



COMMISSIONERS
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OLIVER KASTLE
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MEMBER

WEST VIRGINIA RACING COMMISSION

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GOVERNOR

OFFICES OF THE COMMISSION

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LOIS J. GRAHAM
EXECUTIVE SECRETARY

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON
A PROPOSED RULE

PUBLIC HEARING

AGENCY: Racing Commission

RULE TYPE: Legislative

RULE TITLE: Thoroughbred, Series 1 Rules, Amendments

A PUBLIC HEARING ON THE ABOVE PROPOSED AMENDMENTS WILL BE HELD
AT 10:00am ON March 16, 1987

AT 240 Capitol St., Suite 310, Charleston, WV

COMMENTS ARE LIMITED TO: ORAL _____ WRITTEN XXX BOTH _____

COMMENTS MAY ALSO BE MAILED TO : WV Racing Commission

240 Capitol St, Suite 310

Charleston, WV 25301

Attn: Lois Graham

THE DEPARTMENT REQUESTS THAT PERSONS WISHING TO MAKE COMMENTS AT
THE PUBLIC HEARING MAKE AN EFFORT TO SUBMIT WRITTEN COMMENTS IN
ORDER TO FACILITATE REVIEW OF THOSE COMMENTS.

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULES.

Lois J. Graham

FILED
1987 FEB -4 AM 11:11
STATE OF WEST VIRGINIA

*09 § 178-1-5.

5.2. Checks: No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is written on a closed account or a non-existent account. The fact that such a check is returned to the payee by the bank as refused is a ground for suspension and pending satisfactory redemption of the returned check.

*09 § 178-1-8.

8.11. Each Racing Association shall equip and maintain at its track at least one temporary hospital provided with adequate beds and equipped with such first aid appliances and material as shall be approved by the Commission; and ~~any each~~ Association shall ~~provide for the attendance of a competent physician and a registered nurse at one-half (1/2) hour prior to post time and thereafter during racing hours~~ meet minimum staffing requirements of emergency service personnel during all exercising and racing hours, employing an Emergency Medical Technician and individual trained in cardiopulmonary resuscitation. Additionally, each association shall employ a para-med and a registered nurse during all racing hours.

*09 § 178-1-8.

8.14. Each Racing Association with mutuel privileges shall, at least thirty (30) days prior to the opening date of each meeting submit to the Commission the proposed total purse distribution, exclusive of stake races, and the stake, purse, or reward for all races it proposes to hold during the next ensuing meeting, all of which shall be subject to the approval of the Commission. ~~The minimum purse for all races shall be one thousand two hundred dollars (\$1,200).~~ The minimum for all races shall be \$1,800.00.

8.15. Each Racing Association shall pay the State Patrol Judge and ~~test-barn employees~~ all Stewards approved by the Commission and assigned to duty on the grounds of said Association, such rate of compensation as prescribed by the Commission.

8.18. Stands for Judges, Timers and Stewards shall be maintained in positions commanding an uninterrupted view of the entire racing strip, and shall be appropriately maintained and furnished, all of which shall be subject to approval by the Commission.

8.23. Each Association shall provide within its' grounds an office and suitable parking space for the use, and to be at the disposal, of the West Virginia Racing Commission and all its representatives. The office shall offer sufficient space for private consultation, shall be equipped with a telephone and it must also have sufficient space for the harboring of Commission records and supplies under lock, and the key shall be available only to the Secretary of the Commission or the Steward representing said Commission. The Commission employees shall have free access to all parts of the grounds while on duty. The Association shall likewise provide sufficient office space for the State License Clerk and State Security Officer as requested by the Commission.

*09 § 178-1-9. OFFICIALS

9.1. Officials for a race meeting, unless otherwise approved by the Commission, are as follows: Three (3) Stewards; Three (3) Placing Judges; One (1) or more Patrol Judges; Clerk of the Scales; Starter; Handicapper; Timer; Paddock Judge; Veterinarian; ~~General Inspector~~; State Security Officer; Racing Secretary; ~~Blacksmith~~; Horse Identifier; ~~Announcer~~; and Jockey Room custodian.

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*09 § 178-1-9. (Con't.)

9.5. Drinking of intoxicating liquor, or use of drugs, by any racing official or track employee, or licensee, while on duty, or being under the influence of alcohol or drugs, while on duty, is prohibited. Any person violating this rule may be relieved of his duties by the Stewards or a representative of the Racing Association.

9.7. All other officials herein designated shall be appointed by the Association holding the meeting, with the exception of (1) Patrol Judge, a ~~General-Inspector~~ State Security Officer, Auditor of Pari-Mutuels, a License Clerk and a State Veterinarian, who shall be appointed by the Commission. The Stewards shall be appointed in accordance with Section 10.1. herein. All the appointments, however, are subject to the approval of the West Virginia Racing Commission, which reserves the right to demand a change of personnel for what the Commission, in its sole discretion, deems good and sufficient reason, the successor to the official so replaced to be subject to the approval of the Commission.

*09 § 178-1-10. STEWARDS

10.1. There shall be three(3) Stewards for each race meeting. One(1) of the Stewards for each race meeting shall be named by the Commission. The Association holding the meeting shall name the Second Steward; and the two(2) Stewards so selected shall name the third. In the event of a disagreement between the two(2) Stewards in naming the third Steward, it shall then become the duty of the West Virginia Racing Commission to make the third appointment. In the event a Steward is temporarily incapacitated, or for some sufficient reason cannot serve, the Commission or State Steward shall deputize someone to serve for him in his absence provided however, should the Association Steward be temporarily incapacitated or for some sufficient reason be unable to serve, the Racing Association shall deputize someone to serve for him in his absence.

10.8. The Stewards may suspend up to and including an indefinite period or they may fine not to exceed ~~three-hundred-dollars-(\$300.00)~~ five hundred dollars (\$500.00), or both, anyone whom they have authority to supervise. All such suspensions and fines must be reported to the Commission. The Stewards' jurisdiction to act in any matter occurring during the race meeting extends after the conclusion of the meeting.

*09 § 178-1-11.

11.3. The Racing Secretary shall receive all entries and declarations, and he, or any other person designated by the Association shall receive all stakes, entrance moneys and fees ~~and fines~~ incident to the meeting. He shall within fourteen (14) days after the conclusion of the meeting, disburse all receipts of money to such person(s) as may be entitled to receive same.

Owners having unpaid Jockey or other fees at the close of a race meeting, shall be billed by the Racing Association within twenty (20) days of the close of their race meet, with a duplicate copy of bill to the trainer. Accounts to be paid within thirty(30) days from billing date. At the expiration of the thirty(30) day period, it shall be the duty of said association to notify the Racing Commission or the Stewards, in writing, of all delinquent accounts, at which time all owners with outstanding account will be suspended until such fees are paid.

*09 § 178-1-16.

16.5. If the number of horses starting in a race does not exceed the capacity of the track, but does exceed the number of stalls in the gate, the surplus may be started from ~~outside-the-gate~~ an auxiliary gate.

*09 § 178-1-20.

~~20.3. The state Veterinarian shall be present in the paddock before each race, and he shall inspect each entrant. If, in his opinion, any entrant is not in condition to compete in that race, he shall immediately notify the Stewards, who shall order the horse scratched out of the race, and the horse automatically goes on the Veterinarian's list, and thereafter shall not be permitted to enter until the Veterinarian notifies the Stewards that the horse is again fit to compete.~~

The Commission Veterinarian shall be present in the paddock, at the race course and the starting gate during the saddling, the parade and until the horses are dispatched from the gate, and he shall report any horse which is, in his opinion, incapable of physically exerting its best effort to win to the Stewards who may declare such horse from the race. The Commission Veterinarian shall examine any horse which appears to be in physical distress during the race and at the finish of the race and he shall report such horse, together with his opinion as to the cause of the distress, to the Stewards. The Commission Veterinarian shall place those horses who are physically disabled on the Veterinarian's list, and he may remove from the list those horses which in his opinion can satisfactorily compete in a race. The Commission Veterinarian is authorized to humanely destroy any horse which in his opinion is so seriously injured that it is in the best interest of racing and humane consideration to so act, and every horse owner and trainer participating in a race in this State does consent hereto.

*09 § 178-1-24. CHEMIST

24.1. The Official Chemists selected by the West Virginia Racing Commission shall be members in good standing of the Association of Official Racing Chemists and shall make all reports directly to the Secretary of the West Virginia Racing Commission.

*09 § 178-1-28.

28.10. No bridle shall exceed two (2) pounds in weight, and no whips shall exceed one (1) pound in weight or ~~twenty-six (26)~~ thirty (30) inches in length, unless approved by the Stewards.

*09 § 178-1-30. DISCIPLINARY ACTION

30.1. No racing official other than the Stewards ~~and the Starter~~ shall have the right to impose a fine or suspension. The Starter may recommend disciplinary action to the Stewards.

*09 § 178-1-31.

31.7. When a ~~vender~~ seller fails to ~~strike~~ declare a horse out of an engagement, not sold or transferred with the horse, the purchaser is not entitled to start the horse, or to the stakes if he wins.

31.8. Should a horse be sold with his engagements, or any part of them the seller cannot ~~strike~~ declare the horse out of any such engagements.

*09 § 178-1-32.

32.2. No horse shall be registered for racing or permitted to enter or start in a race unless stabled on the grounds of the Association conducting the meeting or at other approved stabling facilities. Horses may be exchanged if approved by the Racing Secretary. ~~However, the horse removed from the grounds must also be removed from the preferred list.~~ This rule shall not prohibit entry or nomination of a horse or horses in a Handicap, Stakes or Allowance Race if being shipped in to participate in those specific races.

*09 § 178-1-32. (Con't.)

32.7. Entries and declarations shall be made in writing and signed by the owner trainer of the horse, or his authorized agent, or some person deputized by him, and each Association shall provide blank forms on which entries and declarations are to be made.

~~32.17. No maiden over five (5) years of age nor any horse over twelve (12) years of age will be allowed to start in West Virginia unless special permission to deviate from this rule is requested by an association and approved by the Commission.~~

No maiden six (6) years of age shall be permitted to start in West Virginia. Any horse twelve (12) years or older will not be allowed to start in West Virginia unless special permission is granted by the West Virginia Racing Commission or designee.

No maiden five (5) years of age which does not have a record of previous starts on a recognized track, appearing in the Daily Racing Form, will be permitted to start.

32.30. In the races comprising the Daily Double, only one horse may be raced in a single interest, or trained by one trainer. No entries will be allowed in the races comprising the Daily Double, Trifecta, Trizacta, Super Exacta, or Superfecta, and/or Big Perfecta. In all Simulcast races entries and/or field rules shall be those used at host track.

32.40. No horse shall be permitted on the grounds of a Racing Association in this state unless the horse has had a negative Coggins test within the past ~~twelve (12)~~ twenty-four (24) months if stabled in West Virginia or six (6) months if stabled out of the State of West Virginia. All horses from a state with a program comparable to the West Virginia program shall be permitted on the grounds of a Racing Association if accompanied by an official Health Certificate giving a positive description of the animal and showing a negative Coggins test within the last twelve (12) months.

32.42. No entry shall be accepted from husband or wife while either is disqualified. For the purpose of these rules, husband and wife shall be considered as one unless legally separated and evidence of such separation is on file with the West Virginia Racing Commission.

*09 § 178-1-36.

36.16. An application for a license will be considered for, or license granted to, anyone under sixteen (16) years of age. ~~ner will a license be granted to any minor which will in any manner violate any statute pertaining to child labor which now exists in the State of West Virginia or which may be enacted in the future.~~

*09 § 178-1-37.

37.23. Approved jockeys' fee:

<u>Purse</u>	<u>Win</u>	<u>2nd</u>	<u>3rd</u>	<u>Unplaced</u>
\$400 and under	27	19	17	16
\$500	30	20	17	16
\$600	36	22	17	16
\$700 - \$900	10%	25	22	20
\$1,000 - \$1,400	10%	30	25	22
\$1,500 - \$1,900	10%	35	30	28
\$2,000 - \$3,400	10%	45	35	33
\$3,500 - \$4,900	10%	50	45	35
\$5,000 - \$9,900	10%	55	50	40

*09 § 178-1-37.

37.23. (Con't.)

<u>Purse</u>	<u>Win</u>	<u>2nd</u>	<u>3rd</u>	<u>Unplaced</u>
\$10,000 - \$14,900	10%	5%	5%	45
\$15,000 - \$24,900	10%	5%	5%	50
\$25,000 - \$49,900	10%	5%	5%	60
\$50,000 - \$99,900	10%	5%	5%	75
\$100,000 and up	10%	5%	5%	100

37.30. An application for a license as apprentice jockey shall be accompanied by (a) an original, a notarized or photostatic copy of his agreement with his contract employer; (b) written proof of at least one year of service with a racing stable; and (c) a certificate of proficiency from the starter; (d) birth certificate or satisfactory evidence of the date of birth.

37.32. A. ~~Any person between the ages of sixteen (16) and twenty-five (25)~~ sixteen (16) years of age or older, who has never been previously licensed as a jockey in any country and who has, of his own free will, and if under the age of eighteen (18), with the written consent of his parents or guardian, bound himself to an owner or trainer for a term of not less than three (3) nor more than five (5) years (subject to written extension if made for less than five (5) years) by written contract approved by and filed with the West Virginia Racing Commission may claim in all overnight races, except handicaps, the following allowances:

1. Apprentices' allowances shall be as follows: Ten pounds until he has ridden five winners and seven pounds until he has ridden an additional thirty winners; if he has ridden thirty winners prior to the end of one year from the date of riding his fifth winner, he shall have an allowance of five pounds until the end of that year.
2. After the completion of conditions above, for one year he may claim three pounds when riding horses owned or trained by his original contract employer provided his contract has not been transferred or sold since he rode his first winner.
3. The holder of the contract at the time the ~~boy~~ apprentice rides his first winner shall be considered the original contract employer.
4. The original apprentice jockey contract shall be kept in full force and effect throughout its contract period. Any and all amendments to said contract must be made a part of and either added to or attached to the copies in the possession of the parties and like copy of said amendments sent to the Commission where the original contract is filed.

B. Any person sixteen (16) years of age or older, who has never been previously licensed as a jockey in any country, and if under the age of eighteen (18) with the written consent of his parents or guardian, an apprentice-jockey, may be granted an apprentice certificate in lieu of an apprentice contract, ~~provided that he is between the ages of eighteen (18) and twenty-five (25).~~ The apprentice certificate shall grant the apprentice all the allowances and conditions granted to the Apprentice who is under contract.

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*09 § 178-1-38.

38.12. Any agent who falsifies his record shall be fined and/or suspended by the Stewards.

*09 § 178-1-43.

43.9. For claiming purposes, if a horse is owned by more than one owner, the total ownership shall be considered a single entity.

*09 § 178-1-44. STABLE NAMES

44.1. All stable names shall be cleared with the office of the National Association of State Racing Commissioners and must be duly registered with the Racing Commission. A Stable Name shall be plainly distinguishable from that of another duly registered as a Stable Name when appearing on the program.

(A) All names used not revealing the actual identity or identities of the owner or owners shall be considered a "Stable Name".

(B) In applying to race under a Stable Name, the applicant must disclose the identity or the identities behind the Stable Name. If a partnership is involved in the identity behind a Stable Name, the Rules covering partnerships must be complied with in detail.

(C) Changes in identities must be reported immediately to and be approved by the Commission.

(D) A person cannot register more than one Stable Name at the same time, nor can he use his real name for racing purposes, so long as he has a registered Stable Name.

(E) Any person who has been registered under a Stable Name may, at any time, cancel it after he has given written notarized notice to the Racing Commission.

(F) A person cannot register as his Stable Name, one which has been registered by any other person with an Association conducting a recognized meeting or the Jockey Club (New York) or with another racing authority.

(G) A person may not register as his Stable Name one which is the real name of any owner of race horses, nor one which is the real or Stable Name of any prominent person now owning race horses.

(H) A trainer, who is a licensed owner or part owner, may use a Stable Name as owner or part owner, providing he is the trainer for the Stable Name owner. However, no trainer may be licensed as a trainer other than in his legal name.

(I) A Stable Name shall be plainly distinguishable from that of another duly registered as a Stable Name. When appearing on the program, the Stable Name must be accompanied by the legal name of the owner. If the Stable Name has more than one owner, one legal name of an owner must appear followed by the term "et al".

(J) A corporate name shall be considered as a Stable Name for the purpose of these Rules, but the Racing Commission reserves the right to refuse any corporation the privileges of registering a Stable Name or racing as a corporation.

(K) No Stable Name shall be used for advertising purposes.

(L) If more than one (1) person races with a Stable Name registered as the owner, an authorized agent shall be appointed and he shall transact all business.

*09 § 178-1-45.

45.6. If, for any reason, the trainer of a horse is not or cannot be present at the time of collection of urine, or saliva, blood or other samples, it shall be deemed by the Commission that the person actually in custody of the horse is duly authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to such action.

*09 § 178-1-45.

45.17. An applicant for a trainer's license, who has not been previously licensed ~~in this State~~ must have the written statement of two (2) reputable persons to the effect that the applicant is personally known to them and that he is a person of good reputation and capable of satisfactory performance of the vocation he seeks to follow. Such applicant shall be given a thorough written and/or oral examination by the Stewards and such other examinations as deemed necessary by the Stewards.

*09 § 178-1-46.

46.9. The Custodian shall not lend money to any jockey or other person or employee in jockey room nor shall said custodian sell or exchange raffle tickets or be involved or permit any financial transactions to occur of any kind in the jockey room.

*09 § 178-1-47. CLAIMING

47.1. In Claiming Races, any horse is subject to claim for its entered price by anyone ~~registered in good faith for racing at that meeting and also starting a horse at the meeting, (such starter included all horses that go to the post up to and including the race in which the claim is made) and who, at the time of entering his claim, is the registered owner of a horse--stabled on the grounds or at another approved stabling facility of the Association conducting the meeting at which such claim is made. Any person qualified to claim a horse may act through his authorized agent, provided, however, that no person shall claim his own horse or cause his horse to be claimed directly or indirectly for his own account.~~ who meets the requirements of open claiming.

A. Claimant must have sufficient funds on deposit with the Horsemen's Bookkeeper to cover claiming price and related costs.

B. Claimant must be capable of receiving a West Virginia license if claim is accepted by the Board of Stewards and license issued and paid within twenty-four (24) hours of the claim.

C. Any claim shall be voided if requirements of A and B are not met.

47.4. Any horse so claimed shall not be sold or transferred, wholly or in part thereof, to anyone for ~~thirty (30)~~ sixty (60) days thereafter, except in another claiming race, nor shall it remain in the same barn or under the control or management of its former owner or trainer for a like period, unless reclaimed, nor shall it ~~race elsewhere until after the close of the meeting at which claimed, except by special permission of the Stewards at the meeting at which it was claimed, provided, however, that in the period of thirty (30) days after the date of claiming, upon petition of the owner of record or his authorized agent, the Commission may permit or ratify the sale or transfer, in whole or in part, of a horse claimed at a West Virginia meeting. This action of the Commission shall be for reasons and under conditions and terms which shall appear sufficient to the Commission, provided further, that when a horse is claimed at a recognized meeting under rules which are at variance with this rule, title to such horse shall be recognized in West Virginia to follow the rule of the meeting under which it was claimed.~~ leave the grounds of the Racing Association for a period of sixty (60) days.

47.9. ~~The Stewards shall be sole judges of the quality of the horses in the stable of the claimant, and shall decide when the spirit as well as the intent of the rule is being violated. They may, at their discretion, declare any claim void.~~ Delete the entire existing rule.

*09 § 178-1-51.

51.2. When clear, a horse may be taken to any part of the course, but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference. ~~or intimidation.~~

*09 § 178-1-52.

52.18. Any person, other than a Veterinarian licensed by the West Virginia Racing Commission, ~~who injects~~, who gives, uses or administers any analgesics or drugs of any kind whatsoever, allows or permits any other person to give, ~~inject~~ or administer any analgesics, or drugs of any kind whatsoever, to a horse within forty-eight (48) hours prior to the running of a horse in a race, must give notice to the Stewards of the use, ~~injection~~ or administering of said analgesics or drugs prior to the running of said race. Any such person failing to give such notice shall be suspended or his license revoked.

52.19. No person other than a Veterinarian licensed by the West Virginia Racing Commission shall have in his possession within the confines of a race track or within the stables, buildings, sheds or grounds, where horses are lodged or kept, which are eligible to race over a race track of an Association holding a Race Meeting any drugs or stimulants, hypodermic syringes, or hypodermic needles, or similar instruments which may be used for injection.

~~52.20. All horses that have been nerved shall be so designated on the Jockey Club Foal Certificate and be certified by the practicing Veterinarian. It will be the responsibility of the trainer to see that such nerving will be carried on the foal certificate. Any horse that has been nerved bilaterally above the fetlock shall be considered high nerved and prohibited from racing in this State. Any horse that is unilaterally nerved above the fetlock, shall not be considered as high nerved and shall be permitted to race in this State. All nerved horses, high or low, must be published on the bulletin board, in the Racing Secretary's office.~~

Any horse that has been nerved at or above the fetlock ("high nerved") is prohibited from running in this state. All horses that have been nerved below the fetlock ("low nerved") shall be so designated on their Jockey Club Foal Certificate, and published on the bulletin board in the Racing Secretary's Office. It is the responsibility of the Trainer to notify the Commission Veterinarian of the horse's nerved status prior to the time that the horse is entered, and to provide verification from the practicing veterinarian who performed the neurectomy, if the foal papers have not been previously stamped by an official at another race track.

52.21. No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his or her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

*09 § 178-1-60. MUTUEL DEPARTMENT

60.1. NO Association shall be licensed to hold a race meet by the Commission until a totalisator, approved by the Commission, has been installed to handle the pari-mutuel wagering. The cycle of frequency of change on the totalisator board shall not be more than sixty (60) seconds.

(1) All totalisator operators shall inform the Racing Commission of planned totalisator program modifications by completing the formal modification form which is supplied by the Racing Commission and sending such form to the Racing Commission at least two (2) weeks in advance of performing a software modification or change. In emergency situations, where programs are modified in response to operational problems, the form shall be prepared and forwarded to the Racing Commission immediately after the modification has been made. This form, too, would be applicable when planning or making hardware or peripheral equipment changes.

60.1. Totalisator operators shall undertake appropriate procedures in the presence of Racing Commission and Association personnel to test software modifications and make available to the Racing Commission, upon request, documentation of testing procedures and results prior to installation of a new version of a totalisator system within the State, upon the modification of existing systems or at any other time or under any other circumstances desired.

(2) All totalisator operators shall provide the Racing Commission with a list of its representatives authorized to have access to the totalisator room.

(3) All totalisator operators shall maintain, in conjunction with the Association, a control log of keys to the totalisator room and to whom each is assigned. When an employee possessing a key to the totalisator room is no longer employed, the key shall be collected upon termination; alternatively, locks to the totalisator room shall be changed and new keys distributed. All keys providing entry to the totalisator room shall be non-duplicable.

(4) All associations shall authorize with Racing Commission approval specific individuals to have access to the room/facility housing totalisator computers. Further, a list of such authorized individuals, including their duties in the room shall be maintained and provided to Racing Commission representatives. Racing Commission representatives, as authorized by Racing Commission, shall be included among such authorized individuals.

(5) Associations must maintain appropriate facilities and enforce adequate procedures to ensure the security of paper stock used for producing mutual tickets. Specifically:

(A) Locked storage facilities shall be maintained for all ticket paper storage including, but not limited to, (1) bulk storage, (2) selling line "ready supply" and (3) ticket issue machines.

(B) A dual-key lock shall be used to secure bulk storage facilities. One key shall be issued to an operator of the totalisator system and the other shall be retained by the Association mutual manager.

(C) The Association mutual manager shall maintain a control log of ticket paper stock. This control log shall record:

(1) Date and quantity of paper received in bulk storage.

(2) Date and quantity of paper issued from bulk storage.

(3) Destination of the paper issued (e.g., particular selling line).

To enable unique identification of ticket paper stock, each unit (e.g., roll) shall be uniquely identified by assigned number. This unique identification number shall be recorded in the control log for each receipt and issue and may be assigned by the manufacturer or upon receipt at the track.

(D) Designated persons shall keep selling line ticket paper "ready supply" and ticket issue machine components housing ticket paper locked, except when access is needed to replenish supplies before and during a performance.

(E) A designated Association employee shall check each ticket paper housing facility, including those specified in (A) above, immediately after each performance to insure each is locked and otherwise, adequately secured to prevent unauthorized entry outside the security procedures specified in (A)-(D) above.

(6) All totalisator systems shall maintain at least two independent sets of pool totals for comparison. In the event that a difference in final pool totals is encountered and it cannot be ascertained which pool is correct, the higher pool total shall be used in all calculations, including pay-off, commissions, etc.

(7) The sell/cash totalisator system shall have the capability to produce, upon the request of the Racing Commission, a listing of the daily cashed tickets and "outs" tickets cashed by a seller-cashier, sorted by unique ticket number or time of cashing for performance.

60.1. The Association, upon request of the Racing Commission, shall produce by the unique ticket number:

- (1) The corresponding daily cashed ticket requested by the Racing Commission.
- (2) The corresponding cashed "outs" ticket requested by the Racing Commission.

Issued tickets may be cancelled only under the following conditions:

- (A) Error on the part of the seller or when a patron claims that the ticket issued was not the one requested and such claim is made before the patron leaves the seller's window or subsequently when such claim is approved by the Association mutual manager or his designee; and
- (B) Ticket issuing machine have not been locked by issue of the "stop betting" command; and
- (C) The race for which the ticket was purchased has not officially started.

(8) The seller-cashier shall retain and account for all cashed, refunded or cancelled tickets. These cashed, refunded or cancelled tickets shall be retained by the Association for a period of three (3) years from the date of filing of the outs ledger at the end of the ninety (90) day outs period with the Racing Commission or until all audit tests have been completed and a letter from the Racing Commission has been issued allowing for their disposal, whichever occurs first.

(A) In the event a cashed ticket cannot be produced by the Association prior to the date when disposal of the ticket is allowed, then the Association shall pay to the Racing Commission the money equal to the amount of the ticket's winnings. The Racing Commission will treat the payment as if it were money represented by the unclaimed, uncashed or abandoned ticket pursuant to Chapter 19, Article 23, Section 13 of the West Virginia Code.

(B) In the event a refunded or cancelled ticket is not available for inspection, then sufficient supporting documentation, e.g., a ticket cancellation report or seller-cashier history, shall be made available upon request. In no event will a refunded or cancelled ticket which has been removed from the sell/cash totalisator system by a key board entry be accepted for credit unless the actual hard copy ticket is presented during the audit.

(9) Usage and Storage of Modem

(1) The modem shall be secured in a locked cabinet under the dual control of representatives of the totalisator company and the Association.

(2) An unpublished telephone line shall also be obtained for the exclusive use of modem sessions and the number shall be changed on a periodic basis.

(10) Physical Security of the Computer Room:

(1) Fire extinguishers specifically designed for electronic data processing equipment shall be installed at various key locations.

(2) Glass windows permitting public viewing of computer room operations shall be composed of shatterproof glass.

(3) Backup tapes for production data and program files shall be stored in a protected area that is fireproof and secure.

(11) Maintenance of Emergency Electrical Generator:

(1) The backup electrical generator shall be started and tested at least weekly to insure its' reliability in the event of a power failure.

(2) Such testing shall be logged in a record to be maintained by the Association and be made available to the Racing Commission upon request.

60. No Association shall recognize either during the course of a race meeting or thereafter any claim on pari-mutuel tickets unless a valid pari-mutuel ticket is presented. In-the-case-of-mutilated-tickets-if-the-portions-of-the-tickets-presented-are-sufficient-to-definitely-identify-the-ticket-as-a-winning-ticket,-the-association-may-accept-the-mutilated-ticket-and-make-payment. To be deemed a valid pari-mutuel ticket such ticket shall have been issued by a pari-mutuel ticket machine operated by the Association and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to:

Complete-code-word
Horse-number
Race-number
Date

*09 §178-1-60

- 60.12. (1) The name of the Association operating the meeting.
(2) The date of the wagering transaction.
(3) A unique identifying number or code.
(4) The race number for which the pool is conducted.
(5) The type or types of wager represented.
(6) The number or numbers representing the wagering interests for which the wager is recorded.
(7) The amount or amounts of the contributions to the pari-mutuel pool for which the ticket is evidence.

No mutilated ticket may be paid by the Association if the following is missing:

- (1) A unique identifying number or code.

No pari-mutuel ticket recorded or reported as previously paid, cancelled or non-existent shall be deemed a valid pari-mutuel ticket by the Association.

60.28. Delete the entire existing rule.

60.34. Delete the entire existing rule.

*09 § 178-1-61.

61.3. The auditor of pari-mutuels shall be afforded every facility for performing all the duties that may be assigned to him by the Commission, including the following:

(A) Every Association licensed by the Commission shall furnish the West Virginia Racing Commission copies of their first payroll and any other that might be requested, both mutuel and operative and covering all employees performing services during any race meeting.

(B) Carbon copies of all mutuel work sheets are to be turned over to the auditor of pari-mutuels immediately after each race.

(C) At the end of each race day, a consolidated report showing detailed figures of the mutuel handle, commission or take and breaks shall be handed to the Auditor of Pari-Mutuels. Also, the opening and closing ticket numbers used during that day in all machine issuing daily double and perfecta ~~and-big-perfecta~~ tickets, along with copies of the consolidated report, report of outs paid, calculating sheets, daily double sales sheets, all perfecta sales sheets, machine printed take-off cards and summary thereof.

(D) At the end of each day, every signed complaint made by any customer, with reference to transactions with sellers or cashiers, shall be reported on printed blanks and furnished to the Auditor of Pari-Mutuels.

(E) A written report shall be kept available by the manager of the money room of all errors made by the mutuel sellers or cashiers, commonly called "shorts or overs". Such reports shall detail the name of the seller or cashier, his working place and the amount involved. At the end of each meet this report to be given the Auditor of Pari-Mutuels for filing with the daily records enumerated in (B), (C), (D). ~~of this section.~~

(F) All moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety (90) days after the close of the ~~horse-race~~ meeting in connection with which the tickets were issued, shall be turned over by the licensee to the Racing Commission within fifteen (15) days after the expiration of such ninety(90) day period and the licensee shall give such information as the Racing Commission may require concerning such outstanding and unredeemed tickets, via including, but not limited to, the outs ledger enumerating all outstanding tickets at the close end of each meeting, to contain a record of all tickets redeemed in the ninety (90) day following period, together with all redeemed tickets which shall bear the stamp of the cashier(s) making redemption. such ninety day period. In addition a statement is to be prepared to accompany said ledger setting forth the dollar amount redeemed tickets in the ninety (90) day period. This sum is to be subtracted from the outs balance on the closing day to equal of the meeting with

61.3.

the remaining balance to be included in the remittance of the Association in settlement of the "outs" account for the meeting.

Notwithstanding any provision of the previous paragraph, immediately after fifteen (15) calendar days following the close of a meeting, at least seventy percent (70%) of the remaining balance, i.e. outs balance on the closing day of the meeting less tickets cashed in connection with that meeting during the fifteen day period, shall be deposited to an insured interest bearing account in a federally insured, i.e. F.D.T.C. or F.S.L.T.C., depository in this state. Should money be needed from this account to redeem tickets from this meeting, then a transfer can be made for this purpose. The amount of money remaining on deposit, including interest earned at the end of the ninety day period shall be included in the remittance of the Association in settlement of the outs balance as set forth in the previous paragraph. The licensee shall submit to the Racing Commission copies of all bank statements detailing the activity on this account. All interest shall be disposed of as provided for in Chapter 19, Article 23, Section 13 of the West Virginia Code.

(G) Each Association shall provide a work area for the exclusive use of the Auditor of Pari-Mutuels. Subject to the approval of the Racing Commission, this work area shall:

(a) Be located within or adjacent to the totalisator room with desk and chair facilities.

(b) Permit direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside totalisator board or closed circuit television monitor of the outside totalisator board whichever is used, and printers.

(c) Include space for locking file cabinets within the work area or other proper storage facilities to be supplied by the Association.

(d) Include an audio listening device for the public address system being used by the Association for the address system to be heard intelligibly in the work area.

(e) Include power outlets to operate electronic equipment.

(H) All outs tickets purging sessions shall occur only after at least two (2) weeks prior notice in writing is given to the Racing Commission of such sessions. Further, the actual purging shall occur in the presence of a totalisator representative, an Association representative and representative of the Racing Commission.

(I) Cashed tickets and computer printouts:

(1) Access of all totalisator employees to cashed ticket and used computer printouts storage shall be prohibited.

(2) Cashed tickets and all used computer printout sheets shall be secured in a facility where fire protection devices are installed and operable.

(3) Cashed tickets and used computer printout sheets storage shall be secured by a locking system. Access to the locked storage facilities is the responsibility of the mutuel manager. The facilities must be locked at all times except when access is needed by the mutuel manager or his designee and the Racing Commission.

SECURITY OFFICER - STATE INSPECTORS

~~62.1. It shall be the duty of the inspector to~~ The Security Officer shall work in conjunction with the State License Clerk to determine that all owners, trainers, grooms, jockeys, jockey agents, etc. have a West Virginia License. This will require working in the License Clerk's office during morning working hours as needed. The Security Officer shall make ~~this will require~~ a daily check of the program to verify that all persons listed thereon hold a West Virginia License and if there be unlicensed personnel to take such action to insure immediate issuance of a West Virginia License. ~~The inspector shall likewise make a weekly inspection of the barn area to determine if all individuals in said area are licensed.~~

~~62.2. It shall be the duty of the inspector to~~ The Security Officer shall make a daily check of the barn area during morning working hours to determine if proper security measures are in effect, ~~that a guard is present logging the names of all who enter and depart the test barn area. -- Each inspector shall visit the test barn area at least three (3) times during the racing program.~~ and to determine that all personnel on the back side are properly licensed. The Security Officer shall likewise make afternoon spot checks to determine that proper security is in effect at all gates and entrances to the secured areas. The Security Officer shall, during the evening racing hours, make a daily routine check to insure the presence of guards at all gates and entrances to secured areas.

~~62.3. It shall be the duty of the inspector to make a daily check of the test barn area to determine if proper security is in effect, that a guard is present logging the names of all who enter and depart the test barn area. -- Each inspector shall visit the test barn area at least three (3) times during the racing program.~~

During racing hours the Security Officer shall make a daily check of the test barn area, the winner's circle and the betting ring to determine that proper security is present and that the integrity of all restricted areas are protected. The Security Officer shall take particular notice on a daily basis to insure that no minors are engaged in the purchase or cashing of tickets and as well to insure that no other illegal activity is being conducted in the betting circle. The Security Officer shall further make note of the presence of management security in all areas and that they are properly performing their duties so that the protection of the public is guaranteed.

62.4. DELETE THE ENTIRE EXISTING RULE

62.5. DELETE THE ENTIRE EXISTING RULE

~~62.6. It shall be the duty of the inspector~~ The Security Officer shall further assist the Steward and Track Security in shakedown of the barn area, jockeys' quarters and in all other matters as may be directed by the State Steward.

*09 §178-1-64 BLACKSMITHS.

64.1. An applicant for a Platers License who has not been previously licensed in this State must have a written statement of two (2) reputable persons to the effect that the applicant is personally known to them; that he is a person of good reputation and capable of performance of the vocation he or she seeks to follow. Said applicant shall be tested by a Board consisting of a Veterinarian, Trainer and a licensed Blacksmith appointed by the Board of Stewards. The applicant shall be tested as follows:

*09 §178-1-64 . BLACKSMITHS CONT.

64.1. CONT.

~~(a)--Applicant-will-shoe-a-horse-~~

~~(b)--Applicant-shall-make-a-bar-shoe-~~

~~(1)--Shoe-shall-be-made-of-bar-stock-~~

~~(2)--Will-be-hand-drawn-~~

~~(3)--Welding-to-be-done-in-forge-~~

~~(4)--Bar-shoe-must-fit-the-horse-~~

(1) Applicant will submit to written or oral testing regarding shoes and shoeing.

(2) Applicant will shoe a horse with racing plates.

(3) Applicant will fit a steel stock shoe to a pattern provided by the Commission, for application of bar to be added.

The applicant must have his own dies-and-swedges-plus-ether tools necessary to complete the examination which shall not exceed ~~two-(2)-hours~~ one (1) hour. If the applicant fails the test he may not be re-examined for a period of six (6) months.

*09 §178-1 (New Category) WEST VIRGINIA THOROUGHBRED DEVELOPEMENT FUND

A copy of the Jockey Club certificate of foal registration shall be attached to the West Virginia Bred or Sired registration form as a requirement to participate in the West Virginia Thoroughbred Development Fund.

Non-resident owners who are foaling mares in West Virginia and who are not breeding back to West Virginia sires shall complete an affidavit to be supplied by the Racing Commission.

All West Virginia bred, sired or raised horses shall be registered with the West Virginia Thoroughbred Breeders Association to be eligible to participate in any phase of the West Virginia Thoroughbred Development Fund.

Section 5A

ALCOHOL AND DRUG TESTING

A. No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised racetrack shall have present within his/her system any amount of alcohol which would constitute legal impairment or intoxication.

Acting with reasonable cause, the Stewards or a designated Racing Commission representative may direct any such licensee or employee to submit to a breathalyzer test. Such licensee or employee shall when so directed submit to such examination. If the results thereof show a reading of .05 percent alcohol content or more, such licensee or employee shall not be permitted to continue his/her duties for that day. Such licensee or employee shall then be subject to fine or suspension by the Stewards or Racing Commission.

For a subsequent violation such licensee or employee may be subject to Procedures Following Positive Chemical Analysis (). C

B. No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised racetrack shall have present within his/her system any controlled substance as listed in schedule I-V of the U.S. Code, Title 21 (Food and Drugs Section 812), or any prescription legend drug unless such prescription legend drug as obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of his/her professional practice.

Acting with reasonable cause, the Stewards or a designated Racing Commission representative may direct any such licensee or employee to deliver a specimen of urine in the presence of the track physician or subject himself/herself to the taking of a blood sample or other body fluids by the track physician or duly licensed physician appointed by the Racing Commission.

In such cases the Stewards or the designated Racing Commission representative may prohibit such licensee or employee from participating in the day's racing or until such time as said licensee or employee evidences a negative test result.

Sufficient sample should be collected to insure a quantity for a split sample when possible.

Refusal by such a licensee or employee to provide the samples herein described, as so directed shall be in violation of these rules and shall subject such licensee or employee to sanction by the Stewards or the Racing Commission.

All testing shall be at the expense of the Racing Commission or racing Association.

C. For a licensee's or employee's first violation he/she shall not be allowed to participate in racing until such time as his/her condition has been professionally evaluated.

(1) After such professional evaluation, if said licensee's or employee's condition proves non-addictive and not detrimental to the best interest of racing, said licensee or employee shall be allowed to participate in racing provided he/she can produce a negative test result and agrees to further testing at the

discretion of the Stewards or designated Racing Commission representative to insure his/her unimpairment.

(2) After such professional evaluation, should said licensee's or employee's condition prove addictive or detrimental to the best interest of racing, said licensee or employee shall not be allowed to participate in racing until such time as he/she can produce a negative test result and show documented proof that he/she has successfully completed a certified alcohol drug rehabilitation program approved by the Racing Commission. Said licensee or employee must agree to further testing at the discretion of the Stewards or Racing Commission representative to insure his/her unimpairment.

For a licensee's or an employee's second violation, he/she shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the Racing Commission, to apply for reinstatement only at the discretion of the Racing Commission.