WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #6

FILED

APR 3 2 20 PM '00

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AGENCY: West Virginia Racing Commission TITLE NUMBER: 178

AMENDMENT TO AN EXISTING RULE: YES X, NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Greyhound

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 232

SECTION 64-7-4(b), PASSED ON March 1, 2000.

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: Apr. 13, 2000

13.80

FILED
APR 3 2 20 PM '00
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE RULE
RACING COMMISSION

SERIES 2
GREYHOUND RACING

§178-2-1. General.

1.1. Scope. -- This rule regulates greyhound racing in this state whether live or by simulcast, the conducting of pari-mutuel wagering at greyhound race tracks, and the breeding of greyhounds for racing.

1.2. Authority. -- W. Va. Code §19-23-6

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal and Replace

§178-2-2. Definitions

As used in this rule and unless the context clearly requires a different meaning, the following terms have the meaning ascribed in this section.

2.1. "Act" means the West Virginia Code 19-23-1 et seq., which permits pari-mutuel wagering in this jurisdiction.

2.2. "Added Money" means a sum by which the established purse is increased.

2.3. "Age" means the age of a greyhound, which is reckoned as beginning on the day it was whelped.

2.4. "Appeal" means a request for the Racing Commission or its designee to investigate, consider and review any decisions or rulings of the judges of a meeting.

2.5. "Applicant" means any racing association making application for a license, or any person making application for a permit or any person making application for a construction permit.

2.6. "Association" or "racing association" means any individual, partnership, firm, association, corporation or other

entity or organization of whatever character or description licensed by the Racing Commission to conduct a meeting where greyhound racing and pari-mutuel wagering are permitted for a purse involving pari-mutuel wagering.

2.7. "Association grounds" means all real property utilized by the association in the conduct of its race meeting, including the race course, grandstand, concession stands, offices, kennel compound, pari-mutuel areas, parking lots, and any other areas under the jurisdiction of the Racing Commission.

2.8. "Authorized agent" means a person appointed by an owner to act as his or her representative in a notarized document signed by the owner and filed with the Racing Commission.

2.9. "Bertillon" means a card listing identifying features of a greyhound.

2.10. "Betting interest" means one or more greyhounds in a race involving pari-mutuel wagering, which is identified by a single program number for wagering purposes.

2.11. "Blanket" means the covering on which a greyhound's starting box post position number is displayed.

2.12. "Bolt" refers to a greyhound departing from the race course during the running of a race.

2.13. "Bookmaking" means a form of gambling that is not authorized by law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.

2.14. "Breakage" or "Legitimate breakage" means the remainder after deducting the payout from the net pool.

2.15. "Breeder" of a greyhound means the owner or lessee of the greyhound's dam at the time of whelping.

2.16. "Breeding place" means the location of conception.

2.17. "Chairman of the racing commission" means the chairman of the West Virginia Racing Commission, or his or her delegate.

2.18. "Commission" means the West Virginia Racing Commission.

2.19. "Racing Commissioner" means a member of the West Virginia Racing Commission.

2.20. "Complaint" means all complaints made to the Racing Commission or any of its representatives in writing.

2.21. "Construction permit" means the construction permit required by the provisions of West Virginia Code 19-23-18.

2.22. "Construction permit holder" means any person holding a construction permit required by the Racing Commission.

2.23. "Course" means the track over which greyhounds race.

2.24. "Day" means a twenty-four (24) hour period ending at midnight.

2.24.1. "Dark day" means a day during a racing meeting in which neither live nor simulcast pari-mutuel wagering is conducted.

2.24.2. "Race day" means a calendar day during a race meeting in which pari-mutuel wagering is conducted on live racing.

2.24.3. "Simulcast race day" means a day during a race meeting in which pari-mutuel wagering is conducted on races being conducted at a location other than the racetrack where the wager is placed.

2.25. "Dead heat" means the finish of a race in which the muzzles of two (2) or more greyhounds reach the finish line at the same time.

2.26. "Declaration" means the act of withdrawing an entered greyhound from a race before the time for the posting of starting box positions for the race in which the greyhound is entered.

2.27. "Dog racing" means any type of dog racing, including, but not limited to greyhound racing.

2.28. "Double entry" means an entry of two (2) or more greyhounds in the same race from the same kennel that are separate wagering interests.

2.29. "Draw" means the process of selecting greyhounds and assigning post or starting box positions, and the process of selecting dogs in a manner to ensure compliance with the conditions of the rules of racing.

2.30. "Excotic" means a mutuel pool that involves wagers on more than one entered horse or on entries in more than one race.

2.31. "Ejection" means the physical removal of a person at a licensed racetrack from the premises under the jurisdiction of the Racing Commission.

2.32. "Entry" means a greyhound eligible for and entered in a race.

2.33. "Equipment" means as applied to a greyhound muzzle, number blankets, and all other paraphernalia, which might be used on or attached to a greyhound when racing.

2.34. "Established weight" means the racing weight established by the owner or trainer as the greyhound's best racing weight.

2.35. "Executive secretary" means the racing secretary of the Racing Commission.

2.36. "False start" means any race, which fails to start as, stipulated by the rules.

2.37. "Finish" means the order of finish in which the greyhounds complete the race.

2.38. "Forfeit" means money due but withheld because of an error, fault, and neglect of duty, breach of a contract or a penalty.

2.39. "Fund" means the West Virginia greyhound breeding development fund established under the provisions of West Virginia Code 19-23-10.

2.40. "Greyhound" means a greyhound registered with the National Greyhound Association of Abilene, Kansas.

2.41. "Handle" means the total amount of all pari-mutuel wagering sales less refunds and cancellations.

2.42. "Judge" means the person or persons designated to represent the Racing Commission whose duty it is to supervise any greyhound race meeting as may be provided by reasonable rules of the Racing Commission.

2.43. "Kennel compound" means the facilities providing for the housing of the racing kennels under the jurisdiction of the Racing Commission.

2.44. "Kennel helper" means a person employed by a kennel owner

to assist in the conditioning of greyhounds for racing.

2.45. "Kennel name" means any type of name other than the legal name or names of the owners. If a corporation is involved in the identity behind a kennel name, the licensing rules covering corporations must be followed.

2.46. "Kennel owner" means a person or persons who are contracted by the association to supply greyhounds for racing.

2.47. "Lawful authority" means any court of competent jurisdiction.

2.48. "Lead-Out" means the attendant that handles or cares for the greyhounds in the paddock and while they are en route to the starting box.

2.49. "Lessee" means a person who holds a registered lease certificate for the racing of a greyhound in his or her name.

2.50. "Lease agreement" means an Association of Racing Commissioners International and/or National Greyhound Association Uniform Greyhound Lease or other written document stating the names of the lessee, lessor, and the terms and purpose of the lease.

2.51. "License" means an authorization by the Racing Commission to an association to conduct dog racing with pari-mutuel wagering at a specified location.

2.52. "Licensee" means any racing association holding a license required by the provision of West Virginia Code 19-23-1 et seq. and issued under this rule.

2.53. "Lock out kennel" is the secure and restricted facility within the paddock used to temporarily house entered greyhounds prior to their participation in the current performance.

2.54. "Lure" means a mechanical apparatus consisting of the following component parts: A stationary rail installed around the track, a motorized mechanism which travels on the rail, a pole which is attached to the mechanism and extends out over the race course and the object which is attached to the pole.

2.55. "Maiden" means a greyhound, which has never, in any country, won an official race. Conditions referring to a maiden means maidens at the time of starting. A maiden who has been disqualified after finishing first is to be considered a maiden.

2.56. "Matinee" means a performance or schedule of races conducted upon a race course in daylight hours.

2.57. "Meet" means the specified periods and dates within a race meeting, during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.58. "Meeting" means the total specified periods and dates each year during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.59. "Month" means a calendar month.

2.60. "Night performance" means a performance or schedule of races conducted upon a race course during night hours.

2.61. "Nomination" means the initial naming of a greyhound for entry in a stake race.

2.62. "No race" means a race canceled or voided for any reason by the judges.

2.63. "Official order of finish" means the order of finish of the greyhounds in a contest as declared by the judges.

2.64. "Official race" means a race in the presence of duly appointed racing officials, for which purse monies are paid involving pari-mutuel wagering.

2.65. "Official time" means the elapsed time from the moment the starting box opens and ending when the first greyhound crosses the finish line.

2.66. "Official schooling races" means trial races that are supervised by the judges which are conducted for qualification purposes. Pari-mutuel wagering is prohibited on these races.

2.67. "Overnight race" means a race for which entries close seventy-two(72) hours, or less, before the time set for the first race of the day on which the race is to be run.

2.68. "Owner" means the person in whose name the greyhound is registered at the meeting in accordance with this rule and an owner may be a sole owner, part owner, or lessee. An interest in the winnings only of a greyhound does not constitute part ownership.

2.69. "Paddock" means an area that is restricted to the Racing Commission, association and restricted employees. The paddock area

includes the lock-out kennel, reviewing stand and offices.

2.70. "Pari-mutuel" means a mutuel or collective pool that can be divided among those who have contributed their wagers to one central agency. The odds of these wagers are to be reckoned in accordance with the collective amounts wagered upon each greyhound running in a greyhound race relative to the amount wagered on each greyhound in each pool with the total to be apportioned among the first three contestants on the basis of the number of wagers.

2.71. "Pari-mutuel clerk" means any employee of a licensed racing association, who is responsible for the collection of wagers, the distribution of moneys for winning pari-mutuel tickets, verification of the validity of pari-mutuel ticket and accounting for pari-mutuel funds.

2.72. "Patron" means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

2.73. "Performance" means an approved number of races run consecutively as one program.

2.74. "Permit" is the written authorization issued by the Racing Commission to a person allowing occupational participation with dog racing for a purse involving pari-mutuel wagering at a licensee's dog racetrack.

2.75. "Permit holder" means any person holding a permit required by the Racing Commission.

2.76. "Person" means any individual, partnership, firm, association, corporation, or other entity or organization of whatever character or description.

2.77. "Place" means first, second or third, and in that order is called win, place and show.

2.78. "Pool" means a combination of interests in a joint wagering enterprise or a stake in the enterprise.

2.79. "Position" means the position at the starting box assigned to a greyhound for the start of the race.

2.80. "Post time" means the time set for the arrival at the starting box for the greyhounds in a race. This information shall be shown at a reasonable time prior to the race on a clock device provided specifically for this purpose, and shall be prominently

displayed and clearly readable from the grandstand.

2.81. "Program" means the published listing of all races and greyhounds for a specific performance.

2.82. "Prospective licensee" means any association which has applied or intends to apply to become a "licensee" as defined under the provisions of West Virginia Code 19-23-1 et seq.

2.83. "Purse" means the total cash amount for which a race is contested.

2.84. "Purse race" means a race for money or other prizes to which the owners of the greyhounds engaged do not contribute.

2.85. "Race" means a contest for purse, stakes, or entry fees on any race course and while in the presence of duly appointed racing officials.

2.86. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.

2.87. "Racetrack" means the entire area or grounds owned by the licensee.

2.88. "Racing association" means any individual, partnership, firm, association, corporation, or other entity or organization of whatever character or description licensed in accordance with West Virginia Code 19-23-1 et seq. to hold a greyhound race meeting.

2.89. "Random testing" means a strategy for testing for alcohol or controlled substances not based on a reasonable belief that an individual has drugs and/or alcohol in his or her system that assures that all affected individuals have an equal probability of being selected for testing.

2.90. "Reasonable cause/reasonable suspicion testing" means a strategy for testing for alcohol or controlled substances based on an official's having good reason to believe that an occupational license permit license holder has alcohol or controlled substance in his or her system.

2.91. "Recognized meeting" means:

2.91.1. A meeting held under license of the Racing Commission;

2.91.2. a meeting held in this or any other country under

the sanction of a Commission or authority whose jurisdiction over racing is recognized by the Racing Commission and which recognizes, accepts, and gives effect to sentences imposed by the Racing Commission upon those guilty of improper practices.

2.92. "Restricted area" means an area of association's grounds that is designated by the Racing Commission to which access is limited to certain persons only. Restricted areas may include, but are not necessarily limited to, the kennel compound, the paddock, the mutuel department, etc.

2.93. "Result" means that part of the official order of finish used to determine the pari-mutuel payout of pools to patrons for each individual contest.

2.94. "Ruled-off" means the act of disallowing a person to enter or remain upon the premises of any or all licensed racetracks and/or simulcast facilities.

2.95. "Rules" means the rules of the Racing Commission and any amendments or additions.

2.96. "Scratch" means the act of withdrawing an entered greyhound from a race after the selection for the post positions in a race has been completed.

2.97. "Secretary" means the Secretary of the West Virginia Department of Tax and Revenue, or his or her delegate.

2.98. "Simulcast" means the transmission and/or reception for pari-mutuel wagering purposes of a live greyhound/horse racing contest being conducted at a licensed racetrack other than where the pari-mutuel wager is placed.

2.99. A "Starter" means a greyhound is a starter for a race when the doors of the starting box open.

29.100. "Subscription" means the act of nominating a greyhound to a stake race.

2.101. "Sweepstakes" or "stakes" means a race publicly declared open to all complying with its conditions to be fulfilled wholly or in part subsequent to its closing and involved which required fees are to be paid for each greyhound. No overnight event, whatever may be its conditions, shall be considered sweepstakes within the meaning of this rule.

2.102. "Tote" or "tote board" means the totalizator system used

for recording, calculating and disseminating information about pari-mutuel ticket sales, wagers, odds and payoff prices to patrons at a licensed racetrack.

2.103. "To the dime" means that wagers shall be figured and paid to the dime, the effect of which is to result in breakage.

2.104. "Touting" means soliciting or providing unauthorized wagering tips on animals for a profit in races under the jurisdiction of the Racing Commission. Touting is not authorized or permitted with the exception that this will not apply to authorized tip sheets specified in the rule

2.105. "Trainer" means a person employed by an owner to condition or prepares greyhounds for racing.

2.106. "Weighing in" means the weight of the greyhound taken at first weighing in as provided for in this rule.

2.107. "Weighing out" means the weight of the greyhound prior to post time or time of the race in which it is entered.

2.108. "Weight loser" means a greyhound recognized by the officials known to be a consistent weight loser while in the lockout kennel.

2.109. "Whelped" means the time of a greyhound's birth.

2.110. "Win" means the greyhound whose muzzle reaches the finish line first through disqualification of another greyhound by the judges.

2.111. "Year" means a calendar year.

§178-2-3. Calculation of Time.

3.1. When the last day for complying with this rule falls on a Sunday, compliance may be effected on the following Monday, unless a race to which such act relates is appointed for that day, in which case it shall be done on the previous Saturday.

§178-2-4. Administrative.

4.1. This rule applies to all persons holding, conducting, participating in or observing a meeting licensed by the Racing Commission.

4.2. The Racing Commission may rescind or modify any penalty or

decision or infraction of this rule imposed or made by the racing officials.

4.3. The laws of the State of West Virginia and the rules promulgated by the Racing Commission supersede the conditions of a race, or the rules of a racing association.

4.4. Members of the Racing Commission and its designated representatives have the right of full and complete entry to any and all parts of the grounds of the association licensed to conduct greyhound racing.

4.5. The Racing Commission or the judges of any licensed meeting have the right to permit and direct any individual authorized by them to enter in or upon the kennels, rooms, trailers, vehicles or other locations within the grounds of the association at which a licensed race meeting is held. The Racing Commission or the judges also have the right to inspect and examine the person of a trainer, kennel foreman, authorized agent, veterinarian or any other person who has been granted an occupational permit by the Racing Commission.

4.6. Every person participating in and every patron of a licensed race meeting shall abide by the laws and this rule and accept the judges' decisions on any and all questions, subject to the right of appeal to the Racing Commission.

4.7. Any occupational permit holder or licensee who in any manner, or at any time, disturb the peace or make himself or herself obnoxious on the grounds of an association will be subject to a fine and or suspension.

4.8. Any person ejected by the judges or the association from the grounds of an association shall be denied admission to the grounds until permission for his or her reentry has been obtained from the association and the Racing Commission. However, all occupational permit holders ejected have the right of appeal to the Racing Commission.

4.9. The Racing Commission judge shall sound the bell to close the pari-mutuel ticket issuing machines when the lure is called into motion by the Racing Commission judge.

4.10. The holder of a claim whether it is a mortgage, a bill of sale, or lien of any kind against a greyhound shall file a notarized copy with the association's racing secretary prior to the time the greyhound starts. The holder of a claim who fails to file the claim shall forfeit his or her rights in the winnings of the

greyhound previous to the time his or her claim is properly filed.

4.11. No person who is the holder of a racing license, a director, officer, or any employee of a corporation, association, trust or partnership having or holding a license or who has a substantial financial interest in the corporation, association, trust, partnership, or other business entity shall race or permit, or cause to be raced, any greyhound in which he or she has an interest, direct or indirect, at any meeting where racing is conducted under the license. A substantial interest is defined as ownership or interest, direct or indirect, of ten percent (10%) or more in the corporation, association, trusts, partnership, or other business entity.

§178-2-5. Financial Responsibility.

5.1. Any official, owner, trainer or any person holding an occupational license permit issued by the Racing Commission who obtains food, feed, shelter, drugs, transportation, services for greyhounds, veterinary services or supplies for himself or herself or others, whether they hold an occupational license permit or not, and fails to pay the person or persons from whom services or supplies are obtained is guilty of conduct detrimental to the best interests of racing. This conduct may result in suspension of his or her occupational permit at the discretion of the judges provided there has been a court judgment issued as to the amount of debt. Neither the association nor the Racing Commission are obliged to collect debts from persons or other personnel holding an occupational permit issued by the Racing Commission.

§178-2-6. Checks

6.1. No licensee or occupational permit holder shall write, issue, make or present any check in payment for any occupational permit fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee or occupational permit holder knows or should reasonably know that the 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 check, or that the check is written on a closed account or a nonexistent account. The fact that a check is returned to the payee by the bank as refused is a ground for suspension of his or her occupational permit pending satisfactory redemption of the returned check.

§178-2-7. Minors.

7.1. The term "Minor" is determined by and in accordance with

the laws of the State of West Virginia.

7.2. No minor shall be sold a pari-mutuel ticket nor be permitted to cash a pari-mutuel ticket at any licensed racetrack. Nor shall a minor be employed in any manner about the racetrack.

7.3. No occupational permit holder may have in its employment, in any capacity, any employee less than sixteen (16) years of age.

7.4. It is the responsibility of the racing association conducting a racing meet under a license issued by the Racing Commission to assure that all children under the age of sixteen (16) years are properly supervised by an adult when admitted to the association grounds. If this becomes a repeated problem, the licensed racing association may be fined two hundred fifty dollars ($250) per occurrence. No minor under the age of sixteen (16) years may be admitted in the restricted area without the written permission of the judges, except in case of an emergency. Failure of any licensee or occupational permit holder to properly supervise any minor admitted with the licensee or occupational permit holder to a restricted area may be fined not less than two hundred and fifty dollars ($250) and/or suspended.

§178-2-8. Telephone, Telegraph, Radio and Television.

8.1. Each association shall furnish a list to the Racing Commission showing the location of all radio and television equipment located within the association grounds, as well as a schematic diagram of, all telephone, teletype and telegraph wires to and within the grounds upon which its racetrack is located.

8.2. An approved telephone or intercommunication system shall be provided by the association to maintain contact between the judges and other designated stations.

§178-2-9. Associations.

9.1. An assoication applying for a license to conduct a race meeting shall file yearly an application with the Racing Commission, signed by an executive officer of the association, at a time and place designated by the Racing Commission. This application shall be on the forms prescribed by the Racing Commission.

9.1.1. All applicants for licenses issued by the Racing Commission and all applicants seeking renewal of an occupational permit shall furnish their respective fingerprints for examination by the West Virginia Criminal Investigation Division and the

Federal Bureau of Investigation. The fingerprints shall be furnished by all persons named in the application and shall be accompanied by a signed authorization for the release of information by the Criminal Investigation Division or Federal Bureau of Investigation.

9.2. Each Association shall observe and enforce the rules of racing and orders of the Racing Commission. The license is granted on the condition that the association, its officials, its employees and its concessionaires shall respect any and all decisions and orders of the Racing Commission or its designee.

9.3. The jurisdiction of the Racing Commission over matters related to subjects covered by law or this rule is continuous throughout the year.

9.4. Each licensee shall file audited financial statements on or before the fifteenth day of April of each year, unless otherwise authorized by the Racing Commission, covering all income and disbursements relating directly and indirectly to greyhound racing activities in the state, including, but not limited to, the following: concessions, programs, parking, pari-mutuel wagering, and breakage.

9.5. All associations granted a license from the Racing Commission shall, at least thirty (30) days before each meet, submit the names of the officers and a complete list of administrative personnel, showing addresses, duties and compensations. At least two (2) weeks after the start of each meet, the association shall submit a complete list of all other employees, with addresses, duties and compensations. All additions or changes in the personnel specified in this subsection shall be promptly reported to the Racing Commission for approval. An association failing to furnish the required information may be fined two hundred fifty dollars ($250) for each day it fails to provide the information.

9.6. The president or general manager of the licensed racetrack conducting racing in West Virginia shall annually provide a list of all stockholders to the Racing Commission.

9.6.1. The sale of the assets of an association requires the buyer to apply for a racing license from the Racing Commission.

9.7. Thirty (30) days prior to conducting a meet, each association shall submit to the Racing Commission the conditions for all races it proposes to hold, together with the stake, purse or reward, all of which are subject to the approval of the Racing

Commission. All proposed purses are exclusive of any entrance or starting fees that may be charged.

9.8. The minimum number of races per performance at all racetracks under supervision of the Racing Commission is ten (10), the maximum number of races per performance is fifteen (15) unless otherwise authorized by the Racing Commission.

9.9. Each racing association shall police its grounds at all times in a manner to prevent the admission of persons in and around the kennels, unless these persons hold occupational license permits issued by the Racing Commission.

9.10. Each racing association shall provide and maintain two (2) starting boxes on every race day of its meeting and on every day during the racing meeting on which it permits the schooling of greyhounds on its racing course. An additional reserve unit of starting boxes shall be provided and maintained on every race day.

9.11. Each racing association shall exclude all persons who are unauthorized from the restricted area in the interest of public safety.

9.12. Each racing association shall provide facilities within the association grounds for a minimum of twenty (20) kennels. Each kennel shall consist of not less than fifty (50) crates. Each contracted kennel shall maintain an active list of not less than thirty-five (35) greyhounds. If a kennel's active list drops below the required number (35), the Racing Commission shall evaluate the kennel.

9.13. The Racing Commission shall approve all contracts with the respective kennels engaged to race at a race meeting.

9.14. The purses for all races conducted at a scheduled race meeting shall include 3.75 percent of the "live" wagering handles as provided for by provisions of West Virginia Code 19-23-9 b-c.

9.15. Each racing association shall pay the veterinarian assistants and judges as approved by the Racing Commission assigned to duty on the grounds of the association, the rate of compensation as prescribed by the Racing Commission.

9.16. No racing association conducting a race meeting with a license issued by the Racing Commission shall permit wagering to be made on the grounds of the association on any race run outside of the grounds, except as provided by West Virginia Code 19-23-7. No foreign book or gambling device of any kind is permitted on the

grounds, nor shall the association provide or permit to be provided any conveniences or facilities for the use of bookmakers, betting commissioners, their agents or their employees, except as provided by the West Virginia Code 19-23-6. No facilities shall be provided or permitted for the handling of "Come-Back" money at the track. The maintenance of credit accounts or the granting or extension of credit by the association in any form including markers, the payment of commissions in any form, the providing of telephone or other communication services and any other form of aid to bookmakers, betting commissioners, their agents or their employees are prohibited. Any licensee violating the provisions of this section shall have its license revoked or other penalty imposed as the Racing Commission, in its discretion, may determine. This subsection does not prohibit wire service privileges or any other form of communication service privileges to legitimate and approved news outlets, which do not service bookmakers, betting commissioners or their agents or their employees. The Racing Commission shall give approval on other forms of communication service before the beginning of the race meeting for which the license is granted.

9.17. No racing association shall permit the making of handbooks on its grounds. If this practice is found to exist, the association shall take immediate steps to eliminate this activity under a penalty of having its license revoked. Any greyhound owner, trainer or other person, interested in any greyhound or greyhounds at the meeting, who wagers with or through any handbook shall be ejected from the grounds, refused admission to the grounds of all other licensed associations in West Virginia, and in the case of the owner of any greyhound, the entries of that owner shall be refused for all West Virginia tracks.

9.18. A stand for judges shall be maintained in a position commanding an uninterrupted view of the entire racing course and is subject to approval of the Racing Commission.

9.19. The Racing Commission shall approve post time for the first race at each meeting under the supervision of the Racing Commission. And each race thereafter shall be run at intervals to be approved by the Racing Commission, unless an emergency arises, in which case the final decision is in the hands of the judge representing the Racing Commission.

9.20. All forms of pari-mutuel wagering such as daily doubles, perfectas, quinellas, superfectas and similar pool systems may be used only with the permission of the Racing Commission.

9.21. Each association shall designate an office and suitable

parking spaces for the exclusive use of the Racing Commission and all of its representatives. The association shall offer sufficient office space for private consultation, with office equipment, be equipped with a telephone it must also have sufficient space for the secure locked storage for Racing Commission records and supplies. The key shall be available only to the Racing Commission or the judge representing the Racing Commission. The Racing Commission employees shall have free access to all parts of the association's grounds while on duty. The association shall also provide sufficient office space for the Racing Commission license clerk and Racing Commission security officer as requested by the Racing Commission.

9.22. Any racing association contemplating a change of any kind pertaining to the racing strip or the erection of new buildings, stands or other structures, on the grounds of the association which are to be used as a part of the facilities for conducting a race meeting, shall notify the Racing Commission in writing before any changes are made.

9.23. Each racing association's liability insurance coverage shall have an endorsement naming by position, the following: Three (3) judges, the association's racing secretary, the paddock judges, the clerk of scales, the chart writer, the starter, the lead-outs, the veterinarian, the director of racing, the patrol judge, the kennel master, the operator of the mechanical lure, the mutuel manager, the Racing Commission Auditor of pari-mutuel, an announcer, a photo finish operator, the director of security, the photographer, the Racing Commission security officer and the Racing Commission license clerk, as additional named insured. The policy shall also include personal liability coverage to the limits of the association policy, however it shall not be less than five hundred thousand dollars ($500,000) per named official.

§178-2-10. Officials.

10.1. Officials of a race meeting unless otherwise approved by the Racing Commission, are as follows: Three (3) judges, the association's racing secretary, the paddock judges, the clerk of scales, the chart writer, the starter, the lead-outs, the veterinarians, the director of racing, the patrol judge, the kennel master, the operator of the mechanical lure, the mutuel manager, the Racing Commission Auditor of pari-mutuel, the announcer, a photo finish operator, the director of security, the photographer, the Racing Commission security officer and the Racing Commission license clerk. No racing official may serve in a dual capacity unless otherwise authorized by the Racing Commission.

10.2. The Racing Commission shall approve no person in the capacity as judge or other racing official, unless he or she has taken and satisfactorily passed an optical examination within one year (1) of designation.

10.3. Unless written approval is obtained from the Racing Commission, no person shall be approved as an official of any race track who is an officer of that racetrack, or who has any financial interest in that racetrack, or who has any financial interest in greyhounds running on the racecourse.

10.4. No officials listed in Subsection 10.1 of this rule shall directly or indirectly wager money or any other thing of value on the result of a race.

10.5. Drinking of intoxicating liquor, or any controlled substance, at any time, by any racing official, track employee, occupational permit holder or licensee, or being under the influence of alcohol or any controlled substance while on duty is prohibited. Any person violating the provisions of this subsection may be relieved of his or her duties by the judges or a representative of the racing association.

10.6. When a vacancy occurs among the racing officials other than the judges, and when the association has not notified the judges of the vacancy prior to the post time of the first race of the day, or when a vacancy occurs during the running of the races, the judges shall fill the vacancy immediately.

10.7. All other officials designated in this section shall be appointed by the association holding the meeting, with the exception of the Racing Commission security officer, a Racing Commission auditor of pari-mutuel, a Racing Commission license clerk and a Racing Commission veterinarian, who shall be appointed by the Racing Commission. The judges shall be appointed in accordance with Subsection 10.1 of this section. All association appointments, however, are subject to the approval of the Racing Commission, which reserves the right to demand a change of personnel for what the Racing Commission, in its sole discretion, considers sufficient reason. The successor to the replaced official replaced is subject to the approval of the Racing Commission.

10.8. Racing officials shall report all known violations of this rule to the judges.

§178-2-11. Judges.

11.1. There shall be three (3) judges for each race meeting. The Racing Commission shall name one (1) of the judges for each race meeting. The association conducting the meeting shall name the second judge and the two (2) judges selected shall name the third. In the event of a disagreement between the two (2) judges in naming the third judge, it is the duty of the Racing Commission to make the third appointment. In the event a judge is temporarily incapacitated or for some sufficient reason cannot serve, the Racing Commission shall deputize someone to serve for him or her in his or her absence. If the association judge is temporarily incapacitated or for some sufficient reason is unable to serve, the racing association shall deputize someone to serve for him or her in his or her absence.

11.2. The judges are strictly responsible to the Racing Commission for the conduct of all meetings in every detail, directly or indirectly, pertaining to the laws and rules of the Racing Commission.

11.3. The judges have general supervision and authority over all occupational permit holders and other persons attendant on greyhounds, and over the association's grounds.

11.4. All entries and declarations are under the supervision of the judges, and they may, with notice, refuse the entries of any person or the transfer of any entries.

11.5. No person may refuse to testify before the judges at any formal hearing on any relevant matter within the authority of the judges, except in the proper exercise of a legal privilege or unless representation is requested by an attorney or his or her association.

11.6. A majority vote of the judges decides any question to which the authority of the judges extends.

11.7. The judges may suspend anyone whom they have authority to supervise for an indefinite period or they may fine that person in an amount not to exceed five hundred dollars ($500), or both. The judges shall report all suspensions and fines to the Racing Commission. The judges' jurisdiction to act on any matter occurring during the race meeting extends after the conclusion of the meeting.

11.8. On each racing day and those days when there is no racing but where entries are being taken for the next succeeding day of racing, one or more judges shall be on duty from the time the association's racing secretary's office opens until the entries are

closed.

11.9. Complainants shall make any complaint against any official in writing with a signature to the judges. The judges shall report all complaints to the association's general manager and the Racing Commission, together with the judges' action.

11.10. The judges may order an examination at any time of any greyhound entered for a race or which has run in a race.

11.11. If after conferring with the association, representatives of the kennelmen, Racing Commission veterinarian and the track superintendent, the judges determine that the races cannot be run, then they shall cancel the races.

11.12. Rulings of the judges or the Racing Commission, regarding the order of finish or award of purse money, that are made after the result has been declared official, shall in no way affect the pari-mutuel payoff.

11.13. The judges or association may suspend or exclude from the stands and grounds persons acting improperly or whose behavior is otherwise objectionable. The judges shall enforce the suspension or exclusion.

11.14. The judges have control over and shall have free access to all stands, weighing rooms, enclosures and all other places in use for the purpose of racing.

11.15. The judges may determine all questions arising with reference to entries and racing.

11.16. Persons entering greyhounds to run on licensed racetracks shall comply with the decision of the judges on any questions relating to a race or racing.

11.17. The judges may disqualify a greyhound.

11.18. The judges may demand proof that a greyhound is not disqualified in any respect nor nominated by, nor the property, wholly or in part, of a disqualified person. In the absence of proof being given to their satisfaction, the judges may declare the greyhound disqualified.

11.19. The judges may at any time, order an examination by a person or persons of any greyhound entered for a race or which has run in a race.

11.20. The judges shall take notice of any questionable conduct with or without the prompting of anyone.

11.21. The judges shall investigate promptly and render a decision on every objection and on every complaint made to them.

11.22. The judges shall report all objections and complaints to the Racing Commission as soon as they are received and shall make a prompt report of their investigation and decision to the Racing Commission.

11.23. The judges shall take notice of corrupt racing and other questionable behavior on the track. Any person may make complaints, but if an owner, trainer or authorized agent, who makes a complaint, fails to substantiate the charge, he or she may be liable for a fine, suspension or both.

11.24. During each racing day, all judges of the meeting shall be at the office building on the grounds of the association where the racing meeting is being held, unless excused by the Racing Commission, not later than weighing-in time, to exercise their authority and perform the duties imposed on the judges by this rule.

11.25. A greyhound may be scratched after leaving the paddock for the post for any reason considered by the judges necessary to protect the public or the greyhound. All money wagered on the greyhound shall be refunded.

11.25.1. After a greyhound has been placed in the starting box, no refund shall be made and all wagers remain. In case of mechanical failure to the starting box, thus preventing a greyhound or greyhounds from starting, a full and complete refund shall be made on the greyhound or greyhounds.

11.25.2. The judges shall determine the decision as to whether the greyhound or greyhounds were prevented from starting by a mechanical failure and their decision is final.

11.26. The judges shall decide which greyhound wins and assign the respective order of finish to as many greyhounds as they think proper. In determining the positions of the greyhounds at the finish of the race, the judges shall consider only the relative position of the respective muzzles of the greyhounds.

11.26.1. In the event that a greyhound loses its muzzle or finishes with a hanging muzzle, the judges shall then consider only the relative position of the nose of the greyhound and the muzzles

of the other greyhounds in the race.

11.27. The judges shall promptly display the numbers of the first three (3) greyhounds in each race in order of their finish. If the judges differ in their placing, the majority prevails.

11.28. Whenever it is considered advisable to consult a picture from the photo finish camera, the judges may display without waiting for a picture, the positions which are in their opinion and, after consulting the photo, may make another correct determination relative position. However, in no case shall the race be declared official until the judges have determined the greyhounds finishing first, second and third.

11.29. Nothing in this rule shall be interpreted to prevent the judges from correcting an error before the display of the sign "Official" or from recalling the sign "Official" in case it has been displayed through error.

11.30. Any greyhound may be placed on the schooling list by the judges at any time.

11.31. The judges shall make daily reports in writing to the Racing Commission of all infractions of the rules and of all rulings of the judges upon matters coming before them during the meeting.

11.32. The judges may inspect any occupational permit papers, and documents with respect to any contract, partnership, and other agreements, or the credentials of an authorized agent.

§178-2-12. Association's Racing Secretary.

12.1. The association's racing secretary shall receive all entries and declarations, and may program three (3) T races per week. Any additional T races shall have the approval of the Racing Commission.

12.2. The association's racing secretary shall inspect owners and trainers occupational permits and all papers and documents dealing with trainers and owners, partnership or other agreements, appointment of authorized agents, adoption of kennel names and may demand production of papers and documents in order to satisfy himself or herself as to their validity and authenticity and determine that this rule has been complied with. These papers and documents shall be available to the Racing Commission judge at all times.

12.3. Conditions of races shall not conflict with this rule.

12.4. The association's racing secretary shall display each day, a list, which compiles the entries.

12.5. The association's racing secretary is solely responsible for the accuracy of the program.

12.6. Any greyhounds coming to West Virginia greyhound tracks shall be accompanied by a current health certificate documenting that they have current vaccinations for rabies, Distemper, Hepatitis, Leptospira, Adenovirus, Parvovirus and Para influenza (DHLPP), and a vaccination for a kennel cough. The certificates must be dated within 10 days prior to the greyhound's arrival.

§178-2-13. Paddock Judge.

13.1. No greyhound may start in a schooling race or purse race that has not been fully identified and confirmed against the Bertillon card system of identification maintained by each association. The paddock judge shall complete the identification cards before greyhounds are entered for schooling or for a purse race.

13.2. The paddock judge shall fully identify and confirm against the Bertillon card system of identification, maintained by the association, all greyhounds starting in schooling and purse races. He or she shall report any greyhound or greyhounds that do not conform to the Bertillon card identification to the judges.

13.3. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to assure that the kennels are in perfect condition and that nothing has been placed in any of the kennels for the greyhounds' consumption. He or she shall assure that the kennels are sprayed, disinfected and kept in proper sanitary conditions. He or she or his or her assistant shall receive the greyhounds from the trainer, one at a time, and determine that each greyhound is placed in its crate. The kennel master shall remain on guard from that time until the greyhounds are removed for the last race.

13.4. As each greyhound is weighed in, there shall be an identification tag attached to its collar indicating the number of the race in which the greyhound is entered and its post or starting box position. This tag shall not be removed until the greyhound has been weighed-out and blanketed.

13.5. The paddock judge shall not allow anyone to weigh in a

greyhound for racing unless he or she has in his or her possession a valid trainer's occupational permit issued by the Racing Commission.

13.6. After the greyhounds are placed in the lock-out kennels, no person other than the kennel master, Racing Commission security guard, veterinarians or other persons approved by the Racing Commission shall be allowed in or near the lock-out kennels. At no time shall fewer than two (2) authorized persons be present in the lock-out kennels.

13.7. The paddock judge shall carefully compare the identification card with the greyhound in the paddock before post time.

13.8. Before leaving the paddock for the starting box, every greyhound shall be equipped with a regulation muzzle and blanket. The muzzles and blankets used shall be approved by the paddock judge and shall be carefully examined by him or her in the paddock before the greyhound leaves for the post.

13.9. The paddock judge shall record, as soon as the weights are exhibited, any overweight or variation from the weight appearing on the weight sheet.

13.10. The paddock judge shall promptly report any infraction of the rules as to weight or weighing to the judges.

§178-2-14. Timer.

14.1. The Time of the race shall begin from the opening of the doors of the starting box.

14.2. Each racing association shall install an automatic film timing device, approved by the Racing Commission, upon which the time of each race is recorded. This time is the official time for the race. In the event of a mechanical failure, the judge shall use a stop watch for the official time. When the stop watch is used as the official time of the race, its use shall be announced to the public.

§178-2-15. Starter.

15.1. The starter shall give the order and take all measures that are not in conflict with this rule, which are necessary to secure a fair start.

15.2. The greyhounds shall be started from a type of starting

box approved by the Racing Commission and there shall be no start until and no recall after, the doors of the starting box have opened.

15.3. The starter shall report causes of delay, if any occur, to the judges.

15.4. A false start due to any faulty action of the starting box, break in the machinery, or other cause is void. The greyhounds may be started again as soon as practicable, or the race may be canceled at the discretion of the judges.

§178-2-16. Clerk of scales.

16.1. The clerk of scales shall call the weight of the greyhounds in and out of a scale sealed by the duly authorized sealer of weights and measurers and shall exhibit the accurate weight of each greyhound on the weight board. The established racing weight, weigh-in and weighing-out (weight) shall be promptly displayed on the weight board for the information of the public.

16.2. The clerk of scales shall deliver a copy of the weight sheet before each day's race to the Racing Commission judge.

16.3. All greyhounds shall be weighed in and weighed out in a uniform manner.

16.4. The clerk of scales shall keep a record of the weights and weight changes for each performance.

§178-2-17. Chart writer.

17.1. The chart writer shall compile the information necessary for a program which shall be printed for each racing day and shall contain the names of the greyhounds that are to run in each of the races for that day. These names shall appear in the order of their post positions. The post positions are to be designated by numerals placed at the left and in lines with the names of the greyhounds in each race. These numerals shall be prominently displayed on each greyhound.

17.2. All past performances as shown in the program shall be in order of the races or official schooling held with the last performance appearing on the first line, etc.

17.3. The program or form sheet shall also contain the name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races and the number of times the

greyhound finished first, second and third. The names of an owner and/or lessee, the name of a trainer, the distance of the race, the track record and any other information that will enable the public to properly judge the greyhound's ability shall also be included.

17.4. In case the name of a greyhound is changed, the new name together with the former name shall be published in the official entries and program until the greyhound has started six (6) times.

§178-2-18.Lead-outs.

18.1. Owners, trainers or attendants may not lead their own greyhounds from the paddock to the starting box. The greyhounds shall be led from the paddock to the starting box by lead-outs provided by each association for that purpose.

18.2. Lead-outs shall present a neat appearance, conduct themselves in an orderly manner, and be attired in clean uniforms provided by the association and approved by the Racing Commission.

18.3. The lead-out shall put his or her greyhound in its proper box before the race and then proceed to his or her assigned place.

18.4. No lead-out may have any interest in the greyhounds racing for the association.

18.5. The paddock judge shall assign lead-outs to post position by lot before each race with a record maintained.

18.6. Lead-outs shall not hold any conversation with the public or with one another, in the paddock, either while en route to the starting post, or while returning to the paddock.

18.7. Lead-outs shall not use any tobacco products while in uniform and on duty.

18.8. Lead-outs shall not wager on the result of any greyhound race at the track where they are assigned.

18.9. Each racing association shall have no fewer than fourteen (14) lead-outs on duty for each racing program.

§178-2-19. Racing Commission Veterinarians.

19.1. The Racing Commission shall employ a graduate veterinarian who is licensed by the West Virginia Board of Veterinary Medicine who shall be known as the Racing Commission veterinarian. The veterinarian employed by the Racing Commission

may not during the term of his or her employment treat or prescribe medication for any greyhound on the grounds or registered to race at any race track for compensation or otherwise unless an emergency arises. In case of an emergency, the veterinarian shall make a full and complete report to the judges. No owner or trainer shall employ or pay compensation to any veterinarian either directly or indirectly during the period for which the Racing Commission employs him or her. For a violation of this rule, the veterinarian, or owner, or trainer may be fined, suspended or not be permitted on the association's grounds after a hearing before the Racing Commission.

19.2. The Racing Commission veterinarian shall, in general, familiarize himself or herself with the racing condition of all greyhounds and, if in his or her opinion, any greyhound is not in condition to race, he or she shall notify the judges.

19.3. The Racing Commission veterinarian shall be present in the paddock before each race and he or she shall inspect each greyhound. If, in his or her opinion, any greyhound is not in condition to compete in that race, he or she shall immediately notify the judges, who shall order the greyhound scratched out of the race. The greyhound automatically goes on the veterinarian's list for at least 10 calendar days. Thereafter the greyhound may not enter until the veterinarian notifies the judges that the greyhound is again able to compete.

19.4. If an owner or trainer, objects to a greyhound in his or her care undergoing an examination, the objection shall be reported to the judges, and the greyhound may be eliminated from the race.

19.5. The Racing Commission veterinarian shall approve employment of all personnel used in the test area and is responsible to the Racing Commission for the proper operation of the test area and the taking of specimens as directed by him or her.

19.6. In the event there is a desire to scratch from participation, a greyhound listed in the program, the Racing Commission veterinarian or his or her designee shall inspect the greyhound and report his or her findings to the judges.

19.7. Bitches coming in season during the racing meeting shall not be accepted for entry within thirty (30) days from the date of coming in season. Before being accepted for entry, these bitches shall be examined by the veterinarian and school to the satisfaction of the judges.

19.8. Bitches in milk are not eligible to school or to race.

19.9. Owners and trainers shall report bitches in season to the judges and the Racing Commission veterinarian. Owners and trainers failing to promptly report this condition shall be fined, suspended, or both.

19.10. Any greyhound the Racing Commission veterinarian does not consider in proper physical condition shall be reported to the judges. The judges shall order that greyhound scratched out of the race for which it is entered.

19.11. Any veterinarian practicing veterinary medicine on a racetrack shall use "one-time disposable type needles" and shall keep them in his or her possession until disposed of by him or her away from the association grounds.

19.12. Any illness or unusual symptoms of illness shown by a greyhound shall be immediately reported by the trainer or attending veterinarian to the judges, the Racing Commission, and Racing Commission veterinarian.

§178-2-20. Test Area.

20.1. An enclosed area approved by the Racing Commission shall be set aside, and be under the supervision of the Racing Commission Veterinarian for the purpose of collecting specimens for any tests required by the Racing Commission. The Racing Commission shall approve all aspects of the enclosed area including its location, arrangement, furnishings and facilities with refrigeration and hot and cold running water.

20.2. Urine, blood and other specimens shall be taken and tested from the greyhounds as the judges of the meeting or the Racing Commission's representatives may designate. The tests are to be under the supervision of the Racing Commission. The Racing Commission veterinarian or other person or persons as the Racing Commission may designate shall collect the specimens.

20.3. All samples collected shall be frozen and forwarded to a laboratory approved by the Racing Commission. The racing association shall pay all laboratory expenses for sample analysis.

20.4. The winner and any other greyhounds that the judges may designate shall be taken immediately after the race to the testing area for the taking of specimens of body fluids and eliminations as directed by the Racing Commission veterinarian.

20.5. The Racing Commission judge or Racing Commission veterinarian may also require the taking of any or all of the specimens from any greyhound kenneled at a racetrack during a meeting.

20.6. The owner, trainer or authorized representative shall be present in the testing area when any specimen is taken from his or her greyhound. The owner, trainer or authorized representative shall remain until the sample tag is signed and witnessed to the taking of the specimen.

20.7. Willful failure to be present at or a refusal to allow the taking of any specimen or refusal to sign the specimen tag to the taking of a specimen, or any act which impedes, prevents or otherwise interfere with the taking of a specimen, shall be reported to the judge. The judges shall subject the person or persons guilty of the interference to immediate suspension from the meeting. The matter shall be referred to the Racing Commission for further action as it may determine: Provided That any owner, trainer, or authorized representative may sign, under protest, the specimen tag as long as the reason for the protest is stated in writing and given to the Racing Commission veterinarian.

§178-2-21. Chemist.

21.1. The official chemists selected by the Racing Commission shall be members in good standing of the Association of Official Racing Chemists and shall make all reports directly to the executive secretary of the Racing Commission.

21.2. All specimens taken by or under direction of the official veterinarian or other authorized representative of the Racing Commission shall be delivered to the laboratory of the official chemist for analysis. Each specimen shall be marked and bear any information that may be essential to its proper analysis. The identity of the greyhound from which the specimen was taken or the identity of its owner, trainer or kennel shall not be revealed to the official chemist or his or her staff. The container of each specimen shall be sealed as soon as the specimen is placed in it.

21.3. The Racing Commission veterinarian, the judges or the authorized representatives of the Racing Commission may take samples of any medicines or other materials suspected of containing improper medication or drugs which could affect the racing condition of a greyhound in a race, which may be found in the kennels or elsewhere on the racetracks or in the possession of such tracks or any person connected with racing, and samples shall be delivered to the official chemist for analysis under the same

conditions as are prescribed for analysis of saliva and urine. The Racing Commission may retain the samples.

21.4. No action shall be taken by the judges on the report of the official chemist unless and until the medication or drug has been properly identified as well as the greyhound from which the specimen was taken nor until such time as an official report signed by the chemist has been received by the Racing Commission judge.

§178-2-22. Camera and Film Patrol.

22.1. All licensed race tracks shall install and use an approved type "Film Patrol" with not less than one (1) camera operating from a position designated by the Racing Commission.

22.2. Each racing association shall furnish and maintain at its track, at all times during the period of racing, the necessary camera and equipment to produce motion pictures or video tape of each race from start to finish. The Racing Commission shall approve all cameras and camera equipment. The film of all pictures taken during a race shall be retained by the racing association for a period of not less than three (3) months and shall be available at all times during that period to the Racing Commission.

22.3. On all racetracks, a proper camera shall be installed as an aid to the judges. However, in all cases, the camera is merely an aid and the decision of the judges is final. The Racing Commission shall approve the type of equipment used and the operator.

22.4. No photographer, other than the official photographer holding an occupational permit, is permitted on the racetrack, unless special permission is granted by the judges or the Racing Commission, and then only for those pictures that are specifically requested and in places as are indicated by the judges or the Racing Commission.

22.5. On all racetracks, the Racing Commission shall approve the operator of the camera taking pictures approaching the finish line and in the winner's circle after the race. In all cases when a still picture is taken, the operator shall direct his or her camera at a point away from the finish line unless the judges or the Racing Commission grants special permission.

22.6. All associations shall keep on file for the duration of the meeting and one (1) month thereafter, each plate, film or finished pictures of each race for reference or reproduction upon

request of the Racing Commission.

22.7. The Racing Commission judge may permit video tapes or photo finish pictures to be removed from the grounds.

§178-2-23. Policing.

23.1. Each association shall maintain and furnish police or security guard service as may be needed or requested by the Racing Commission. The police or security shall be fully empowered to enforce law and order and cooperate in the enforcement of this rule.

23.2. Each association shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the kennels with the exception of persons having bona fide business or holding an occupational permit issued by the Racing Commission.

23.3. A written report shall be made to the Racing Commission daily by the head of the security department at each race track, which details all arrests or persons booked in his or her office. This report shall also include all persons picked up for drunkenness, touting, disorderly conduct, fraudulent use of badges or other misdemeanors and give in detail the charges, together with the names and addresses of the offenders.

23.4. The Racing Commission, after prior consultation with the racing association, may designate not more than three (3) persons as special investigators, whose duties and responsibilities shall be fixed by the Racing Commission. The associations shall pay compensation of these special investigators. The compensation shall not exceed that which is comparable for like or similar services in the geographical area of the association.

§178-2-24. Kennel Names.

24.1. An owner who holds an occupational permit desiring to race under a kennel name may do so by registering for the racing meeting with the Racing Commission and by paying the prescribed fee.

24.2. A trainer, who holds an occupational permit as an owner or a part owner, may use a kennel name as owner or part owner. However, no trainer may be an occupational permit holder as trainer other than in his or her legal name.

24.3. In applying to race under a kennel name, the applicant

shall disclose the identity or identities of all persons who own the kennel.

24.4. If a partnership or other business entities are involved in the identity behind a kennel name, each of the partners shall be an occupational permit holder as owner and each shall comply with the rules covering partnerships.

24.5. If a corporation or other business entity is involved in the identity behind a kennel name, each corporation shall comply with the applicable rules.

24.6. Anyone making changes in identities involving a kennel name shall report immediately to and be approved by the Racing Commission.

24.7. An owner holding an occupational permit cannot be a party to more than one kennel name at the same time, nor can he or she use his or her real name for racing purposes, as long as he or she has a registered kennel name.

24.8. An owner holding an occupational permit who has registered under a kennel name may at any time abandon the name after he or she has given written notarized notice to the Racing Commission.

24.9. Anyone wishing to change a kennel name may do so at any time by registering a new kennel name and by paying the prescribed fee to the Racing Commission license clerk.

24.10. An owner holding an occupational permit cannot register as his or her kennel name, a name, which is already registered by any other owner.

24.11. An owner holding an occupational permit cannot register as his or her kennel name a name which is the real name of any owner or greyhounds racing, nor a name which is the real or kennel name of any prominent person not owning greyhounds.

24.12. A kennel name shall be plainly distinguishable from that of another duly registered kennel name.

24.13. The Racing Commission reserves the right to refuse any corporation or other business entity the privilege of registering a kennel name.

§178-2-25. Registration.

25.1. The National Greyhound Association of Abilene, Kansas is recognized as the official breeding registry of all greyhounds. However, the Racing Commission may certify any greyhound whose lack of registration with the approved registry is attributable to arbitrary, discriminatory or other unreasonable action or inaction on the part of any agency.

25.2. A person wishing to enter a greyhound for racing or schooling at any official track shall have it tattooed and registered in the National Greyhound Association stud book including the last six (6) performance lines, if applicable. The racing history of the greyhound shall be made available to the association's racing secretary.

25.3. All certificates of registration shall be available at all times for inspection by the Racing Commission judge.

25.4. All transfers of any title to, leasehold, or other interest in greyhounds that are schooled, entered or racing at any racetrack under the jurisdiction of the Racing Commission shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.

25.5. No title, leasehold or other interest in any greyhound shall be recognized by the Racing Commission until that title, leasehold or other interest is evidenced by written instrument and duly filed with and recorded by the National Greyhound Association of Abilene, Kansas. The trainer shall file all notarized copies with the Racing Commission and with the association's racing secretary at the racetrack where the greyhound is to be schooled, entered or raced.

§178-2-26. Owners.

26.1. The kennel owners are presumed to know the rules of greyhound racing as adopted by the Racing Commission.

26.2. A kennel owner, when his or her trainer is to be absent from his or her kennel and the grounds where his or her greyhounds are racing, shall notify the judges, of the trainer, assistant or authorized agent holding an occupational permit who will assume complete responsibility of the greyhounds he or she is running.

26.3. All kennel owners shall file with the Racing Commission and the association a roster of his or her trainer, assistant trainers, authorized agent and other employees. If any kennel owner change's trainer, he or she shall notify the Racing Commission immediately and require the new trainer or any new employee to

register in at the Racing Commission office at the racetrack where the kennel is racing.

26.4. All kennel owners of greyhounds and their employees are subject to the laws of the State of West Virginia and the rules promulgated by its Racing Commission immediately upon making entry to run on a racetrack in West Virginia.

26.5. Kennel owners and their employees shall abide by the laws and rules and accept the decision of the judges on any and all questions, subject to the right of appeal to the Racing Commission.

§178-2-27. Partnerships.

27.1. Each and every partner, including husband and wife, must obtain an owner's occupational permit to allow the partnership to function on the racetracks of West Virginia and shall complete proper partnership forms.

27.2. Partnership papers shall, among other things, set forth the following:

27.2.1. The name and address of each and every person having an interest in the greyhound or greyhounds involved;

27.2.2. the relative proportions of the interests;

27.2.3. to whom the winnings are payable;

27.2.4. in whose name the greyhound or greyhounds shall run;

27.2.5. with whom the power of entry and declaration rests; and

27.2.6. the terms of any contingency, lease or any other arrangement.

27.3. All partnership papers shall be signed by all parties or by their authorized agent.

27.4. In case of an emergency, the owner shall give authority to sign declarations of partnerships and may be given to the Racing Commission by a telegram or facsimile, which is to be promptly confirmed in writing by mail.

27.5. The part owner of any greyhound cannot assign his or her share or any part of it, without the written consent of the other partners. The written consent is to be lodged with the Racing

Commission and the association's racing secretary.

27.6. A person making an alteration in a recorded partnership registration to be effective shall report it in writing to the Racing Commission and be signed by all partners.

27.7. All parties to a partnership are jointly and severally liable for all stakes, forfeits, and other obligations.

§178-2-28. Corporations.

28.1. No occupational permit as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless that corporation has no more than ten (10) stockholders members, each of whom shall be the registered and beneficial owner of stock or membership in the corporation. No corporation having more than ten (10) stockholders may lease for racing purposes to any natural person or persons, or partnership, or other business entity, any greyhound owned or controlled by the corporation. Each stockholder shall file an application for an owner's occupational permit. All the stockholders of a corporation which own or lease greyhounds for racing purposes in the State of West Virginia shall make and file with the Racing Commission when requested by it, a report containing information specified by the Racing Commission. Refusal or failure to file the report may result in the Racing Commission refusing an occupational permit to any lessee or lessees of the corporation, or revoking any occupational permit.

§178-2-29. Authorized agents.

29.1. Each authorized agent shall file a valid power of attorney, permanently with the Racing Commission.

29.2. Any changes in the power of attorney shall be in writing and filed with the Racing Commission license clerk.

29.3. The term of the occupational permit expires December 31 of each year, unless the agent's appointment is revoked by the owner of the occupational permit or earlier revoked by the Racing Commission.

29.4. An owner's revocation shall be in writing, sworn to before a notary public, and filed with the Racing Commission.

§178-2-30. Schooling.

30.1. Greyhounds shall be properly schooled in the presence of the judges, and shall, in the opinion of the judges, be

sufficiently experienced before they can be entered or started.

30.2. All schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the racetrack.

30.3. Each official schooling race shall consist of at least six (6) greyhounds. However, if this condition creates a hardship, less than six (6) may be schooled with the permission of the Racing Commission judge.

30.4. No hand schooling shall be considered official.

30.5. Any greyhound that has not been entered for a period of six (6) racing days and/or has not raced for a period of ten (10) racing days, or more, shall be schooled at least once at its racing weight before being eligible for entry.

30.6. All greyhounds in official schooling races shall be raced at their established racing weight and started from the starting box wearing their blankets.

30.7. Any owner or trainer issued an occupational permit by the Racing Commission who has greyhounds under his or her care and management that are booked to race on racetracks licensed by the Racing Commission and who permits the greyhounds to be schooled on any racetrack in West Virginia or elsewhere that is not approved by the Racing Commission during these bookings, is subject to the immediate revocation of his or her occupational permit.

30.8. The judges shall order any greyhound on the schooling list by the judges to be schooled officially and satisfactorily before entering a race.

30.9. Each association shall provide a photo-finish camera approved by the Racing Commission to be in operation at all official schooling races.

§178-2-31. Entries.

31.1. Every person who enters a greyhound, or races under this rule obligates himself or herself to accept the provisions of this rule upon all questions relating to the entries.

31.2. For all races, the association's racing secretary is the person authorized to receive entries and declarations.

31.3. Every entry in a race shall be in the name of the registered owner, lessee or his or her kennel name and shall be

made in writing or by telephone and immediately confirmed in writing. The complete name of every person having an ownership in a greyhound or accepting the trainer's percentage, or having any interest in its winnings shall be registered with the association's racing secretary before it starts at any meeting. Every change in ownership or interest thereafter made during that meeting and a copy thereof shall be promptly delivered to the Racing Commission by the association's racing secretary of the racetrack where the greyhound is racing. A person who fails to comply with the provisions of this subsection is punishable by a fine or suspension or both. If any objection due to default is made and sustained against a greyhound that has run in a race, its winnings in that race shall be forfeited and the purse redistributed by the judges. The redistribution shall in no way affect the pari-mutuel pay off for the race.

31.4. A greyhound shall not be qualified to run in any race unless it has been and continues entered for the race. Unless otherwise specified by the conditions of a race or disqualified by violation of racing rules, any greyhound eligible at the time of entry shall continue to be qualified, except in an overnight event in which it shall be eligible at the time of the start.

31.5. The entrance to a race is free unless otherwise stipulated in its conditions. If the conditions require an entrance fee, it shall accompany the entry.

31.6. Any person having an interest in a greyhound less than the interest of any other person may not assume any of the rights or duties of an owner as provided by this rule including the right of entry, declaration, etc.

31.7. One or more of the owners may make joint subscriptions and entries. However, all individuals and each of them are jointly and severally liable for all fees and forfeits.

31.8. The racing officials may call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not the property either wholly or in part of any person who is disqualified and who produces proof of the extent of his or her interest in the greyhound. If a person fails to produce this proof, the greyhound shall be removed from the race.

31.9. No greyhound shall be permitted to start that has not been fully identified.

31.10. Any person who knowingly attempts to establish the identity of a greyhound or his or her ownership shall be held

responsible as the owner and is subject to the same penalty in case of fraud or attempted fraud.

31.11. No disqualified greyhound shall enter or start in any race.

31.12. A greyhound shall not qualify to be entered or to start in any race when owned, in whole or in part, or when under the control, directly or indirectly, of a disqualified person.

31.13. The judges may refuse entries of any person or the transfer of any entry may be refused with or without notice or reason being given.

31.14. A greyhound may not enter or start unless a licensed trainer conditions the greyhound.

31.15. No entry shall be accepted from a husband or wife while either is disqualified.

31.16. A greyhound on the schooling list or the veterinarian's list shall not be qualified to enter or to start a race.

31.17. Entries, which have closed, shall be compiled without delay by the association's racing secretary and conspicuously displayed.

31.18. A trainer shall not make any alterations in any entry after closing of entries, but an error may be corrected by the association's racing secretary.

31.19. In purse races, there shall be at least six (6) greyhounds of completely different ownership. No trainer shall have more than two (2) greyhounds in any race except in stakes, sweepstakes or feature races without the permission of the Racing Commission. In all other purse races, the following conditions apply:

31.19.1. Double entries shall not be allowed until all single interests are used and double entries shall be uncoupled for wagering purposes;

31.19.2. The trainer shall agree to a double entry. When no other single entry is available, then the association's racing secretary may use a double entry without the permission of the owner;

31.19.3. Greyhounds nominated for any distance over 5/16 mile

are subject to double entry without permission of the owner; and

31.19.4. Two (2) double entries may be used in all grades and distances, provided rules of the draw are observed.

31.20. If an entry from any person of any greyhound that stands suspended or expelled is received, the entry is void and the money, if any, paid for the entry shall be refunded. Any money or prize won under that entry shall be returned.

31.21. No greyhound under the age of fifteen (15) months shall run in any official race other than races conditioned for greyhounds of the same age.

31.22. Entries for stake races, the conditions of which have previously been published, shall close at the time advertised in the publication. No entry shall be received after that time, except when races fail to fill, then the judges may grant additional time.

31.23. Every greyhound entered for a purse shall be a starter unless it is declared or scratched.

31.24. An entry in a stake race is a nomination, which cannot be withdrawn unless the Racing Commission veterinarian gives approval for its withdrawal.

31.25. A greyhound shall not become a starter for a stake race unless there has been paid any stake or entrance money due in respect to that race.

31.26. Entrance money is not refunded on the death of a greyhound or its failure to start.

31.27. The nominator is liable for the entrance money or stake, and the death of a greyhound or a mistake in its entry, when eligible, does not release the subscriber or transferee from liability for stakes.

31.28. In the absence of notice to the contrary, entrance and declarations for sweepstakes close at the office of the association's racing secretary who shall make provisions therefore. Closing at all times for sweepstakes shall be at the office of the association's racing secretary.

31.29. When an hour for closing is designated, entries and declarations for sweepstakes cannot be received afterwards. If an hour is not designated, they may be mailed, telegraphed, faxed, or

sent by Federal Express up to midnight of the day of closing if they are received in time for compliance with every condition of the race.

31.30. Nominations for stake races that are received and postmarked before midnight of the day of closing are valid if received twenty-four (24) hours in advance of closing overnight entries.

31.31. If a miscarriage of any entry or declaration in a stake is alleged by the association's racing secretary, the trainer shall provide satisfactory proof that it was mailed, faxed, sent by Federal Express or telegraphed within a reasonable time or it shall not be acknowledged.

31.32. A person entering a greyhound becomes liable for the entrance money or stake.

31.33. An entry of a greyhound in a stake race is a nomination to the stake's race and the nominator is liable for stake and forfeit. If he or she transfers the entry, he or she is liable only in cause of default to the transferee. Similarly, the seller of a greyhound with engagements is liable for stake or forfeit if the engagement is not kept.

31.34. A person making a wrong entry or nomination is liable for the stake and forfeits under the nomination.

31.35. The entrance money and starting and subscription fees in every race shall go to the winner, unless otherwise provided in the conditions of the race. When, from any cause, a race is not held, all stakes or entrance money, if any paid shall be refunded.

31.36. When a person is prevented by this rule from entering or starting a greyhound for any race due to pay arrears in which he or she would not otherwise be liable, he or she may, by paying the arrears, enter or start the greyhound and have the arrears placed on the forfeit list as due to himself or herself.

31.36.1. If the seller of a greyhound with engagements is compelled to pay arrears through the purchaser's default, he or she may place the amount on the forfeit list as due from the purchaser to him or her. The provisions of this subdivision also apply in the transfer of entries when the transferee defaults.

31.36.2. The association's racing secretary, with the approval of the judges, may waive the obligations incurred by this rule according to the circumstances of the case.

31.37. Any person not having money to his or her credit with the association shall, before his or her greyhound can start, pay in cash, if required to the association, all entrance money, stakes and arrears due the association or attached to the greyhound he or she intends to start.

31.38. If a greyhound is sold to a disqualified person, the greyhound's racing engagements are void as of the date of sale.

31.39. In case of fire, or accident, or for other reasons after due public notice, all races or stakes may be postponed or declared off. When the judges declare the races or stakes off, all subscriptions and declaration's money shall be refunded.

31.40. No more than one (1) greyhound of any licensed owner may run in any race, except stake races or distance races above grade B. Upper grade distance races (AA & A) shall consist of no more than two (2) owners that have a double entry.

§178-2-32. Post Position.

32.1. The association's racing secretary shall assign the post position of greyhounds by lot or drawing, supervised by the Racing Commission, at a time and place properly posted in the paddock, at least one (1) day previous to the running of the races, in order that any and all owners, trainers or authorized agents may be present if they desire.

§178-2-33. Declarations.

33.1. The declaration of a greyhound out of an engagement is irrevocable.

33.2. Declarations in sweepstakes shall be made in the same manner as is provided when making entries to the association's racing secretary who shall record the day and hour of receipt and give early publicity thereto.

33.3. Declarations in purse races shall be made by the trainer, to the association's racing secretary or his or her assistant at any time before the time designated for the posting of post positions on the day prior to the day on which the greyhound is to race.

§178-2-34. Scratches.

34.1. To scratch a greyhound entered in a race, sufficient

cause shall be given to satisfy the judges. The association's racing secretary shall immediately report to the judges all scratches and the cause of the scratches.

34.2. Any scratches that occur that is the result of a violation of provisions of this rule shall carry a penalty and/or suspension of that greyhound for a period of six (6) racing days. Scratches for other causes shall be disciplined at the discretion of the judges. However, if any owner or trainer fails to have the greyhound entered at the racetrack at the appointed time for weighing-in, and, as a result, that greyhound is scratched, the judges shall impose a forfeiture and/or suspension on the person responsible.

34.3. The judges may cancel the race if three (3) or more greyhounds are withdrawn or scratched in any one race.

34.4. The judges may scratch a greyhound entered in a race for sufficient cause.

§178-2-35. The Race.

35.1. If a greyhound bolts the course, of its own volition runs in the opposite direction or does not run the entire prescribed distance of the race, the greyhound forfeits all rights in the race and no matter where the greyhound finished, the judges shall declare the finish of the race the same as if the greyhound were not a contender. However, for the purpose of the rule, the greyhound shall be considered a "starter."

35.2. If a greyhound bolts the course of its own volition or runs in the opposite direction during the running of the race, and the greyhound, in the opinion of the judges, interfered with any other greyhound in the race, the judges shall declare it "No Race" and all moneys wagered shall be refunded except when, in the opinion of the judges, the interference clearly did not affect the outcome of the race.

35.3. If it appears that a greyhound may interfere with the running of the race because of failure to leave the box, due to an accident or for any other reason, any person under the supervision of the judges stationed around the race course, may remove the greyhound from the race course. However, for the purpose of the rule, the greyhound shall be considered a "starter."

35.4. All greyhounds shall wear the regulation association muzzle and blanket when racing. Blinker muzzles may not be used.

35.5. Muzzles and blankets shall be carefully examined in the paddock by the paddock judge before the greyhounds leave the post, and again before the judges at the judges' stand or before the starter at the starting box by the patrol judge.

35.6. All greyhounds shall be exhibited in the show paddock before post time of the race in which they are entered.

35.7. After the greyhounds leave the paddock on their way to the starting box and, until the judges direct the gates to be reopened, all persons except the racing officials and necessary attendants shall be excluded from the race course to be run over.

35.8. No race shall be called official unless the lure is in advance of the greyhound at all times during the race. If, at any time during the race, any greyhound or greyhounds catch or pass the lure, the judges shall declare it "No Race" and all moneys shall be refunded.

35.9. The judges shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation.

35.10. If a greyhound is left in the box when the starting box is opened at the start, there shall be no refunds.

35.11. If a race is marred by jams, spills or racing circumstances other than an accident to the machinery while a race is being run, and three (3) or more greyhounds finish, the judges shall declare the race finished. If less than three (3) greyhounds finish, the judges shall declare it "No Race" and all moneys shall be refunded. The provisions of this subsection are applicable to any and all types of wagering.

§178-2-36. Weights and Weighing.

36.1. All greyhounds shall be weighed not less than one (1) hour before the time of the first race of the day.

36.2. Before a greyhound is allowed to school or race at any racetrack, the trainer shall establish its racing weight with the paddock judge.

36.3. At weighing-in time, if there is a variation of more than one and one-half (11/2) pounds either way from its established weight, the judges shall order the greyhound scratched.

36.4. At weighing-out time, if a greyhound loses weight in

excess of one and one-half (11/2) pounds from its weigh-in weight while in the lock-out kennels, the judges shall order the greyhound scratched. However, upon a certificate from the veterinarians that this loss of weight while in the lock-out kennels does not impair the racing condition of the greyhound, the judges may allow the greyhound to race.

36.5. At weighing-in time if there is more than two (2) pounds variation between its weight in the present race and its weight at weighing-in time of its last race, the judges shall order that greyhound scratched.

36.6. The weight requirements provided in Subsection 36.1, 36.2, 36.3, 36.4, 36.5 and 36.6 shall be printed in the daily program.

36.7. The established racing weight may be changed from time to time on written request of the owner or trainer and by written consent of the judges if the change is made four (4) calendar days before the greyhound is allowed to race at the new weight.

36.7.1. A greyhound having an established weight change of more than one (1) pound shall be schooled at least once or more at the discretion of the judges, at the new established weight before it is eligible for starting.

36.8. Greyhounds that have not raced or schooled officially for a period of three (3) weeks shall be allowed to establish a new racing weight with the written consent of the judges. They may be schooled officially immediately upon receipt of the written consent.

36.9. The judges may weigh a greyhound entered in a race at any period from the time the greyhound is entered in a race until post time.

36.10. Immediately after being weighed in, the greyhounds shall be placed in a lock-out kennels under the supervision of the paddock judge. No owner or other person with the exception of the paddock judge, veterinarian, kennel master, scales clerk, lead-out, judges or Racing Commission's representatives, shall be allowed in or near the lock-out kennels.

§178-2-37. Grading.

37.1. There shall be six (6) grades for experienced greyhounds. When designating the grades of races, the Grades AA, A, B, C, D, and M will be used. Grade AA is the highest classification, but

this grade shall not be in effect unless twenty (20) or more greyhounds are on the premises and capable of being entered in this grade. Grade D is the lowest classification, and grade M refers to maiden classification, which indicates greyhounds that have not won an official race.

37.2. The winner of any graded race shall advance one (1) grade until reaching Grade AA: Provided, however, That any greyhound which wins in a maiden classification has the option of racing in a grade C or grade D event.

37.3. In Grades AA, A, B, any greyhound which fails to finish third or better in three (3) consecutive events shall be dropped one (1) grade. In these grades, any greyhound that fails to finish better than one third position in any four (4) consecutive starts shall also be lowered one (1) grade. In grade C, events any greyhound that fails to finish fourth or better in any four (4) consecutive starts shall be lowered one (1) grade. In grade D events any greyhound that fails to finish third or better in any four (4) consecutive starts is ineligible to race for the remainder of the current race meeting.

37.4. T races designate mixed grade races and shall consist of greyhounds within two consecutive grades and shall be at a distance of 3/8 or longer. The greyhound's regular grade shall follow the designation T in the program.

37.5. S (stake races) may be of a mixed grade and may be scheduled by the racing association with the approval of the Racing Commission. However, all stake races shall carry a purse of at least one thousand dollars ($1,000). The greyhound's regular grade shall follow the designation S in the program.

37.6. Stakes Q shall indicate qualifying races and the regular grade of the greyhound shall also be listed.

§178-38. Dead Heats.

38.1. When greyhounds run a dead heat for first place, all moneys and prizes to which the greyhounds would have been entitled shall be divided equally between them and this applies in dividing prizes regardless of the number of greyhounds running a dead heat. Each greyhound shall be determined a winner.

38.2. Likewise, when greyhounds run a dead heat for second place, they shall divide the second and third moneys.

38.3. When greyhounds run a dead heat for third place, they

shall divide the third and fourth moneys.

38.4. If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot in the presence of one (1) or more of the judges.

§178-2-39. Objections.

39.1. All objections shall be made to the judges in writing, signed by the objector and a copy sent immediately by the judges to the Racing Commission.

39.2. Permission of the judges is necessary before an objection can be withdrawn.

39.3. Any person or persons lodging an objection shall pay all costs and expenses incurred in determining the objection in the proportions, decided by the judges, unless they are relieved from the expense by the Racing Commission.

39.4. The judges may require a cash deposit before considering an objection. The cash deposit may be forfeited if the objection proves to be frivolous or without foundation.

39.5. The judges shall decide every objection pertaining to the race. For every decision, an appeal in writing may be made to the Racing Commission within forty-eight (48) hours of the time the objector has been officially informed of the decision.

39.6. Objections to a greyhound engaged in a race may be made by the owner or trainer of some other greyhound engaged in the same race or by an official of the meeting to one of the judges.

39.7. Pending a decision on an objection, any prize shall be withheld until the objection is determined.

39.8. Objections shall be filed with the judges within forty-eight (48) hours (exclusive of Sundays) from the time the race is run in which the greyhound subject to the objection participated.

39.9. In all cases of fraud or willful deception, the time limitation in subsection 44.8 of this section shall not apply if the judges are satisfied that the allegations are bona fide.

39.10. If an objection to a greyhound which has won or which has been placed in a race is declared valid that greyhound is disqualified and the other greyhounds in the race are entitled to

place in the order in which they finished.

§178-2-40. Disciplinary Action.

40.1. No racing official other than the judges may impose a fine or suspension.

40.2. All fines shall be paid to the Racing Commission license clerk at the Racing Commission office within forty-eight (48) hours after imposition.

40.3. No person shall assume, pay directly or indirectly, a fine imposed upon another.

40.4. An unpaid fine may be rescinded with the approval of the Racing Commission.

40.5. Violators of this rule may be fined, suspended, and/or ejected from the grounds.

40.6. The judges may fine and/or suspend any occupational permit holder who uses profane, indecent or vulgar language to any racing official, carries or exhibits a deadly weapon, or otherwise disturbs the peace on any racetrack enclosure.

40.7. It is a misdemeanor for any person to use any animal or fowl in the training or racing of greyhounds, which are being trained for pari-mutuel racing. Any greyhound that has been trained utilizing an animal or foul shall be banned from participating in pari-mutuel racing for life. The Racing Commission shall notify the pari-mutuel racing facilities within the state in which it has jurisdiction and shall notify all jurisdictions within the United States that the greyhound is on the banned list.

§178-2-41. Occupational Permits and Permit holders.

41.1. Any person who is involved in or employed by those involved in racing or operating a licensed racetrack or those operating concessions for or under authority from any association, shall have a valid occupational permit issued by the Racing Commission, unless he or she is otherwise specifically exempt.

41.2. If a dispute arises between a licensee and permit holders, at any licensed racetrack and if the occupational permit holders or licensee desire to terminate or discontinue their activities under an existing license or occupational permit, then the licensee or occupational permit holders shall give seven (7)

day's notice, in writing, of their intention to terminate or all activities under their existing license, or an occupational permit to the Racing Commission. The Racing Commission may, upon request from either party, within the seven (7) day period, conduct hearings in an attempt to arbitrate and settle any disputes by and between the parties. In the event either the licensee or occupational permit holder fails to abide by this rule. The Racing Commission may suspend the licensee and/or occupational permit holder. All hearings shall be governed by West Virginia Procedural Regulations, 178 CSR4 (1991), Dispute Resolution Procedure.

41.3. Applicants for an occupational permit may be called upon to submit satisfactory evidence of financial responsibility, and after an occupational permit has been issued. The applicant shall maintain a record of financial responsibility during the period for which an occupational permit is issued.

41.4. The Racing Commission may refuse to issue or renew an occupational permit, or may suspend or revoke an occupational permit issued pursuant to this rule, if the Racing Commission finds that the applicant, or any person who is an agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction;

41.4.1. is or has been associating with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction;

41.4.2. is consorting with or has consorted or associated with bookmakers, touts or persons of similar pursuits, or has himself or herself engaged in similar pursuits;

41.4.3. is financially irresponsible;

41.4.4. has been guilty of or attempted any fraud;

41.4.5. misrepresentation in connection with racing, breeding or otherwise;

41.4.6. has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule or order of the Racing Commission, or adopted by the Racing Commission;

41.4.7. has been guilty of or engaged in similar, related or like practices.

41.5. Applicants applying for occupational permits shall file with the Racing Commission license clerk in the Racing Commission

office. The application shall be submitted to the judges who shall issue the occupational permit or hold the application for further investigation, or refer it to the Racing Commission for final action. All judges shall review and sign all occupational permit applications.

41.6. All applicants for an occupational permit and all applicants seeking renewal of an occupational permit may be required to furnish their respective fingerprints for examination by the West Virginia Criminal Investigation Division and the Federal Bureau of Investigation. All persons named in the application shall furnish fingerprints and a signed authorization for the release of information by the Criminal Investigation Division and Federal Bureau of Investigation.

41.7. The association shall provide equipment for fingerprinting and photographing representatives of all occupational permit holders and shall provide the equipment necessary to coat the occupational permit with the picture of the applicant.

41.8. The fees for occupational permits effective for calendar year 2001 and thereafter: The list of fees for occupational permits is contained in Table 46.8 of this rule.

41.9. Every person who is suspended, or whose occupational permit is revoked, or to whom an occupational permit is denied by any racing board or commission shall apply to and be reinstated by the board or commission of the state in which the original ruling was made before being eligible to hold an occupational permit in any capacity issued by the Racing Commission.

41.10. All occupational permit holders shall visibly display their card at all times in restricted areas and shall be held responsible for its safekeeping. No occupational permit is transferable and no duplicate cards shall be issued except upon payment of a fee of five dollars ($5.00).

41.11. Any occupational permit holder who allows another to use his or her occupational permit card or badge or any person who used the occupational permit card or badge of another person for the purpose of transferring any of the benefits pertaining to the occupational permit card or badge may be suspended, fined or both.

41.12. When the denial of an occupational permit has been ordered by the Racing Commission, the executive secretary of the Racing Commission shall report the particulars to the applicant and shall further report the matter to the Association of Racing

Commissioners International, Inc., and give detailed reasons why the denial was made.

41.13. Any applicant applying for an occupational permit may be given permission by the judges to pursue his or her vocation pending action upon his or her application upon issuance of a temporary occupational permit. However, the judges may grant an occupational permit to any person, trainer or owner who has been suspended or ruled off and subsequently reinstated after the expiration of his or her occupational permit.

41.14. Every occupational permit is valid for one (1) year and expires on December 31 of each year.

41.15. The Racing Commission may deny or revoke an occupational permit of any person who has been refused an occupational permit by any other racing jurisdiction when the racing jurisdiction of the other state extends to the Racing Commission of West Virginia reciprocal courtesy to maintain the disciplinary control. The Racing Commission may deny or revoke any occupational permit when the holder has violated this rule or has falsified his or her application for the occupational permit.

41.16. The responsibility of obtaining an occupational permit for an employee rests with the employer. A licensee who employs an individual without reporting that employment to the judges and immediately obtaining an occupational permit for the employee is subject to a fine, suspension or both.

41.17. No application for an occupational permit shall be considered or an occupational permit granted to anyone less than sixteen (16) years of age, nor shall an occupational permit 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.

41.18. The judges or the Racing Commission may impose any condition or conditions on the issuance of an occupational permit, that they consider necessary in their sole discretion to protect the best interest and integrity of racing. The judges or Racing Commission may deny an occupational permit if a conflict of interest exists or could exist as a result of the issuance of an occupational permit.

41.19. Any person under suspension by any racing jurisdiction of any country remains under suspension in this State until reinstated by the original racing jurisdiction.

§176-2-42. Tip Sheet Vendor

42.1. The following conditions shall be observed in obtaining an occupational permit as a tip sheet vendor:

42.1.1. any family, corporation, partnership or sole proprietorship, or any other business entity or any employees thereof may publish no more than one (1) version of a tip sheet for use at any one (1) track on any given race day. There is no limit on the number of copies of the one version that may be produced and sold;

42.1.2. to ensure fair conditions for the wagering public, a tip sheet vendor may not use the same facilities to produce a tip sheet as are used by another tip sheet vendor at the same track; and

42.1.3. all tip sheet vendor applicants shall meet the conditions set forth in this subsection to the full satisfaction of the Racing Commission judge.

§178-2-43. Trainers.

43.1. Each trainer shall obtain an occupational permit from the Racing Commission, listing all the names of owners or part owners on the application for the occupational permit of all greyhounds trained by him or her.

43.2. No owner or trainer shall harbor on the grounds of an association, engage, or retain in his or her employ any person not holding an occupational permit.

43.3. When a trainer is to be absent from his or her kennel or the grounds where his or her greyhounds are racing for a period of one racing performance in which his or her greyhounds are entered or are to be entered, he or she shall provide a trainer holding an occupational permit to assume the complete responsibility for the greyhounds he or she is entering or running. The trainer shall sign a form furnished by the Racing Commission license clerk in the presence of the judges accepting complete responsibility for the greyhound or greyhounds being entered or running.

43.4. A trainer shall have his or her greyhound in the paddock at the time appointed.

43.5. If, for any reason, the trainer of a greyhound is not or cannot be present at the time of collection of urine, blood, or other samples, it shall be considered by the Racing Commission that

the person actually in custody of the greyhound is duly authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to this action.

43.6. A trainer is responsible for the condition of a greyhound trained by him or her.

43.7. Each trainer shall register all the greyhounds in his or her charge giving the name, age, sex, breeding, and ownership of each greyhound with the association's racing secretary. Any unregistered greyhound kenneled on the grounds of the association or under the jurisdiction of the association will be cause for disciplinary action.

43.8. Each trainer shall register with the Racing Commission license clerk and the racing association security department every person in his or her employ. The trainer is also responsible for the licensing of each employee and shall not harbor, engage or have in his or her charge any person or persons not holding an occupational permit.

43.9. A trainer shall not have in his or her charge or under his or her supervision any greyhound owned, in whole or in part, by a disqualified person.

43.10. No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form, which might influence the result of any race.

43.11. No trainer shall move or permit to be moved any greyhound or greyhounds, in his or her care from the grounds of an association, without permission from the association's racing secretary and the judges.

43.12. The trainer is responsible as an absolute insurer of the condition of the greyhounds he or she enters regardless of any act of a third party.

43.13. Trainers shall report greyhounds under their care or superintendence that are off racing form or in poor physical condition to the association's racing secretary who shall immediately notify the judges. The reported greyhounds are not eligible to enter or to start until approved by the Racing Commission veterinarian and schooled to the satisfaction of the judges. The judges may fine, suspend, or rule off the grounds any trainer violating this rule.

§178-2-44. Postponement and Cancellation of Races.

44.1. The judges shall cancel any race that is part of a racing program that is abandoned either in whole or in part.

44.2. The judges shall either postpone or cancel a stakes race that is part of a racing program, that is abandoned either in whole or in part.

44.3. The judges shall order all subscriptions and fees paid in connection with a stakes race refunded upon the cancellation of the stakes race.

§178-2-45. Illegal and Corrupt Practices.

45.1. Any person guilty of any dishonest or corrupt practices, fraudulent act, or other conduct detrimental to racing, including bookmaking, touting or selling or purchasing mutuel tickets other than thorough mutuel machines, committed while within or without any racing enclosure, whether an occupational permit holder or not, shall be removed from all racing grounds under the jurisdiction of the Racing Commission. It is the duty of the judges and those authorized by them to exclude from all places under their jurisdiction persons who commit the offenses.

45.1.1. No racing official or his or her assistant, owner, trainer, agent or other person having charge of or access to any racing greyhound, or any other person shall accept or offer to accept on his or her own behalf or on behalf of another any gift or gratuity with intent to bribe.

45.1.2. Any person who willfully enters, or causes to be entered or starts in any race, a greyhound that he or she knows or believes to be disqualified shall be ruled off all racing grounds under the jurisdiction of the Racing Commission. It is the duty of the judges and those authorized by them to exclude from all places under their jurisdiction any person who commits an offense or is ruled off.

45.1.3. Any person guilty of or who conspires with any other person for the commission of or connive with any person being guilty of any corrupt or fraudulent practices in relation to racing in this or any other state or country shall be ruled off all racing grounds under the jurisdiction of the Racing Commission. It is the duty of the judges and those authorized by them to exclude from all places under their jurisdiction any person who commits offenses or is ruled off.

45.1.4. Any person who fraudulently offers or receives any

amount of money or other consideration for declaring an entry out of purse or stake shall be ruled off all racing grounds under the jurisdiction of the Racing Commission. It is the duty of the judges and those authorized by them to exclude from all places under their jurisdiction any person who commits offenses or is ruled off.

45.1.5. Any person guilty of any other corrupt or fraudulent practices on any racetrack in West Virginia or on any racetrack in this or any other country shall be ruled off all racing grounds under the jurisdiction of the Racing Commission. It is the duty of the judges and those authorized by them to exclude from all places under their jurisdiction any person who commits offenses or is ruled off.

45.1.6. An occupational permit holder or other person under the jurisdiction of the Racing Commission shall not 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 or deprive any animal of necessary care or sustenance, shelter or veterinary care. Any person or persons found guilty by the Racing Commission or other lawful authority of any of these acts shall be fined and/or ruled-off for a period of time to be determined by the Racing Commission and/or the license occupational permit of the guilty party revoked.

45.2. No electrical or mechanical device or other expedient designated or intended to increase or decrease the speed of a greyhound shall be possessed by any person or applied by any person to a greyhound at any time during a meeting whether in a race or otherwise.

45.3. No person shall tamper or attempt to tamper with any greyhound in such a way as to affect its speed in a race, nor shall he or she counsel or in any way aid or abet any tampering.

45.4. Any greyhound that has been the subject of corrupt practices may be disqualified by the judges of the meeting for no longer period than the duration of the meeting and the judges shall report the circumstances to the Racing Commission for any action it determines proper.

45.5. The judges may declare any act to be an unfair advantage to any or all persons engaged in the sport of racing in any way, or any act which would tend to mislead the betting public, or any act which they consider to be detrimental to the best interest of racing, a corrupt practice and may impose fitting punitive action

and the action shall be referred to the Racing Commission.

45.6. Any person guilty of any dishonest or corrupt practices, fraudulent act, or other conduct detrimental to racing, including bookmaking, touting or selling or purchasing mutuel tickets other than through mutuel machines, that are committed while within or without any racing grounds, whether an occupational permit holder or not, shall be removed from all racing grounds under the jurisdiction of the Racing Commission. It is the duty of judges and those authorized by them to exclude from all places under their jurisdiction any person who commits these offenses or are consequently ruled off.

45.7. No person who has been convicted of the illegal possession, sale or the giving away of narcotics shall be permitted on the grounds of any association.

45.8. Any action, substance, or drug that interferes with the testing procedure is forbidden.

45.9. No person shall make a handbook or a foreign book on the grounds of an association.

45.10. No person shall solicit for or wager with a handbook or a foreign book on the grounds of an association. A resale of any pari-mutuel ticket from an individual to another is prohibited, and the transferor and transferee shall be permanently ejected from the grounds.

45.11. The Racing Commission shall deny any person having been convicted of a felony or a crime involving moral turpitude within the last ten (10) years and/or excluded from the grounds of an association during the conduct of a racing meet.

45.12. No person who is of ill repute or a fugitive from justice, or whose conduct at a race track in West Virginia, or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interests of racing shall enter or remain upon the premises of any licensed association conducting a race meeting under the jurisdiction of this Racing Commission. Any person, who is discovered or recognized violating the section of this subdivision, shall be fined, suspended or ejected from the racetrack.

45.13. Any person, other than a veterinarian licensed by the Racing Commission who injects, gives, uses or administers any analgesics or drugs of any kind whatsoever, or who allows or permits any other person to give, inject, or administer any

analgesics, or drugs of any kind whatsoever to a greyhound within forty-eight (48) hours prior to the running of a greyhound in a race shall give notice to the judges of the use, injection or administering of the analgesics or drugs prior to the running of the race. Any person failing to give notice shall be suspended or have his or her occupational permit revoked.

45.14. No person shall have in his or her possession within the grounds of a racetrack and/or within the kennels, buildings, sheds or grounds where greyhounds are lodged or kept any drugs or stimulants, unless authorized and approved by the judges.

§178-21-46. Medication.

46.1. The trainer is the absolute insurer of and is responsible for the condition of the greyhound entered in a race, regardless of the acts of third parties. If the chemical, or other analysis of urine samples, prove positive showing the presence of any narcotic, stimulant, depressant, local anesthetic, or any other drug or unauthorized medication, the trainer of the greyhound may have any or all of the following penalties inflicted: He or she may be fined, be suspended, have his or her occupational permit revoked or be prohibited access to all grounds under the jurisdiction of the Racing Commission. Also, the owner of the greyhound, the foreman in charge of the greyhound, the attendant and any other person shown to have had the care, or attendance, of the greyhound may have any or all of the following penalties inflicted: He or she may be fined, suspended, have his or her occupational permit revoked or be prohibited access to all grounds under the jurisdiction of the Racing Commission.

46.1.1. Any moneys won by a greyhound found to have been administered to as described in this section shall be forfeited, and redistributed.

46.2. The owner, trainer or any other person having charge, custody or care of the greyhound shall protect the greyhound properly and guard it against the administration or attempted administration, of any illegal substance. If the judges find that any person has failed to show proper protection and guarding of the greyhound, or if the judges find that any owner and/or lessee and/or the trainer is guilty of negligence, the judges shall impose punishment and take any other proper action. The judges may refer this matter to the Racing Commission for further action.

46.3. The owner and/or lessee of a greyhound found to have received an illegal administration of medication shall be denied or shall promptly return any portion of the purse or sweepstake

together with any trophy in the race and the purse shall be redistributed. If a greyhound is disqualified in a race because of this section, the eligibility of other greyhounds which ran in the race and which have started in a subsequent race before announcement of the disqualification shall not be in any way be affected.

46.4. The kennel of the owner under investigation for violation of any section of the rule pertaining to corrupt practices or illegal medication shall not be permitted to race until a hearing has been held by the judges and a decision rendered.

46.5. The judges shall hold hearings concerning the violation of this section.

46.6. Any portion of the purse, if not already paid, which is to be redistributed in accordance with the provisions of this section, shall be held until the redistribution is approved by the Racing Commission. This subsection applies only to the amount payable to the owner or owners of the disqualified greyhound and shall not prevent payment due to other greyhounds in the race pending approval of the Racing Commission.

46.7. Every owner, trainer or authorized agent shall immediately, whenever requested by the Racing Commission, submit any greyhound or greyhounds of which he or she is the owner, trainer or authorized agent to any veterinary surgeon designated by the Racing Commission for any examination or tests the veterinarian considers advisable.

46.8. Any test or examination made by the veterinarian designated by the Racing Commission may be witnessed by the Racing Commission or any of its representatives, by the owner or his or her authorized agent, or by the trainer of the greyhound being examined.

46.9. The judges may suspend or ruled off any person found guilty of any participation in or knowledge of the fact that any drug, narcotic, stimulant, depressant, local anesthetic or any electrical, mechanical or other application that has been used, which in the opinion of the judges, is of such character as could affect the racing condition of the greyhound in a race.

46.10. Every association and all officials and employees thereof shall give every possible assistance to any department, bureau, division, officer, agent, the inspector or any other person connected with the United States Government or with the State of West Virginia who may be investigating or prosecuting any person

that they may suspect of being guilty of possessing any drug, narcotic, stimulant, depressant, local anesthetic, any electrical, mechanical or other device which, in the opinion of the judges, is of such character as could affect the racing condition of a greyhound in a race.

§178-2-47. **Vendors of greyhound feed or medicine.**

47.1. Any vendor of greyhound food or medicines of any kind or description shall file with the Racing Commission veterinarian a list of products, which he or she proposes to sell or deliver within the grounds of a racetrack. The vendor shall also submit for approval to the Racing Commission veterinarian any new preparation to be offered for sale. The judges shall deny the vendor privileges of the kennel area if the vendor offers any preparation not approved, or not listed with the Racing Commission veterinairan.

§178-2-48. Appeal and Review.

48.1. A majority of the judges at any greyhound race meeting may suspend an occupational permit and the suspension is effective immediately. The judges shall, as soon as thereafter practicable, make and enter an order to that effect and serve a copy of the order to the occupational permit holder personally or by certified mail, with return receipt requested. The order shall state the grounds for the suspension.

48.2. Any person or persons penalized or disciplined under the laws of the State of West Virginia or under this rule may request a hearing before the Racing Commission. They shall submit a written request for a hearing to the Racing Commission at its office in Charleston, within twenty (20) days after receipt of the written order or suspension or revocation.

48.3. A request for hearing shall be filed by the person making it and the request shall set forth his or her reason for believing he or she is entitled to a hearing.

48.4. The request shall state if the petitioner desires a court reporter for the transcribing of any testimony.

48.5. The security for costs in the amount of one hundred dollars ($100.00) shall accompany the appeal. In the event the Racing Commission considers the security for costs, an insufficient amount, the additional security for cost specified by the Racing Commission shall be deposited at the Racing Commission office within ten (10) days after receiving notification of the additional

cost.

48.6. An appeal from a decision of a racing official to the Racing Commission shall not affect the decision until the Racing Commission has acted upon the appeal.

48.7. Upon receipt of the written demand for the hearing, in accordance with this section, a time and place not less than ten (10) nor more than thirty (30) days thereafter shall be set by the Racing Commission. Any scheduled hearing may be continued by the Racing Commission upon its own motion or for good cause shown by the person demanding the hearing.

48.8. Any person making an application for a hearing may be heard in person or by counsel, and, if the party desires, with the approval of the Racing Commission, the party may submit his or her case in writing.

48.9. All complaints and requests to the Racing Commission shall be in writing and all papers filed with the Racing Commission are the property of the Racing Commission.

§178-2-49. Auditor of pari-mutuel.

49.1. A director of audit and auditor of pari-mutuel wagering shall be appointed annually by the Racing Commission and shall be compensated by the Racing Commission. Their duties shall be determined from time to time by the Racing Commission and the auditors of pari-mutuel are subject to removal at any time by the Racing Commission.

49.2. The director of audit, and any other auditors employed by the Racing Commission shall be certified public accountants or experienced public accountants. They shall have free access to the space and enclosure where the pari-mutuel system of wagering is conducted or calculated at any greyhound race meeting for the purpose of ascertaining whether or not the licensee is deducting and retaining only a pari-mutuel commission as provided in the West Virginia Code 19-23-5 et seq., relating to the pari-mutuel system. They shall also, for the same purposes only, have full and free access to all records and papers pertaining to the pari-mutuel system of wagering, and shall report to the Racing Commission in writing, under oath, whether or not the licensee has deducted and retained any pari-mutuel commission in excess of that permitted under the West Virginia Code 19-23-5 et seq. or has otherwise failed to comply with the provisions of those sections of the West Virginia Code 19-23-5 et seq. pertaining to the pari-mutuel system.

49.3. The auditor of pari-mutuel shall be afforded every facility for performing all the duties that may be assigned to him or her by the Racing Commission.

49.3.1. Every association licensed by the Commission shall furnish the Racing Commission copies of their first payroll and any other payroll that might be requested, both pari-mutuel and operative covering all employees performing services during any race meeting.

49.3.2. Every association licensed by the Commission shall furnish the Racing Commission copies of all pari-mutuel work sheets shall be turned over to the auditor of pari-mutuel immediately after each race.

49.3.3. At the end of each race day, the mutuel manager shall give to the Racing Commission auditor of pari-mutuel, a consolidated report showing, detailed figures of the pari-mutuel handle, pari-mutuel commission and breakage. Also, copies of the consolidated report, report of pari-mutuel tickets paid shall be submitted.

49.3.4. At the end of each day, the mutual manager shall furnish to the auditor of pari-mutuel every signed complaint made by any customer referencing transactions with pari-mutuel clerks.

49.3.5. A totalizer report shall be kept available by the manager of the money room of all errors made by the pari-mutuel sellers or cashiers, commonly called "shorts or overs." The reports shall detail the name of the seller or cashier, his or her working place and the amount involved. At the end of each meet the manager shall give this report to the auditor of pari-mutuel for filing with the daily records set forth in subdivision 50.3.1, 50.3.2 and 50.3.3 of this section.

49.3.6. 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 greyhound 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 the ninety (90) day period. The licensee shall give any information requested by the Racing Commission concerning outstanding and unredeemed tickets including the out's ledger enumerating all outstanding pari-mutuel tickets at the end of the ninety day (90) period. In addition, a statement shall be prepared to accompany the ledger setting forth the dollar amount of the redeemed tickets in the ninety (90) day period. In addition, a statement shall accompany the ledger setting forth the quantity and amount of each denomination redeemed during the ninety

(90) day period. The redeemed amount is to be subtracted from the out's balance which existed at the close of the meeting with the remaining balance to be included in the remittance of the association in settlement of the "out's" accounts for the meeting.

49.3.7. Each association shall provide a work area for the exclusive use of the auditor of pari-mutuel that is subject to the approval of the Racing Commission. This work area shall:

49.3.7.1. be located within or adjacent to the totalisator room with desk and chair facilities;

49.3.7.2. permit a direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside a totalisator board or closed circuit television monitor of the outside totalisator board whichever is used, and printers;

49.3.7.3. include space for locking file cabinets within the work area or other proper storage facilities to be supplied by the association;

49.3.7.4. 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; and

49.3.7.5. include power outlets to operate electronic equipment.

49.3.8. An association shall notify the Racing Commission of all pari-mutuel tickets purging sessions occurring after at least two (2) weeks' prior notice in writing is given to the Racing Commission. The purging session shall occur in the presence of a totalisator representative, an association representative and a representative of the Racing Commission.

49.3.9. cashed pari-mutuel tickets and computer printout:

49.3.9.1. access to cashed pari-mutuel tickets and computer printouts shall be prohibited unless authorized by the Racing Commission;

49.3.9.2. cashed pari-mutuel tickets and all computer printout sheets shall be secured in a facility where fire protection devices are installed and operable; and

49.3.9.3. cashed pari-mutuel tickets and 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 shall be locked at all times except when access is needed by the mutuel manager or his or her designee and the Racing Commission.

§178-2-50. Racing Commission Security Officer.

50.1. It is the duty of the Racing Commission security officer to work in conjunction with the Racing Commission license clerk to determine that all required personnel have an occupational permit. The Racing Commission security officer shall make a daily check of the program to verify that all persons listed on the program hold an occupational permit. The Racing Commission security officer shall also make a weekly inspection of the kennel area to determine if all individuals in that area have an occupational permit.

50.2. It is the duty of the Racing Commission security officer to make a daily check of the kennel area to determine if proper security measures are in effect. The Racing Commission security officer shall determine that a guard is at the entrance gate and note the guard's actions in checking the occupational permits of all persons who enter and depart.

50.3. It is the duty of the Racing Commission security officer to make a daily check of the test area to determine if proper security is in effect and that a guard is present.

50.4. It is the duty of the Racing Commission security officer to make a daily routine check of the wagering areas to determine if proper security measures are being taken to prevent the resale of tickets to minors and as well to any exotic wagering tickets.

50.5. It is the duty of the Racing Commission security officer to assist the judges and the track security in all "shake- downs" of the kennel area, or in other matters as directed by the judges.

§178-2-51. Greyhound Breeding Development Fund.

51.1. The Racing Commission shall maintain a registry for West Virginia Bred Greyhounds.

51.2. To qualify for purse money in a stake's race as well as purse supplements and awards that are funded from the West Virginia Greyhound Breeding Development Fund, the owner or lessee of the greyhound shall be a member in good standing of the West Virginia Greyhound Owners and Breeders Association.

51.3. An Owner or lessees of the dam at the time of breeding

shall be a member in good standing of both the National Greyhound Association and the West Virginia Greyhound Owners and Breeders Association and have been a bona fide resident of West Virginia for at least two (2) years prior to the date the dam was bred. The litter shall be whelped in the State of West Virginia and remain domiciled in West Virginia at least until the puppies are six (6) months of age.

51.4. The owner or lessee shall file the appropriate affidavit (see Table 54 at the end of this rule) with the Racing Commission affirming that the owner or lessee of the dam at the time of breeding meets all of the requirements in subsection 52.3 of this rule. The owner or lessee further understands that if any West Virginia bred is removed from West Virginia prior to six (6) months of age, it is the owner's or lessee's responsibility to notify the Racing Commission within ten (10) days of removal. Any greyhound that is removed to a location outside of West Virginia prior to the completion of six consecutive months of occupancy in West Virginia starting from the date of whelping shall be disqualified by the Racing Commission in participation in the West Virginia Greyhound Breeding Development Fund.

51.5. The owner or lessee of any greyhound that was littered before July 1, 1989, shall be given West Virginia bred status if the Racing Commission affirms that the applicant meets all the requirements in Subsection 51.3 of this rule with the exception that the greyhound was littered and remained domiciled in the State of West Virginia until it was three (3) months of age.

51.6. An affidavit attesting that all requirements have been met shall be on file at the Racing Commission's office prior to the first day of the month in which the qualified West Virginia bred greyhound runs in a race to qualify for any awards funded from the West Virginia Greyhound breeding development fund.

51.7. The Racing Commission shall act as the official registering agency and process all affidavits, breeding, whelping and individual registrations to maintain the West Virginia Whelped Registry.

51.8. The West Virginia Greyhound Owners and Breeders Association shall submit a list of any additions or deletions to the members of the registry the first week of each month.

§178-2-52. Alcohol and drug testing.

52.1. No licensee, occupational permit holder or employee of any entity associated with the conduct of racing while on the

grounds of a licensed race track shall have present within his or her system any amount of alcohol which would constitute legal impairment or intoxication.

52.1.1. Acting with reasonable cause, the judges or a designated Racing Commission representative may direct any licensee, occupational permit holder or employee to submit to a Breathalyzer test. The licensee, occupational permit holder or employee shall submit to the examination. If the results show a reading of .05 percent alcohol content or more, the licensee, the occupational permit holder or employee may not continue his or her duties for that day. The licensee, occupational permit holder or employee is then subject to a fine or suspension by the judges or Racing Commission.

52.1.2. For a subsequent violation the licensee, occupational permit holder or employee may be subject to Procedures following positive chemical analysis as listed in schedules I-V of the U.S. Code, Title 21 (Food and Drugs Section 812).

52.2. No occupational permit holder, 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 or her system any controlled substance as listed in schedules I-V of the U.S. Code, Title 21 (Food and Drugs Section 812), or any prescription legend drug unless the prescription legend drug is obtained directly or pursuant to a valid prescription or order from a duly licensed physician who is acting in the course of his or her professional practice.

52.2.1. Acting with reasonable cause, the judges or a designated Racing Commission representative may direct any licensee, occupational permit holder or employee to deliver a specimen of urine in the presence of a person designated by the Racing Commission or subject himself or herself to the taking of a blood sample or other body fluids by a person designated by the Racing Commission.

52.2.2. The judges or the designated Racing Commission representative may prohibit the licensee, occupational permit holder or employee from participating in the day's racing or any racing until the licensee, occupational permit holder or employees' evidences a negative test result.

52.2.3. A sufficient sample should be collected to insure a quantity for a split sample when possible.

52.2.4. A licensee, occupational permit holder or employee

who refuses to provide the samples required under this section as directed is in violation of this rule and is subject to sanction by the judges or the Racing Commission.

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

52.3. The Racing Commission shall not allow a licensee, occupational permit holder's or employee's who is a first time violation to continue to participate in racing until the violator has been professionally evaluated.

52.3.1. After professional evaluation, if the licensee, occupational permit holders' or employees' condition proves non-addictive and not detrimental to the best interest of racing, the licensee, occupational permit holder or employee may participate in racing, provided he or she can produce a negative test result and agrees to further testing at the discretion of the judges or designated Racing Commission representative to assure continued abstinence of illegal substances or alcohol/abuse.

52.3.2. After professional evaluation, if the licensee, occupational permit holder's or employee's condition proves addictive or detrimental to the best interest of racing, the licensee, occupational permit holder or employee shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show documented proof that he or she has successfully completed a certified alcohol drug rehabilitation program approved by the Racing Commission. The licensee, occupational permit holder or employee shall agree to further testing at the discretion of the judges or Racing Commission representative to assure continued abstinence of illegal sustances or alcohol/abuse.

52.3.3. For a licensee's, occupational permit holder's or an employee's second violation, the judges shall suspend their permit and allowed them to enroll in a certified alcohol/drug rehabilitation program approved by the Racing Commission. The licensee, occupational permit holder or employee may apply for reinstatement at the discretion of the Racing Commission upon completion of program.

Table 41.8. Occupational permit fees

Kennel Name	$ 20.00
Corporation	20.00
Vendor	20.00
Owner - Trainer	30.00
Owner	15.00
Trainer	15.00
Assistant Trainer	15.00
Veterinarian	15.00
Veterinarian Assistant	10.00
Mutuel Employee	10.00
Photographers, totalizator,	10.00
Film patrol	10.00
Officials -	
Judges	15.00
Racing Secretary	15.00
Paddock Judge	15.00
Minor Officials -	10.00
Patrol Judge	10.00
Starter	10.00
Clerk of Scales	10.00
Brakeman	10.00
Boxman	10.00
Chart Writer	10.00
Lead-Out	10.00
Lure Operator	10.00
Kennel Helper	10.00
Kennel Master	10.00
Assistant Racing Secretary	10.00
All other occupational permits not specified	10.00

TABLE 51.4. AFFIDAVIT

A F F I D A V I T

(Your signature must have notaries' stamp and date)

I_____, hereby swear that the greyhounds listed hereon were whelped in West Virginia and were domiciled in West Virginia for at least six (6) continuous months following their whelping.
Further, these greyhounds meet all other applicable criteria as established by the West Virginia Racing Commission to qualify and be recognized as "West Virginia Whelped." For purposes of participating in the West Virginia Greyhound Breeding Development Fund. I understand that false swearing will result in my disqualification from participation in the fund.

SIGNED:_____
Owner of greyhound(s)

Sworn before me this_____day of _____, 19___.

_____
Notary Public

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 232

§§64-7-4. Racing commission.

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(b) The legislative rule filed in the state register on the fourth day of June, one thousand nine hundred ninety-nine, under the authority of section six, article twenty-three, chapter nineteen of this code, modified by the racing commission to meet the objections of the legislative rule-making review committee and refiled in the state register on the sixth day of August, one thousand nine hundred ninety-nine, relating to the racing commission (greyhound racing, 178 CSR 2), is authorized.