious diseases as determined by the Minnesota Board of Animal Health, and shall supervise the removal from the racetrack of any horse or pony having positive EIA or reportable infectious disease test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian may administer emergency treatment to a horse after consulting with the owner or the owner's agent if they are present on racetrack grounds. In all cases, the owner's veterinarian will be notified and the case transferred to the owner's veterinarian as soon as the owner's veterinarian is present.

Subp. 8a. [Repealed, 42 SR 1258]

Subp. 9. **Patrol judge.** Patrol judges may 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 timed workouts, and make a record of daily workout times available to the news media.

Subp. 13. **Outrider.** Outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours, as specified in the following paragraph.

At the Thoroughbred/Quarter Horse track, 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. Outriders are required for harness racing during racing periods but are not required during training hours.

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.

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: *MSs 240.03; 240.08; 240.10; 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; 31 SR 1277; 34 SR 1135; 35 SR 627; 39 SR 1739; 40 SR 1393; 41 SR 1322; 42 SR 1258; ; 44 SR 1031; 44 SR 1047*

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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 the person 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:

A. own any interest in a horse eligible to race at a meeting at which the racing official serves as an official;

B. buy or sell for the racing official, or as an agent for anyone else, any horse eligible to race at a meeting at which the racing official serves as an official;

C. hold any interest in the contract of a jockey, apprentice jockey, or, in the case of standardbred racing, as a driver at a meeting at which the official serves;

D. buy or sell for another person any right to a contract of any jockey, apprentice jockey, or, in the case of standardbred racing, of a driver riding or driving at a meeting at which the racing official serves;

E. be permitted to compete as a jockey or, in the case of standardbred racing, of a driver, in any race at a licensed racetrack in Minnesota during the term of the racing official's employment;

F. wager money or anything of value on any race in Minnesota during the term of the racing official's employment; or

G. request or accept any remuneration or honorarium in payment or kind from any owner, trainer, or other person licensed by the commission.

Subp. 1a. **Other employees.** No 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, equine masseuse, 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 240.03; 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 11 SR 2201; 16 SR 2684; 19 SR 2307; 31 SR 1277; 33 SR 8; 44 SR 1047*

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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*

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