

DEPARTMENT OF AGRICULTURE

HARNESS RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10005 (3 Del.C. §10005)
3 DE Admin. Code 501

ORDER

Pursuant to 29 Del.C. §10118 and 3 Del.C. §10005, the Delaware Harness Racing Commission issues this Order adopting proposed amendments to the Commission's Rules. Following notice and a public hearing on April 10, 2007, the Commission makes the following findings and conclusions:

SUMMARY OF THE EVIDENCE

1. The Commission posted public notice of the proposed amendments in the March 1, 2007 *Register of Regulations* and for two consecutive weeks in *The News Journal* and *Delaware State News*. The Commission proposed to update Rule 3.4 to update the responsibilities of the Paddock Judge.
2. The Commission received no written comments during March, 2007 or April, 2007. The Commission held a public hearing on April 10, 2007 and also received no public comment on the changes.

FINDINGS OF FACT AND CONCLUSIONS

3. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony at the public hearing on the proposed amendments to the Commission's Rules.
4. In light of the lack of public comment on the rule changes as proposed, the Commission hereby adopts the rule changes as proposed. The Commission believes that these rule changes will allow the Delaware Harness Racing Commission rules to more accurately reflect current policies and procedures.

The effective date of this Order will be ten (10) days from the publication of this Order in the *Register of Regulations* on June 1, 2007.

IT IS SO ORDERED this 8th day of May, 2007.

George P. Staats, Commissioner Beth Steele, Chair
Mary Ann Lambertson, Commissioner Kenneth Williamson, Commissioner

501 Harness Racing Rules and Regulations

(Break in Continuity of Sections)

3.0 Officials

3.1 General Provisions

3.1.1 Racing Officials

Officials at a race meeting may include the following, as determined by the Commission:

- 3.1.1.1 State Steward;
- 3.1.1.2 Board of judges;
- 3.1.1.3 racing secretary;
- 3.1.1.4 paddock judge;
- 3.1.1.5 horse identifier and equipment checker;
- 3.1.1.6 clerk of the course;
- 3.1.1.7 official starter;
- 3.1.1.8 official charter;
- 3.1.1.9 official timer;
- 3.1.1.10 photo finish technician;

- 3.1.1.11 patrol judge;
- 3.1.1.12 program director;
- 3.1.1.13 Commission veterinarian;
- 3.1.1.14 Bleeder Medication veterinarian;
- 3.1.1.15 Investigator; and
- 3.1.1.16 Administrator of Racing
- 3.1.1.17 any other person designated by the Commission.

3.1.2 Eligibility

To qualify as a racing official the appointee must be licensed by the Commission after a determination that he/she:

- 3.1.2.1 is of good moral character and reputation;
- 3.1.2.2 is experienced in and/or knowledgeable of harness racing;
- 3.1.2.3 is familiar with the duties to which he/she is appointed and with the Commission's rules and regulations;
- 3.1.2.4 possesses the mental and physical capacity to perform his/her duties; and
- 3.1.2.5 is not under suspension or ejection by the U.S.T.A., the C.T.A. or any racing jurisdiction.

3.1.3 Approval and Licensing

The Commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

3.1.4 Prohibited Practices

Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- 3.1.4.1 participate in the sale or purchase, or own any horse racing at the meeting;
- 3.1.4.2 sell or solicit horse insurance on any horse racing at the meeting;
- 3.1.4.3 be licensed in any other capacity without permission of the Commission;
- 3.1.4.4 wager on the outcome of any live or simulcast race;
- 3.1.4.5 refuse to take a breath analyzer test or submit to a blood or urine sample when directed by the Commission or its designee; or
- 3.1.4.6 perform their official duties on any day during which any horse entered in any live race at the association grounds is owned or trained, in whole or in part, directly or indirectly, or is driven by any parent, child or sibling of such official, or participate in the draw for any such race; provided, however, that a parent, child or sibling of an official acting solely as a groom for such a horse shall not be deemed to pose a conflict of interest for the official; provided further, that should any such conflict described above arise, the official will immediately notify the State Steward; and provided, further, that should repeated such conflicts interfere with the official's performance of his/her normal duties, or with any other official's performance of his/her official duties, then the Commission shall appoint another person to replace the official with the familial conflict.

3.1.5 Report of Violations

Racing officials and their assistants shall report immediately to the State Steward or judges every observed violation of these rules and of the laws of this jurisdiction governing racing.

3.1.6 Complaints Against Officials

Any formal complaint against a racing official other than a judge shall be made to the State Steward or Presiding Judge in writing and signed by the complainant. All such complaints shall be reported to the Commission by the State Steward or Presiding Judge, as appropriate, together with a report of the action taken or the recommendation of the State Steward or Presiding Judge. Formal complaints against the State Steward or any judge shall be made in writing to the Commission and signed by the complainant.

3.1.7 Appointment

3.1.7.1 A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the Commission. No person shall be appointed to or hold any such office or position who holds any official relation to any person, association, or corporation engaged in or conducting harness racing within this State. No Commissioner, racing official, steward, or judge whose duty is to insure that the rules and regulations of the Commission are complied with shall bet on the outcome of any race regulated by the

Commission or have any financial or pecuniary interest in the outcome of any race regulated by the Commission. All employees appointed under 3 Del.C. §10007(a-c) shall serve at the pleasure of the Commission and are to be paid a reasonable compensation.

3.1.7.2 The Commission shall appoint or approve the State Steward and judges at each harness race meeting. The Commission may appoint such officials on an annual basis. In addition to any minimum qualifications promulgated by the Commission, all applicants for the position of Steward must be certified by a national organization approved by the Commission. An applicant for the position of steward or race judge must also have been previously employed as a steward, patrol judge, clerk of scales or other racing official at a harness racing meeting for a period of not less than forty-five days during three of the last five years, or have at least five years of experience as a licensed driver who has also served not less than one year as a licensed racing official at a harness racing meeting or have ten years of experience as a licensed harness racing trainer who has served not less than one year as a licensed racing official at a harness racing meeting.

3.1.7.3 The Commission may appoint such officers, clerks, stenographers, inspectors, racing officials, veterinarians, and such other employees as it deems necessary, consistent with the purposes of 3 Del.C. Chapter 100.

3.1.8 Appointment of Substitute State Steward/Judge

Should any State Steward or any judge be absent at race time, the State Steward, or, in his/her absence the remaining judge(s) shall appoint a deputy for the State Steward or judge(s). If a deputy State Steward or judge is appointed, the Commission shall be notified immediately by the State Steward or remaining judges.

3.2 State Steward/Judges

3.2.1 General Authority

3.2.2.1 The State Steward and judges for each meeting shall be responsible to the Commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.

3.2.2.2 The State Steward and judges shall enforce these rules and the racing laws of the State of Delaware.

3.2.2.3 The State Steward's authority includes supervision of all racing officials, licensed personnel, other persons responsible for the conduct of racing and patrons, as necessary to ensure compliance with these rules.

3.2.2.4 The State Steward and Presiding Judge shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

3.2.2.5 The State Steward and judges have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules.

3.2.2.6 The State Steward shall be a representative of the Commission at all race meetings which the Commission may direct such State Steward to attend. The State Steward shall be the senior officer at such meetings and, subject to the control and direction of the Commission, shall have general supervision over the racing officials, medication program and drug-testing officials, and all other employees and appointees of the Commission employed at such race meet or meetings. The State Steward shall, subject to the general control of the Commission, monitor the conduct of the racing and the pari-mutuel department, and supervise the testing of horses and drivers. The State Steward at all times shall have access to all parts of the association grounds, including the racecourse, physical plant and grounds. Upon instruction from the Commission, the State Steward shall conduct hearings and investigations, and report his findings to the Commission. The State Steward shall act for the Commission in all matters requiring its attention, to receive from all persons having knowledge thereof information required by the Commission and to perform all other duties for the compliance of the rules and regulations of the Commission and the laws of the State of Delaware.

3.2.2 Period of Authority

The State Steward's and judges' period of authority shall commence five (5) business days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting.

3.2.3 Disciplinary Action

3.2.3.1 The State Steward and judges shall take notice of alleged misconduct or rule violations and initiate investigations into the matters.

3.2.3.2 The State Steward and judges shall have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

3.2.3.3 The State Steward and judges may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

3.2.3.4 The State Steward and judges may at any time inspect license documents, registration papers and other documents related to racing.

3.2.3.5 The State Steward and judges have the power to administer oaths and examine witnesses.

3.2.3.6 The State Steward and judges may consult with the Commission Veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation.

3.2.3.7 The State Steward and judges may impose, but are not limited to, any of the following penalties on a licensee for a violation of these rules:

3.2.3.7.1 issue a reprimand;

3.2.3.7.2 assess a fine;

3.2.3.7.3 require forfeiture or redistribution of purse or award, when specified by applicable rules;

3.2.3.7.4 place a licensee on probation;

3.2.3.7.5 suspend a license or racing privileges;

3.2.3.7.6 revoke a license;

3.2.3.7.7 exclude from grounds under the jurisdiction of the Commission;

or

3.2.3.7.8 any relief deemed appropriate.

3.2.3.8 The State Steward and judges may take any appropriate actions against any horse for a violation or attempted violation of these rules.

3.2.3.9 The State Steward and judges may suspend a license; or they may impose a fine in accordance with these Rules for each violation; or they may suspend and fine; or they may order that a person be ineligible for licensing.

3.2.3.10 A State Steward's or judges' ruling shall not prevent the Commission from imposing a more or less severe penalty.

3.2.3.11 The State Steward or judges may refer any matter to the Commission and may include recommendations for disposition. The absence of a State Steward's or judges' referral shall not preclude Commission action in any matter.

3.2.3.12 Purses, prizes, awards, and trophies shall be redistributed if the State Steward or judges or Commission order a change in the official order of finish.

3.2.3.13 All fines imposed by the State Steward or judges shall be paid to the Commission within ten (10) days after the ruling is issued, unless otherwise ordered.

3.2.4 Protests, Objections and Complaints

The State Steward or judges shall investigate promptly and render a decision in every protest made to them. They shall maintain a record of all protests. The State Steward or judges shall file daily with the Commission a copy of each protest, objection or complaint and any related ruling. All protests must be in writing and lodged with the State Steward or judges not later than forty-eight (48) hours after the race in question.

3.2.5 Judges' Presence

A board of judges shall be present in the judges' stand during the contesting of each race.

3.2.6 Order of Finish for Pari-Mutuel Wagering

3.2.6.1 The judges shall determine the official order of finish for each race in accordance with the rules of the race (see Rule 7.0).

3.2.6.2 The decision of the judges as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the contesting of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.

3.2.7 Cancel Wagering

The State Steward or judges have the authority to cancel wagering and order refunds where applicable on an individual betting interest or on an entire race and also have the authority to cancel a pari-mutuel pool for a race or races, if such action is necessary to protect the integrity of pari-mutuel wagering.

3.2.8 Steward's List

3.2.8.1 The judges shall maintain a Steward's List of the horses which are ineligible to be entered in a race.

3.2.8.2 A horse that is unfit to race because it is dangerous, unmanageable or unable to show a performance to qualify for races at the meeting, scratched as a result of a high blood gas test, or otherwise unfit to race at the meeting may be placed on the Steward's List by the Presiding Judge and declarations and/or entries on the horse shall be refused. The owner or trainer shall be notified of such action and the reason shall be clearly stated. When any horse is placed on the Steward's List, the clerk of the course shall make a note on the eligibility certificate of such horse, showing the date the horse was put on the Steward's List the reason and the date of removal if the horse has been removed.

3.2.8.3 All horses scratched by a veterinarian for either lameness or sickness will be put on the Steward's List and can not race for seven (7) days from the date of the scratched race. Entries will be accepted during this seven (7) day period for a race to be contested after the seventh day.

3.2.8.3.1 Veterinarians may put a horse on the Steward's List for sickness or lameness for more than seven (7) if necessary. In that instance, the horse may not race until proscribed number of days has expired. Entries will be accepted during this period for a race to be contested after the proscribed number of days has expired.

3.2.8.4 No Presiding Judge or other official at a fair meeting shall have the power to remove from the Steward's List and accept as an entry any horse which has been placed on a Steward's List and not subsequently removed therefrom for the reason that he/she is dangerous or an unmanageable horse. Such meetings may refuse declarations and/or entries on any horse that has been placed on the Steward's List and has not been removed therefrom.

3.2.8.5 No horse shall be admitted to any racetrack facilities in this jurisdiction without having had a negative official test for equine infectious anemia within twelve (12) months.

3.2.8.6 The judges may put any horse on the Steward's List for performance when such horse shows a reversal of form or does not race near its own capabilities. Such horse shall qualify in a time comparable to its known capabilities from one to three times, at the discretion of the judges, before being allowed to start.

3.2.8.7 Any horse put on the Steward's List as unmanageable or dangerous must qualify in a satisfactory manner for the judges at least two times.

3.2.8.8 The judges may put any horse on the Steward's List for being noncompetitive or unfit to race at the meeting.

3.2.8.9 The judges may place a horse on the Steward's List when there exists a question as to the exact identification, ownership or management of said horse.

3.2.8.10 A horse which has been placed on the Steward's List because of questions as to the exact identification or ownership of said horse, may be removed from the Steward's List when, in the opinion of the judges, proof of exact identification and/or ownership has been established.

3.2.8.11 A horse may not be released from the Steward's List without the permission of the judges.

3.2.9 List of Nerved Horses

The judges shall maintain a list of nerved horses which are on association grounds and shall make the list available for inspection by other licensees participating in the race meeting.

3.3 Racing Secretary

3.3.1 General Authority

The racing secretary is responsible for setting the conditions for each race of the race meeting, regulating the nomination of entries and determining the amounts of purses and to whom they are due. The racing secretary shall check and verify the eligibility of all horses entered.

3.3.2 Eligibility Certificates

The racing secretary is responsible for receiving and safeguarding the eligibility certificates of all horses competing at the track or stabled on association grounds.

3.3.3 Race Information

The racing secretary shall be familiar with the age, class and competitive ability of all horses racing at the meeting.

3.3.4 Classifications

The racing secretary shall classify horses in accordance with these rules and list horses in the categories in which they qualify.

3.3.5 Listing of Horses

The racing secretary shall:

3.3.5.1 examine all entry forms and declarations to verify information as set forth therein; and

3.3.5.2 select the horses to start and the also eligible horses from the declarations in accordance with these rules.

3.3.5.3 provide the listing of horses in the daily program.

3.3.6 Nominations and Declarations

The racing secretary shall examine nominations and declarations and early closing events, late closing events and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication.

3.3.7 Conditions

The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the Commission and be posted in the racing secretary's office.

3.3.8 Posting of Entries

Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his/her office and make the list available to the media.

3.3.9 Stakes and Entrance Money Records

The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid not later than one hour prior to post time, regardless of whether the horse actually starts.

3.3.10 Winnings

3.3.10.1 For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race.

3.3.10.2 Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

3.3.11 Cancellation of a Race

In case of unfavorable weather or other unavoidable cause, associations, upon notifying of the State Steward may postpone or cancel races.

3.4 Paddock Judge

3.4.1 General Authority

Under the direction and supervision of the Presiding Judge, the Paddock Judge shall ~~have complete charge of all paddock activities, including but not limited to:~~

3.4.1.1 ~~Ensuring e~~ that all horses entered in a heat or dash are on the racetrack at the time designated by the Presiding Judge to be formed in a parade line; that such horses are attended by their drivers unless specifically excused by the Paddock Judge; that all horses in heat or race parade from the paddock upon the track and before the grandstand not later than five (5) minutes before Post Time; and that drivers not engage in conversation during the post parade. A horse failing to parade without being excused by the Paddock Judge may be scratched from the race or its driver or trainer may be penalized;

3.4.1.2 ~~Supervising e~~ the Horse Identifier and Equipment Checker;

3.4.1.3 ~~Supervising e~~ the paddock gate operators;

3.4.1.4 ~~Ensuring e~~ that all horses are in the paddock at the time prescribed by the Presiding Judge, but in any event not less than one hour but not more than two hours prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post;

3.4.1.5 ~~Maintaining a proper check in and check out of horses and drivers. N~~ Ensure that no driver, trainer, owner trainer or groom once admitted to the paddock or receiving barn shall leave the same other than to warm up said horse or other race related activity until such race, or races, for which he was admitted is contested; provided, however, that in the event of an emergency, trainers or grooms a license may leave the paddock but only with the permission of the Paddock Judge, in which case the Paddock Judge shall maintain a written record thereof, which shall be delivered to the Presiding Judge. ~~No person except an~~ Only a licensed owner or trainer who has another horse racing in a later race, ~~or an official,~~ shall return to the paddock until all races of that program have been completed;

3.4.1.6 ~~Directing~~ the activities of the paddock blacksmith;

3.4.1.7 ~~Ensuring e~~ that only persons properly authorized persons by the

Licensing Office are ~~permitted~~ admitted in the paddock, ~~to-wit:~~ including:

3.4.1.7.1 Owners of horses competing on the date of the race and whose horses are in the paddock; ~~with the exception of all owners of registered stables;~~

3.4.1.7.2 Trainers of horses competing on the date of the race and whose horses are in the paddock;

3.4.1.7.3 Drivers of horses competing on the date of the race and whose horses are in the paddock;

3.4.1.7.4 ~~G~~ No more than two grooms of horses competing on the date of the race and whose horses are in the paddock;

3.4.1.7.5 Officials whose duties require their presence in the paddock or receiving barn; and

3.4.1.7.6 ~~Such other persons as are authorized by the Commission;~~
Provided, Ensure that no more than two ~~members~~ owners of a registered stable, other than the driver, shall be entitled to admission to the paddock on any racing day, except by permission of the Presiding ~~or Paddock~~ Judge, ~~or written approval by the Commission;~~

3.4.1.7.7 ~~8~~ Notifying the Presiding Judge of any change in racing equipment or shoes before the race;

3.4.1.7.8 ~~9~~ Inspecting and supervising ~~e~~ the maintenance of all emergency equipment kept in the paddock;

3.4.1.7.9 ~~10~~ Notifying the judges of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race;

3.4.1.7.10 ~~11~~ Supervising ~~e~~ and maintaining the cleanliness of the paddock; and

3.4.1.7.11 ~~12~~ Supervising ~~e~~ the conduct of all persons in the paddock.

3.4.2 Report to the Presiding Judge

The Paddock Judge shall:

3.4.2.1 Immediately notify the Presiding Judge of anything that could in any way change, delay or otherwise affect the racing program; and

3.4.2.2 Report to the Presiding Judge any observed cruelty to a horse; and

3.4.2.3 Any other violations of these rules.

3.5 Horse Identifier and Equipment Checker

3.5.1 General Authority

The Horse Identifier & Equipment Checker shall be present for each race. The duties of the Identifier & Equipment Checker are:

3.5.1.1 Maintain a listing of all equipment worn, including shoes, and the tattoo or freeze brand number for each horse racing at the meeting;

3.5.1.2 Each time a horse races, identify the horse by checking the lip tattoo or freeze brand; and

3.5.1.3 Compare the type and condition of equipment actually being used by each horse for each race with the approved equipment listed; and

3.5.2 Report Violations

The Horse Identifier & Equipment Checker shall report to the Paddock Judge immediately any discrepancies or faulty equipment discovered by the investigations specified in this Rule, which findings are to be reported immediately to the Presiding Judge. The Presiding Judge's ruling in these matters is final.

3.6 Clerk of the Course

3.6.1 General Authority

The clerk of the course shall be responsible for keeping and verifying the judges' book and eligibility certificates provided by the U.S.T.A./C.T.A. and recording therein all required information and:

3.6.1.1 names and addresses of owners;

3.6.1.2 the standard symbols for medications, where applicable;

3.6.1.3 notations of placings, disqualifications and claimed horses;

3.6.1.4 notations of scratched or ruled out horses;

3.6.1.5 returning the eligibility certificate to the horse's owner or the owner's representative after the race, when requested;

3.6.1.6 notifying owners and drivers of penalties assessed by the officials;

3.6.1.7 assisting in drawing post positions, if requested; and
3.6.1.8 maintaining the Steward's List.

3.7 Official Starter

3.7.1 General Authority

3.7.1.1 The starter is responsible to provide a fair start for each race.
3.7.1.2 The starter shall be an employee or contractor of the association.
3.7.1.3 An assistant starter may be employed or contracted if deemed necessary by the association.
3.7.1.4 The starter shall ensure that the starter, the starter's assistant(s) and driver are cognizant of and capable of performing all required emergency procedures.

3.7.2 Report Violations
The official starter shall report violations of these rules occurring at the start of a race to the judges.

3.7.3 Disciplinary Action
The official starter shall have authority to assess fines and to suspend the license of drivers for any violation of these rules from the formation of the parade until the word "Go" is given.

3.7.4 Starter's List
The official starter or the starter's assistant shall school horses as may be necessary and shall prepare a list of horses not qualified to start, which shall be delivered to the judges and entered on the Steward's List. The Steward's List shall be posted in the racing secretary's office with the list of horses not qualified to start.

3.8 Official Charter

3.8.1 General Authority
The official charter is responsible for providing a complete and accurate chart of each race. An accurate chart shall include the following:

3.8.1.1 horse's name;
3.8.1.2 driver's name;
3.8.1.3 date and place of the race;
3.8.1.4 track size, if other than a half-mile track;
3.8.1.5 track condition and temperature;
3.8.1.6 type of race (trot or pace);
3.8.1.7 classification of race;
3.8.1.8 distance;
3.8.1.9 fractional times of the leading horse, including the race time;
3.8.1.10 post position, position at the 1/4-mile, the 1/2-mile and the 3/4-mile poles and at the head of the stretch with lengths behind the leader and finish position with lengths behind the winner;
3.8.1.11 official order of finish;
3.8.1.12 individual time of each horse;
3.8.1.13 closing dollar odds (with favorite designated by an asterisk);
3.8.1.14 the standard symbols for breaks, park outs free legged pacers, and hobbled trotters where applicable;
3.8.1.15 the standard symbols for medications, where applicable;
3.8.1.16 in claiming races, the price for which the horse is entered to be claimed less allowances for age and sex;
3.8.1.17 names of the horses placed first, second and third by the State Steward and judges; and
3.8.1.18 notations of placings, disqualifications and claimed horses.

3.9 Official Timer

3.9.1 General Authority
The official timer shall accurately record the time elapsed between the start and finish of each race.

3.9.2 Timing Procedure
The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

3.9.3 Timing Races

3.9.3.1 In every race, the time of each heat shall be accurately recorded by two timers or an approved electrical timing device, in which case, there shall be one timer.

3.9.3.2 Times of heats shall be recorded in minutes, seconds and fifths of a second.

3.9.3.3 Immediately following each heat, the elapsed time of the heat shall be publicly announced and/or posted on the totalisator board.

3.9.3.4 No unofficial timing shall be announced, posted or entered into the official record.

3.9.4 Error in Reported Time

3.9.4.1 In circumstances involving an error in timing, no time shall be announced, posted or recorded for that heat.

3.9.4.2 In any case of alleged error regarding a horse's official time, the time in question shall not be changed to favor the horse or its owner, except upon the sworn statement of the judges and official timers who officiated in the race.

3.10 Photo Finish Technician

3.11 Patrol Judge

3.11.1 General Authority

The Patrol Judge(s), when utilized, is responsible for observing the race and reporting information concerning the race to the judges. If the track's video replay system is deemed adequate by the Commission, use of patrol judges is optional.

3.12 Program Director

3.12.1 General Authority

The program director is responsible for furnishing the public complete and accurate past performance information.

3.13 Commission Veterinarian

3.13.1 General Authority

The Commission Veterinarian shall:

3.13.1.1 be appointed by the Commission;

3.13.1.2 be a graduate veterinarian and be licensed to practice in the State of Delaware;

3.13.1.3 recommend to the judges any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;

3.13.1.4 place horses on the Veterinarian's List, when necessary, and remove horses from the Veterinarian's List;

3.13.1.5 place horses on the Bleeder List and remove horses from the Bleeder List;

3.13.1.6 maintain a continuing health and racing soundness record of each horse given a racing soundness inspection;

3.13.1.7 supervise the taking of all specimens for testing according to procedures approved by the Commission;

3.13.1.8 provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;

3.13.1.9 report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

3.13.1.10 maintain all required records of postmortem examinations performed on horses which have died on association grounds;

3.13.1.11 refrain from directly treating or prescribing for any horse scheduled to participate during his/her term of appointment at any recognized meeting except in cases of emergency, accident or injury;

3.13.1.12 refuse employment or payment, directly or indirectly, from any owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the Commission;

3.13.1.13 review and make recommendations regarding Commission license

applications of practicing veterinarians;

3.13.1.14 cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;

3.13.1.15 periodically review all horse papers under the jurisdiction of the Commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules; and

3.13.1.16 be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act.

3.13.2 Racing Responsibilities

With respect to the conduct of each race, and each race meeting authorized by the Commission, the Commission Veterinarian shall:

3.13.2.1 be available to the racing secretary and/or State Steward or Presiding Judge prior to scratch time each racing day at a time designated by the State Steward or Presiding Judge, to inspect any horses and report on their condition as may be requested by the State Steward or by the judges;

3.13.2.2 inspect any horse when there is a question as to the physical condition of such horse;

3.13.2.3 recommend scratching a horse to the judges if, in the opinion of the Commission Veterinarian, the horse is physically incapable of exerting its best effort to win;

3.13.2.4 inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the judges;

3.13.2.5 refrain from directly treating or prescribing for any horse scheduled to participate during his/her term of appointment at any recognized meeting except in cases of emergency, accident or injury;

3.13.2.6 refuse employment or payment, directly or indirectly, from any owner or trainer of a horse racing or intending to race in the State of Delaware while employed as the Commission Veterinarian;

3.13.2.7 conduct soundness inspections on horses participating in races at the meeting;

3.13.2.8 place horses on or remove them from the Commission Veterinarian's List.

3.13.3 Commission Veterinarian's List

The Commission Veterinarian shall maintain a list of all horses which he or she has determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity or medical condition.

3.14 Bleeder Medication Veterinarian

3.14.1 General Authority

The Bleeder Medication veterinarian shall:

3.14.1.1 Be subject to the supervision of the Commission Veterinarian;

3.14.1.2 Be a graduate veterinarian and be licensed to practice in the State of Delaware;

3.14.1.3 Report to the State Lasix stall at least one- half hour before the first Lasix horse is due for Lasix injection (i.e., four and one-half hours before post time);

3.14.1.4 Record the name of the horse and the time that the Lasix is administered, and denote "IV" or "IM", as appropriate;

3.14.1.5 Report to the Paddock Judge any horse that fails to show, or is late to the State Lasix stall;

3.14.1.6 Administer Furosemide (Salix) to each horse on the Bleeder list, and administer Aminocaproic Acid in accordance with Rule 8.3.5. of these Rules;

3.14.1.7 Collect fees for each injection at the time of administration; credit shall not be given at any time;

3.14.1.8 Turn in the list of horses and times of administration to the Paddock Judge prior to leaving each race day; and

3.14.1.9 Report any unusual findings to the Paddock Judge without delay.

3.14.2 Bleeder List

The Bleeder Medication Lasix veterinarian cannot place horses on the Bleeder List; the

Commission Veterinarian is the only person authorized to place horses on the Bleeder List.

3.15 Investigator

3.15.1 The Commission may appoint a racing inspector or investigator for each harness racing meet. Such racing inspector shall perform all duties prescribed by the Commission consistent with the purposes of this chapter. Such racing inspector shall have full and free access to the books, records, and papers pertaining to the pari-mutuel system of wagering and to the enclosure or space where the pari-mutuel system is conducted at any harness racing meeting to which he shall be assigned for the purpose of ascertaining whether the holder of such permit is operating in compliance with the Commission's rules and regulations. The racing inspector shall investigate whether such rules and regulations promulgated by the commission are being violated at such harness race track or enclosure by any licensee, patron, or other person. Upon discovering any such violation, the racing inspector shall immediately report his or her findings in writing and under oath to the Commission or its designee as it may deem fitting and proper. The racing inspector shall devote his full time to the duties of his office and shall not hold any other position or employment, except for performance of similar duties for the Thoroughbred Racing Commission.

3.15.2 Subject to the approval of the Commission, and under the direction of the Administrator of Racing, the Investigator may be delegated one or more of the following responsibilities:

3.15.2.1 Supervising the licensing function of the Commission, including performing background checks and fingerprinting applicants for licensure, and facilitating the Commission's participation in a uniform, multi-jurisdictional, reciprocal licensing scheme;

3.15.2.2 Consulting with track security and with law enforcement agencies both within and outside of Delaware;

3.15.2.3 Supervising the human and equine drug-testing programs provided for in these Rules;

3.15.2.4 Conducting vehicle and stall searches;

3.15.2.5 Intelligence gathering and dissemination;

3.15.2.6 Responding to patron complaints regarding the integrity of racing; and

3.15.2.7 Where appropriate, presenting complaints to the Commission for disposition, including complaints seeking disciplinary action against licensees of the Commission.

3.16 Administrator of Racing

The Commission may employ an Administrator of Racing who shall perform all duties prescribed by the Commission consistent with the purposes of this rule. The Administrator of Racing shall devote his full time to the duties of the office and shall not hold any other office or employment, except that he can perform the same duties as Administrator of Racing for the Thoroughbred Racing Commission. The Administrator of Racing shall be the representative for the Commission at all meetings of the Commission and shall keep a complete record of its proceedings and preserve, at its general office, all books, maps, documents, and papers entrusted to its care. He shall be the executive officer of the Commission and shall be responsible for keeping all Commission records and carrying out the rules and orders of the Commission. The Commission may appoint the Administrator of Racing to act as a hearing officer to hear appeals from administrative decisions of the steward or racing judges.

3.17 Any Other Person Designated by the Commission

The Commission may create additional racing official positions, as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in Rule 3.1.1 of this chapter.

1 DE Reg. 504 (11/01/97))

2 DE Reg. 1240 (01/01/99)

2 DE Reg. 1764 (04/01/99)

4 DE Reg. 336 (8/1/00)

5 DE Reg. 832 (10/1/01)

7 DE Reg. 1512 (5/1/04)

***Please Note: As the rest of the sections were not amended, they are not being published. A complete set of the rules and regulations for the Harness Racing Commission is available at: <http://www.state.de.us/research/AdminCode/title3/500/index.shtml#TopOfPage>**

10 DE Reg. 1793 (06/01/07) (Final)