

DEPARTMENT OF AGRICULTURE
HARNES RACING COMMISSION

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

FINAL

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 June 12, 2007, the Commission makes the following findings and conclusions:

For Section 3.0. Officials

Summary of the Evidence

1. The Commission posted public notice of the proposed amendments in the May 1, 2007 Register of Regulations and for two consecutive weeks in *The News Journal* and *Delaware State News*. The Commission proposed to update Rule 3.0, to update penalties for driver's infractions, Rule 4 to more accurately reflect the duties of the Associations and Rule 6.0 to update claiming procedures
2. The Commission received no written comments during May, 2007 or June, 2007. The Commission held a public hearing on June 12, 2007 and also received no public comment on the changes.
3. Charles Lockhart, Vice President of Harness Racing at Dover Downs, submitted the following changes for Section 4.0, Associations:
 - a. 4.4.1.4: Eliminating the words "stabled and "entered."
 - b. 4.4.2.2.1: Add "or within" after "paddock" and changing "property" to building."
 - c. 4.4.2.2.5: Substitute "receiving and paddock areas for "Association grounds."
4. Charles Lockhart, Vice President of Harness Racing at Dover Downs, submitted the following changes for Rule 6.0, Types of Races:
 - a. Delete the first two proposed sentences and replace them with the USTA Rule 10 §3(l) in its entirety, and
 - b. Add "in writing" after "unless released" in the proposed third line.

Findings of Fact and Conclusions

5. 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.
6. The Commission has considered the public comments at the June 12, 2007 hearing, and having agreed that they are acceptable, but are not substantial changes, 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 policy and procedure.

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

IT IS SO ORDERED this 14th day of August, 2007.

Beth Steele, Chair	Robert B. Brown, Commissioner
Mary Ann Lambertson, Commissioner	George P. Staats, 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 Board of Judges;
- 3.1.1.2 Racing Secretary;
- 3.1.1.3 Paddock Judge;
- 3.1.1.4 Horse Identifier / Equipment Checker;
- 3.1.1.5 Official Starter;
- 3.1.1.6 Official Charter / Program Director;
- 3.1.1.7 Official Timer / Photo Finish Technician;
- 3.1.1.8 Patrol Judge;
- 3.1.1.9 Chief DHRC Veterinarian
- 3.1.1.10 Bleeder Medication Veterinarian;
- 3.1.1.11 Chief DHRC Investigator; and
- 3.1.1.12 Administrator of Racing
- 3.1.1.13 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:

- 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 is appointed and with the Commission's rules and regulations;
- 3.1.2.4 possesses the mental and physical capacity to perform his duties; and
- 3.1.2.5 is not under suspension or ejection by the U.S.T.A., Standardbred

Canada 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 in which any horse is entered or races in any live race at the Association grounds that is owned, trained, driven, or groomed, by the official's spouse, parent, child, or sibling without the permission of the Commission. If repeated such conflicts interfere with the official's performance of his normal duties, or with any other official's performance of his official duties, then the Commission shall approve 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 Presiding Judge 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 Presiding Judge in writing and signed by the complainant. All such complaints shall be reported to the Commission by the Presiding Judge, as appropriate, together with a report of the action taken or the recommendation of the 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 No person shall be appointed to hold any position who has any official relation to any person employed by a corporation or Association conducting harness racing within this State. No Commissioner, racing official, or judge whose duty is to insure that the rules and regulations of the Commission are complied with shall bet on any race during any live racing program nor 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 Board of 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 positions on the Board of Judges must possess a USTA license and be fully accredited by a recognized university approved by the Commission. An applicant for the position of race judge must also have been previously employed as a steward, patrol judge, 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 Presiding Judge

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

3.2 Board of Judges

3.2.1 General Authority

3.2.2.1 The Board of 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 Board of Judges shall enforce these rules and the racing laws of the State of Delaware.

3.2.2.3 The Presiding Judge'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 Board of Judges 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 Board of 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 Presiding Judge shall be a representative of the Commission at all race meetings which the Commission may direct such Presiding Judge to attend. The Presiding Judge 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 Presiding Judge 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 Presiding Judge 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 Presiding Judge shall conduct hearings and investigations, and report his findings to the Commission. The Presiding Judge 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 Board of Judge's 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 Board of Judges shall take notice of alleged misconduct or rule violations and initiate investigations into the matters.

3.2.3.2 The Board of 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 Board of 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 Board of Judges may at any time inspect license documents, registration papers and other documents related to racing.

3.2.3.5 The Board of Judges have the power to administer oaths and examine witnesses.

3.2.3.6 The Board of Judges shall consult with the Chief DHRC Veterinarian and/or the Commission chemist to determine the nature and seriousness of a laboratory finding or an alleged medication violation.

3.2.3.7 The Board of 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 The Board of Judges may take any appropriate actions against any horse for a violation or attempted violation of these rules.

3.2.3.7.2 The Board of 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; If a driver is given a driving suspension of five (5) days or less by the Board of Judges in Delaware, then such penalty shall commence on the first day after the driver has fulfilled all of the driving obligations programmed in the State of Delaware at the time the penalty is assessed.

3.2.3.8 The Board of Judge's ruling shall not prevent the Commission from imposing a more or less severe penalty.

3.2.3.9 The Board of Judges may refer any matter to the Commission and may include recommendations for disposition. The absence of a Board of Judge's referral shall not preclude Commission action in any matter.

3.2.3.10 Purses, prizes, awards, and trophies shall be redistributed if the Board of Judges or Commission order a change in the official order of finish.

3.2.3.11 All fines imposed by the Board of 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 Board of Judges shall investigate promptly and render a decision in every protest made to them. They shall maintain a record of all protests. The Board of 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 Board of Judges not later than forty-eight (48) hours after the race in question.

3.2.5 Judges' Presence

One judge shall be present in the stand thirty (30) minutes prior to the race to observe and the others shall be present no less than fifteen (15) minutes prior to the race, during the contesting of the race and fifteen (15) minutes after the finish.

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 Board of Judges has 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 Program Director shall make a note on the electronic 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 Following an examination all horses scratched by a veterinarian for either lameness or sickness will be put on the Steward's List and can not race for at least 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 Following an examination Veterinarians may put a horse on the Steward's List for sickness or lameness for more than seven (7) days 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 race 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 for the reason that he it is dangerous or unmanageable. 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.

3.2.8.5 No entry or declaration to start shall be accepted by any Association in this jurisdiction without having had a negative official test for equine infectious anemia within twelve (12) months, except for in the case of paid events. In paid in events, 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 participating at the race meet and shall post this list in the Race Office.

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 Race Information

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

3.3.3 Classifications

The Racing Secretary shall classify horses in accordance with these rules.

3.3.4 Listing of Horses

The Racing Office shall:

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

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

3.3.4.3 provide the listing of horses in the daily program.

3.3.5 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.

3.3.6 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.

3.3.7 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.

3.3.8 Winnings

3.3.8.1 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.

3.3.8.2 Winnings during the year shall be calculated by the Racing Secretary from the preceding January 1.

3.3.9 Cancellation of a Race

In case of unfavorable weather or other unavoidable cause, Associations, upon notifying of the Presiding Judge 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 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 the Horse Identifier / Equipment Checker;

3.4.1.3 Supervising the paddock gate operators;

3.4.1.4 Ensuring 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 No driver 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, a licensee 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. Only a licensed owner or trainer who has another horse racing in a later race, 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 that only persons properly authorized by the Licensing Office are admitted in the paddock, 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 with the exception of all owners of registered stables;

3.4.1.7.4 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 Ensure that no more than two 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 Judge;

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

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

3.4.1.7.9 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 Supervising and maintaining the cleanliness of the paddock; and

3.4.1.7.11 Supervising 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 / Equipment Checker

3.5.1 General Authority

The Horse Identifier / Equipment Checker shall be present for each race. The duties of the Horse 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 Official Starter

3.6.1 General Authority

3.6.1.1 The Starter is responsible to provide a fair start for each race.

3.6.1.2 The Starter shall be an employee or contractor of the association.

3.6.1.3 An Assistant Starter may be employed or contracted if deemed necessary by the Association.

3.6.1.4 The Starter shall ensure that any Assistant Starters and the driver are cognizant of and capable of performing all required procedures.

3.6.2 Report Violations

The Starter shall report violations of these rules occurring at the start of a race to the judges.

3.6.3 Disciplinary Action

The 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.

3.6.4 Starter's List

The Starter or the Assistant Starter 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.

3.7 Official Charter / Program Director

3.7.1 General Authority

The Charter is responsible for providing a complete and accurate chart of each race. An accurate Judge's Book shall incorporate a chart of each race which shall include the following:

3.7.1.1 horse's name and electronic eligibility certificate number;

3.7.1.2 driver's name and USTA membership number, and trainer's name and USTA membership number;

3.7.1.3 date and place of the race;

3.7.1.4 track code;

3.7.1.5 track condition and temperature;

3.7.1.6 type of race (trot or pace);

3.7.1.7 classification of race;

3.7.1.8 distance other than a mile;

3.7.1.9 fractional times of the leading horse, including the race time;

- 3.7.1.10 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;
- 3.7.1.11 official order of finish;
- 3.7.1.12 individual time of each horse;
- 3.7.1.13 closing dollar odds (with favorite designated by an asterisk);
- 3.7.1.14 the standard symbols for breaks, park outs free legged pacers, and hobbled trotters where applicable;
- 3.7.1.15 the standard symbols for medications, where applicable;
- 3.7.1.16 in claiming races, the price for which the horse is entered to be claimed;
- 3.7.1.17 mutual data to include the payoff prices for win, place, show, daily double, exacta, trifecta, superfecta, and any other exotic wager;
- 3.7.1.18 notations of placings, disqualifications and claimed horses;
- 3.7.1.19 the names and addresses of owners; and
- 3.7.1.20 notations of scratched or ruled out horses.

3.7.2 Other Duties

The Charter / Program Director shall also be responsible for keeping and verifying the Judge's Book and eligibility certificates provided by the U.S.T.A. / Standardbred Canada and recording therein all required information.

3.7.3 The Charter / Program Director is also responsible for furnishing the public complete and accurate past performance information.

3.8 Official Timer / Photo Finish Technician

3.8.1 General Authority

The Timer shall accurately record the time elapsed between the start and finish of each race.

3.8.2 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.

3.8.3 Timing Races

3.8.3.1 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.

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

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

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

3.8.4 Error in Reported Time

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

3.8.4.2 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.

3.9 Patrol Judge

3.9.1 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.

3.10 Chief DHRC Veterinarian

3.10.1 General Authority. The Chief DHRC Veterinarian shall:

- 3.10.1.1 be appointed by the Commission;
 - 3.10.1.2 be a graduate veterinarian and be licensed to practice in the State of Delaware;
 - 3.10.1.3 recommend to the judges any horse deemed unfit to race following an examination;
 - 3.10.1.4 place horses on the Veterinarian's List, when necessary, and remove horses from the Veterinarian's List;
 - 3.10.1.5 place horses on the Bleeder List and remove horses from the Bleeder List;
 - 3.10.1.6 maintain a continuing health and racing soundness record of each horse given a racing soundness inspection;
 - 3.10.1.7 supervise the taking of all specimens for testing according to procedures approved by the Commission;
 - 3.10.1.8 provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;
 - 3.10.1.9 report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
 - 3.10.1.10 maintain all required records of postmortem examinations performed on horses which have died on Association grounds;
 - 3.10.1.11 review and make recommendations regarding Commission license applications of practicing veterinarians;
 - 3.10.1.12 cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;
 - 3.10.1.13 supervise the periodic review of all horse papers under the jurisdiction of the Commission to ensure that all required tests and health certificates are current and properly filed in accordance with these rules; and
 - 3.10.1.14 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.
- 3.10.2 Racing Responsibilities. With respect to the conduct of each race, and each race meeting authorized by the Commission, the Chief DHRC Veterinarian shall:
- 3.10.2.1 be available to inspect any horses and report on their condition as may be requested by the judges;
 - 3.10.2.2 inspect any horse when there is a question as to the physical condition of such horse;
 - 3.10.2.3 recommend scratching a horse to the judges if, in his opinion, the horse is physically incapable of exerting its best effort to win following an examination and communication of same to the trainer or his designee;
 - 3.10.2.4 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 opinion as to the cause of the distress to the judges;
 - 3.10.2.5 refrain from directly treating or prescribing for any horse scheduled to participate during his term of appointment at any recognized meeting except in cases of emergency, accident or injury;
 - 3.10.2.6 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 Chief DHRC Veterinarian;
 - 3.10.2.7 conduct soundness inspections on horses participating in races at the meeting;
 - 3.10.2.8 place horses on or remove them from the Veterinarian's List.

3.10.3 Veterinarian's List. The Chief DHRC Veterinarian shall maintain a list of all horses which he has determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity or medical condition.

3.11 Bleeder Medication Veterinarian

3.11.1 General Authority. The Bleeder Medication veterinarian shall:

3.11.1.1 Fully cooperate and coordinate his duties, responsibilities, schedules and related functions with the Chief DHRC Veterinarian;

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

3.11.1.3 Report to the State Furosemide (Salix) stall treatment area at least 30 minutes prior to the first scheduled Salix treatment;

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

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

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

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

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

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

3.11.2 Bleeder List. With the approval of the Chief DHRC Veterinarian, the Bleeder Medication Veterinarian may recommend horses to be placed on and off the Bleeder List.

3.12 Chief DHRC Investigator

3.12.1 The Commission may appoint a Chief DHRC Investigator for each harness racing meet. The Chief DHRC Investigator 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 Chief DHRC Investigator 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 Chief DHRC Investigator 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 Chief DHRC Investigator shall devote his full time to the duties of his office and shall not hold any other position or employment.

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

3.12.2.1 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;

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

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

3.12.2.4 Conducting vehicle and stall searches;

3.12.2.5 Intelligence gathering and dissemination;

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

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

3.13 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. 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 Board of Judges.

3.15 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 (08/01/00)
- 5 DE Reg. 832 (10/01/01)
- 7 DE Reg. 1512 (05/01/04)
- 10 DE Reg. 1421 (03/01/07)

4.0 Associations

4.1 General Duty

4.1.1 An aAssociation, its officers, directors, officials and employees shall comply with the rules and orders of the Commission, ~~the State Steward~~ and judges.

4.1.2 An aAssociation may request an exemption from a requirement in this chapter to utilize new technology or innovative construction or design of the racetrack facilities. The Commission may grant an exemption if ~~the Commission~~ it determines that:

4.1.2.1 the aAssociation's proposal substantially satisfies the purpose of the requirement; and

4.1.2.2 the exemption is in the best interests of the race horses, the racing industry and the citizens of Delaware.

4.2 Financial Requirements

4.2.1 Insurer of the Race Meeting

4.2.1.1 Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the aAssociation's facilities or purse of any race.

4.2.1.2 In accordance with §10043 of the Act, an aAssociation shall timely provide the Commission with a certificate of liability insurance, in an amount approved by the Commission, with premium prepaid. The insurance shall provide a minimum of medical expense coverage equal to the average daily purse account raced for at the previous meeting conducted by the aAssociation.

4.2.1.3 An aAssociation shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Act and Commission rules.

4.2.1.4 An aAssociation is responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Act and Commission rules and not otherwise.

4.2.1.5 An aAssociation shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with the Act,

Commission rules, aAssociation rules and race conditions, and with any contractual arrangements with the horsemen's association recognized for purposes related to the allocation of purses, if applicable.

4.2.2 Financial Reports

4.2.2.1 The Commission may require periodic audits to determine that the aAssociation has funds available to meet those distributions for the purposes required by the Act, Commission rules, the conditions and nomination race program of the race meeting and the obligations incurred in the daily operation of the race meeting.

4.2.2.2 Pursuant to §10029(e) or §10055(a) of the Act, the Commission may require that the books, records and financial or other statements of any aAssociation licensed under the provisions of the Act, or licensed to make, conduct and sell pools in accordance with Subchapter IV of the Act, shall be kept in such form or in such manner as the Commission prescribes.

4.2.2.3 In accordance with §10030 of the Act, every licensed aAssociation shall file with the Department of Finance, not later than four (4) months after the close of the aAssociation's fiscal year, a statement, duly certified by an independent public accountant, of its receipts from all sources whatsoever during the fiscal year and of all expenses and disbursements, itemized in the manner and form directed by the Department of Finance, showing the net revenue from all sources derived by the licensee during the fiscal year covered by such statement.

4.2.2.4 Pursuant to §10029(e) or §10055(a) of the Act, the Commission may visit, investigate and place expert accountants and such other persons as it deems necessary, in the offices, tracks or places of business of any licensed aAssociation, or in the office or place of business of any person or entity licensed to operate a pool, for the purpose of satisfying itself that the Commission's rules and regulations are strictly complied with. The salaries and expenses of such expert accountants or other persons shall be paid by the aAssociation to whom they are assigned.

4.2.2.5 Any financial reports, or any other financial information, obtained pursuant to the Act or these rules shall not be disclosed as public information except as required by 29 **Del.C.** Ch. 100.

4.3 Facilities and Equipment

4.3.1 Facilities for Patrons and Licensees

4.3.1.1 An aAssociation shall ensure that the public areas of the aAssociation grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

4.3.1.2 An aAssociation shall provide and maintain adequate restroom facilities for the patrons and licensees.

4.3.1.3 An aAssociation shall provide an adequate supply of free drinking water.

4.3.1.4 An aAssociation shall maintain all facilities on aAssociation grounds to ensure the safety and cleanliness of the facilities at all times.

4.3.1.5 During a race performance, the aAssociation shall provide:

4.3.1.5.1 a first aid room equipped with at least two beds and other appropriate equipment; and

4.3.1.5.2 the services of at least one certified emergency medical technician (EMT).

4.3.1.6 An aAssociation shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the racetrack is open for racing. If the ambulance is being used to transport an individual, the aAssociation may not conduct a race until the ambulance is replaced.

4.3.1.7 An aAssociation shall provide adequate office space for the use of the ~~State Steward~~, judges and other Commission personnel as required by the Commission. The location and size of the office space, furnishings and equipment required under this section must be approved by the Commission, after appropriate consideration has been given to the limitations of available space and/or other resources or infrastructure on the grounds of the aAssociation.

4.3.1.8 An ~~a~~Association shall promptly post Commission notices in places that can be easily viewed by patrons and licensees.

4.3.2 Officials' Stands

An ~~a~~Association shall provide adequate stands for officials to have a clear view of the racetrack. The location and design of the stands must be approved by the Commission.

4.3.3 Audio and Visual Equipment

4.3.3.1 An ~~a~~Association shall provide and maintain in good working order a communication system between the:

- 4.3.3.1.1 ~~stewards'/judges'~~ stand;
- 4.3.3.1.2 racing office;
- 4.3.3.1.3 tote room;
- 4.3.3.1.4 paddock;
- 4.3.3.1.5 test barn;
- 4.3.3.1.6 starting gate;
- 4.3.3.1.7 ~~video-camera~~ recording system locations;
- 4.3.3.1.8 veterinarian;
- 4.3.3.1.9 track announcer;
- 4.3.3.1.10 location of the ambulances (equine and human); and
- 4.3.3.1.11 other locations and persons designated by the Commission.

4.3.3.2 An ~~a~~Association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

4.3.3.3 An ~~a~~Association shall provide an electronic photo finish device to photograph, videotape or otherwise record visually the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the Commission before its first use in a race. The ~~a~~Association shall promptly post a photograph of each photo finish for win, place or show in an area accessible to the public. The ~~a~~Association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the Commission. On request by the Commission, the association shall provide, without cost, a print ~~from a negative~~ of a photo finish to the Commission. Photo finish ~~negatives~~ prints of each race shall be maintained by the ~~a~~Association for not less than six months after the end of the race meeting, or such other period as may be requested by the ~~stewards'/judges~~ or the Commission.

4.3.3.3.1 It is the duty of the Presiding Judge to ensure that the photo finish camera is in proper working order before the start of the race. Whenever the judges use a photo to determine the order of finish it shall be displayed for public inspection.

4.3.3.4 An Association shall provide for the use of the photo finish head numbers, saddle pads, and a starting gate, with approved backups.

4.3.3.4.5 An ~~a~~Association shall provide a ~~videotaping~~ recording system approved by the Commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the ~~stewards'/judges'~~ stand. The location and construction of ~~video-towers~~ recording system equipment supports must be approved by the Commission.

4.3.3.5.6 The judges may, at their discretion, direct the ~~video-camera~~ recording system operators to ~~videotape~~ record the activities of any horses or persons handling horses prior to, during or following a race.

4.3.3.67 Races must be recorded by an adequate number of ~~video~~ recording cameras, as approved by the Commission.

4.3.3.78 An ~~a~~Association shall, upon request, provide to the Commission, without cost, a copy of a ~~videotape~~ recording of a race.

4.3.3.89 ~~Videotapes recorded~~ Recordings made prior to, during and following each race shall be maintained by the aAssociation for not less than six months after the end of the race meeting, or such other period as may be requested by the judges or the Commission.

4.3.3.910 An aAssociation shall provide a viewing area in which, on approval by the judges, an owner, trainer, driver or other interested individual may view a ~~videotape~~ recording of a race.

4.3.3.4011 Following any race in which there is an inquiry or objection, the aAssociation shall display to the public on designated monitors the videotaped recorded replays of the incident in question which were utilized by the judges in making their decision.

4.3.4 Racetrack

4.3.4.1 The surface of a racetrack must be designed, constructed and maintained to provide for the safety of the drivers and horses.

4.3.4.2 ~~Prior to the first race meeting at an association racetrack~~ Upon the request of the Commission, a licensed surveyor shall provide to the Commission a certified ~~report of the grade and measurement of the distances to be run~~ track measurement.

4.3.4.3 Distances to be run shall be measured from the starting line at a distance three feet out from the inside rail or other fixed marker.

4.3.4.4 The surveyor's report must be approved by the Commission prior to the first race day of the meeting.

4.3.4.5 An aAssociation shall provide an adequate drainage system for the racetrack.

4.3.4.6 An aAssociation shall provide adequate equipment and personnel to maintain the track surface and appurtenances in a safe training and racing condition. The aAssociation shall provide back-up equipment for maintaining the track surface.

4.3.5 Rails

The design and construction of rails, where used, must be approved by the Commission prior to the first race meeting at the track.

4.3.6 Starting Gates

During racing hours, an aAssociation shall provide at least two operable starting gates, which have been approved by the Commission.

4.3.7 Distance Markers

4.3.7.1 An aAssociation shall provide starting point markers and distance poles in a size and position that is clearly seen from the judges' stand.

~~4.3.7.2 The starting point markers and distance poles must be marked as follows:~~

~~4.3.7.2.1 3/4 pole — Red and white horizontal stripes~~

~~4.3.7.2.2 1/2 pole — Red and white horizontal stripes~~

~~4.3.7.2.3 1/4 pole — Red and white horizontal stripes~~

~~4.3.7.2.4 1/8 poles — Green and white horizontal stripes~~

~~4.3.7.2.5 1/16 poles — Black and white horizontal stripes~~

~~4.3.7.2.6 Recall Pole — Yellow and white horizontal stripes~~

4.3.8 Saddle Pad Colors

4.3.8.1 All extended pari-mutuel racetracks shall adopt the following color format for saddle pad colors for post positions in each race:

4.3.8.1.1 Post Position One - Red

4.3.8.1.2 Post Position Two - Blue

4.3.8.1.3 Post Position Three - White

4.3.8.1.4 Post Position Four - Green

4.3.8.1.5 Post Position Five - Black

4.3.8.1.6 Post Position Six - Yellow

4.3.8.1.7 Post Position Seven - Pink

- 4.3.8.1.8 Post Position Eight - Gray
- 4.3.8.1.9 Post Position Nine - Purple
- 4.3.8.1.10 Post Position Ten - Blue/Red
- 4.3.8.1.11 Post Position Eleven - Light Blue
- 4.3.8.1.12 Post Position Twelve - Red/White

4.3.8.2 All saddle pad numbers, with the exception of post positions three and five, shall be white with a black border. The saddle pad numbers for post positions three and five shall be solid black and solid white, respectively.

4.3.9 Lighting

4.3.9.1 An aAssociation shall provide lighting for the racetrack and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment must be approved by the Commission.

4.3.9.2 An aAssociation shall provide adequate additional lighting in the stable area as required by the Commission.

4.3.9.3 If an aAssociation conducts racing at night, the aAssociation shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

4.3.10 Equine Ambulance

4.3.10.1 An aAssociation shall provide an equine ambulance on aAssociation grounds on each day that the racetrack is open for pari-mutuel and qualifying racing or training.

4.3.10.2 The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use.

4.3.10.3 The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be able to:

- 4.3.10.3.1 navigate on the racetrack during all weather conditions; and
- 4.3.10.3.2 transport a horse off the aAssociation grounds.

4.3.10.4 The ambulance must be equipped with:

- 4.3.10.4.1 ramps to facilitate loading a horse;
- 4.3.10.4.2 adequate means of loading a horse that is down;
- 4.3.10.4.3 a rear door;
- 4.3.10.4.4 a movable partition to initially provide more room to load a horse

and to later restrict a horse's movement; and

- 4.3.10.4.5 a shielded area for the person who is attending to the horse.

4.3.10.5 An aAssociation may not conduct a race unless an equine ambulance or an official veterinarian-approved substitute is readily available.

4.3.10.6 The equine ambulance, its supplies and attendants and the operating procedures for the equine ambulance must be approved by the official veterinarian.

4.3.11 Barns Receiving Area

4.3.11.1 An aAssociation shall provide ~~barns~~ a receiving area and paddock containing a sufficient number of stalls to accommodate all horses ~~approved in~~ to race for that day.

4.3.11.2 An aAssociation shall ensure that the barns paddock and receiving barns are kept clean and in good repair. Each ~~barn paddock~~, including the receiving barn, ~~must have~~ shall include a hot and cold water ~~supply available~~, be well-ventilated, have proper drainage and be constructed to be comfortable in all seasons.

~~4.3.11.3 An association shall ensure that each horse is stabled in an individual box stall with minimum dimensions of 10 by 10 feet.~~

4.3.11.4.3 An aAssociation shall provide an adequate area for the placement of manure removed from the stalls. All manure must be removed from the stable area on a prompt and regular schedule. ~~The association shall ensure that refuse from the stalls and other refuse are kept separate.~~

4.3.12 Isolation Area

4.3.12.1 An ~~a~~Association shall provide an isolation area for the care and treatment of a horse that is ordered isolated by the State veterinarian.

4.3.12.2 The isolation area must be approved by the ~~State Steward~~ Presiding Judge.

4.3.13 Weather Equipment

An ~~a~~Association shall provide a consistent method whether by instrumentation or otherwise to obtain an appropriate means for measuring temperature. The Presiding Judge shall consult at least one member of the driver's committee by the third race to determine an allowance. The following guidelines shall be used in making this determination:

Temperature or Windchill:

32 degrees - 25 degrees (F) = 1 second allowance

24 degrees - 15 degrees (F) = 2 second allowance

14 degrees - 0 degrees (F) = 3 second allowance

Other relevant factors such as precipitation shall also be considered.

4.4 Operations

4.4.1 Security

4.4.1.1 An ~~a~~Association conducting a race meeting shall maintain security controls over its premises. Security controls are subject to the approval of the Commission.

4.4.1.2 An ~~a~~Association may establish a system or method of ~~issuing credentials or passes to~~ restricting access to its restricted areas or to ensure that all participants at its race meeting are licensed as required by these rules.

4.4.1.3 An ~~a~~Association shall prevent access to and shall remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

4.4.1.4 Unless otherwise authorized by the Commission, an ~~a~~Association shall provide continuous security in the ~~stable receiving and paddock~~ areas during all times that horses are ~~[stabled]~~ on the grounds ~~[entered to race]~~. ~~An association shall require any person entering the stable area to display valid credentials issued by the Commission or a visitor's pass issued by the association.~~ An ~~a~~Association shall provide security fencing around the ~~stable paddock and receiving~~ areas in a manner that is approved by the Commission.

4.4.1.5 On request by the Commission, an ~~a~~Association shall provide a list of the security personnel, including the name, qualifications, training, duties duty station and area supervised by each employee.

4.4.1.6 Each day, the chief of security for an ~~a~~Association shall deliver a written report to the ~~State Steward~~ Presiding Judge regarding occurrences on ~~a~~Association grounds relating to harness horse racing on the previous day. Not later than 24 hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the ~~State Steward~~ Presiding Judge a written report describing the incident. The report must include the name of each individual involved in the incident, the circumstances of the incident and any recommended charges against each individual involved.

4.4.2 Fire Prevention

4.4.2.1 An ~~a~~Association shall develop and implement a program for fire prevention on ~~a~~Association grounds. An ~~a~~Association shall instruct employees working on ~~a~~Association grounds of the procedures for fire prevention.

4.4.2.2 No person shall:

4.4.2.2.1 smoke in ~~stalls, feed rooms or under shed rows~~ the receiving areas, paddock, or [within] any [property building] on Association grounds;

4.4.2.2.2 burn open fires or oil and gas lamps in the ~~stable area~~ Association grounds;

4.4.2.2.3 leave unattended any electrical appliance that is plugged-in to an electrical outlet.

- 4.4.2.2.4 permit horses to come within reach of electrical outlets or cords;
 - 4.4.2.2.5 store flammable materials such as cleaning fluids or solvents in the stable area ~~[Association grounds receiving and paddock areas]~~; or
 - 4.4.2.2.6 lock a stall which is occupied by a horse.
 - 4.4.2.3 An ~~a~~Association shall post a notice in the ~~stable receiving areas and paddock~~ which lists the prohibitions outlined in 4.4.2.2.1 - 4.4.2.2.6 above.
 - 4.4.3 Insect and Rodent Control
 - An ~~a~~Association and the licensees occupying the ~~a~~Association's ~~barn receiving areas and paddock~~ shall cooperate in procedures to control insects, rodents or other hazards to horses or licensees.
 - 4.4.4 Complaints
 - 4.4.4.1 An ~~a~~Association shall designate a location and provide personnel who shall be readily available to the public to provide or receive information.
 - 4.4.4.2 An ~~a~~Association shall promptly notify the Commission of a complaint regarding:
 - 4.4.4.2.1 an alleged violation of the Act or a rule of the Commission;
 - 4.4.4.2.2 an alleged violation of ordinances or statutes;
 - 4.4.4.2.3 accidents or injuries; or
 - 4.4.4.2.4 unsafe or unsanitary conditions for patrons, licensees or horses.
 - 4.4.5 Ejection and Exclusion
 - An ~~a~~Association may eject or exclude a person for any lawful reason.
- 1 DE Reg. 502 (11/01/97)**
2 DE Reg. 1240 (01/01/99)
2 DE Reg. 1765 (04/01/99)
5 DE Reg. 832 (10/01/01)

(Break in Continuity of Sections to 6.3.3.15)

6.0 Types of Races

- 6.1 Types of Races Permitted
 - In presenting a program of racing, the racing secretary shall use exclusively the following types of races:
 - 6.1.1 Overnight events which include:
 - 6.1.1.1 Conditioned races;
 - 6.1.1.2 Claiming races;
 - 6.1.1.3 Preferred, invitational, handicap, open or free-for-all races;
 - 6.1.1.4 Schooling races; and
 - 6.1.1.5 Matinee races
 - 6.1.2 Added money events which include:
 - 6.1.2.1 Stakes;
 - 6.1.2.2 Futurities;
 - 6.1.2.3 Early closing events; and
 - 6.1.2.4 Late closing events
 - 6.1.3 Match races
 - 6.1.4 Qualifying Races (See Rule 7.0 -- "Rules of the Race")
 - 6.1.5 Delaware-owned or bred races as specified in 3 **Del.C.** §10032
- 6.2 Overnight Events
 - 6.2.1 General Provisions
 - 6.2.1.1 For the purpose of this rule, overnight events shall include conditioned, claiming, preferred, invitational, handicap, open, free-for-all, schooling or matinee races or a combination thereof.
 - 6.2.1.2 At extended meetings, condition sheets must be available to participants at least 18 hours prior to closing declarations to any race program contained therein. At other meetings, conditions must be posted and available to participants at least 18 hours prior to closing declarations.

6.2.1.3 A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race.

6.2.1.4 Substitute races may be provided for each race program and shall be so designated in condition books sheets. A substitute race may be used when a regularly scheduled race fails to fill.

6.2.1.5 Regularly scheduled races or substitute races may be divided where necessary to fill a program of racing, or may be divided and carried over to a subsequent racing program, subject to the following:

6.2.1.5.1 No such divisions shall be used in the place of regularly scheduled races which fill.

6.2.1.5.2 Where races are divided in order to fill a program, starters for each division must be determined by lot after preference has been applied, unless the conditions provide for divisions based upon age, performance, earnings or sex may be determined by the racing secretary.

6.2.1.5.3 However, where necessary to fill a card, not more than three races per day may be divided into not more than three divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division must be by lot unless the conditions provide for a division based on performance, earnings or sex.

6.2.2 Conditions

6.2.2.1 Conditions may be based only on:

6.2.2.1.1 horses' money winnings in a specified number of previous races or during a specified previous time;

6.2.2.1.2 horses' finishing positions in a specified number of previous races or during a specified period of time;

6.2.2.1.3 age, provided that no horse that is 15 years of age or older shall be eligible to perform in any race except in a matinee race;

6.2.2.1.4 sex;

6.2.2.1.5 number of starts during a specified period of time;

6.2.2.1.6 special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada;

6.2.2.1.7 the exclusion of schooling races; or

6.2.2.1.8 Delaware-owned or bred races as specified in 3 Del.C. §10032;

or

6.2.2.1.9 any one or more combinations of the qualifications herein listed.

6.2.2.2 Conditions shall not be written in such a way that any horse is deprived of an opportunity to race in a normal preference cycle. Where the word preference is used in a condition, it shall not supersede date preference as provided in the rules. Not more than three also eligible conditions shall be used in writing the conditions for overnight events.

6.2.2.3 The Commission may, upon application from the racing secretary, approve conditions other than those listed above for special events.

6.2.2.4 In the event there are conflicting published conditions and neither one nor the other is withdrawn by the association, the one more favorable to the declarer shall govern.

6.2.2.5 For the purpose of eligibility, a racing season or racing year shall be the calendar year. All races based on winnings will be programmed as Non-Winners of a multiple of \$100 plus \$1 or Winners over a multiple of \$100. Additional conditions may be added. When recording winnings, gross winnings shall be used and cents shall be disregarded. In the case of a bonus, the present value of the bonus shall be credited to the horse as earnings for the race or series of races for which it received the bonus. It shall be the responsibility of the organization offering the bonus to report the present value of the bonus to the United States Trotting Association in a timely manner.

6.2.2.6 Records, time bars shall not be used as a condition of eligibility.

6.2.2.7 Horses must be eligible when declarations close subject to the provision that:

6.2.2.7.1 Wins and winnings on or after the closing date of declarations shall not be considered;

6.2.2.7.2 Age allowances shall be given according to the age of the horse on the date the race is contested.

6.2.2.7.3 In mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait at which it is stated in the declaration the horse will perform.

6.2.2.8 When conditions refer to previous performances, those performances shall only include those in a purse race. Each dash or heat shall be considered as a separate performance for the purpose of condition races.

6.2.2.9 In overnight events, on a half mile racetrack there shall be no trailing horses. On a bigger racetrack there shall be no more than one trailing horse. At least eight feet per horse must be provided the starters in the front tier.

6.2.2.10 The racing secretary may reject the declaration to an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses declared to that particular event.

6.3 Claiming Races

6.3.1 General Provisions

6.3.1.1 Claiming Procedure and Determination of Claiming Price. -- The trainer or authorized agent entering a horse in a claiming race warrants that he/she has authorization from the registered owner(s) to enter said horse in a claiming race for the designated amount. In the event of a claim, the owner(s) or authorized agent shall submit a signed registration to the State Steward or Presiding Judge prior to receiving proceeds from the claim and the registration shall be immediately forwarded to the U.S.T.A. registrar for transfer.

6.3.1.2 Except for the lowest claiming price offered at each meeting, conditions and allowances in claiming races may be based only on age and sex. Whenever possible, claiming races shall be written to separate horses five years old and up from young horses and to separate males from females. If sexes are mixed, mares shall be given a price allowance; provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race.

6.3.1.3 Registration certificate in current ownership, together with the application for transfer thereon duly endorsed by all registered owners, must be filed in the office of the racing secretary for all horses claimed within a reasonable time after the race from which the horse was claimed.

6.3.1.4 The price allowances that govern for claiming races must be approved by the Commission. Claiming prices recorded on past performance lines in the daily race program and on eligibility certificates shall not include allowances.

6.3.1.5 The claiming price, including any allowances, of each horse shall be printed on the official program adjacent to the horse's program number and claims shall be for the amount designated, subject to correction if printed in error.

6.3.1.6 In handicap claiming races, in the event of an also eligible horse moving into the race, the also eligible horse shall take the place of the horse that it replaces provided that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the also eligible horse shall take the trailing position, regardless of its handicap. In handicap claiming races with one trailer, the trailer shall be determined as the fourth best post position.

6.3.1.7 To be eligible to be claimed a horse must start in the event in which it has been declared to race, except as provided in 6.3.1.8 of this subsection.

6.3.1.8 The successful claimant of a horse programmed to start may, at his option, acquire ownership of a claimed horse, even though such claimed horse was scratched and did not start in the claiming race from which it was scratched. The successful claimant must exercise his/her option by 9:00 a.m. of the next day following the claiming race to which the horse was programmed and scratched. Upon notification that the successful claimant has exercised his/her option, the owner shall present the horse for inspection, and the claim shall not be final until the successful claimant has had the opportunity to inspect the horse. No horse may be claimed from a claiming race unless the race is contested.

6.3.1.9 Any licensed owner or the authorized agent of such person who holds a current valid Commission license may claim any horse or any person who has properly applied for and been granted a claiming certificate shall be permitted to claim any horse. Any person or authorized agent eligible to claim a horse shall be allowed access to the grounds of the association, excluding the paddock, in order to effect a claim at the designated place of making claims and to take possession of the horse claimed.

6.3.1.10 Claiming certificates are valid on day of issue and expire at the end of the race meeting for which it was granted. These certificates may be applied for at the office designated by the

association prior to post time on any day of racing.

6.3.1.11 There shall be no change of ownership or trainer once a horse is programmed.

6.3.2 Prohibitions on Claims

6.3.2.1 A person shall not claim directly or indirectly his/her own horse or a horse trained or driven by him/her or cause such horse to be claimed directly or indirectly for his/her own account.

6.3.2.2 A person shall not directly or indirectly offer, or directly or indirectly enter into an agreement, to claim or not to claim or directly or indirectly attempt to prevent another person from claiming any horse in a claiming race.

6.3.2.3 A person shall not have more than one claim on any one horse in any claiming race.

6.3.2.4 A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims, a procedure known as protection claims.

6.3.2.5 No qualified owner or his agent shall claim a horse for another person.

6.3.2.6 No person shall enter in a claiming race a horse against which there is a mortgage, bill or sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the Clerk of the Course of the association conducting such claiming race.

6.3.2.7 Any mare which has been bred shall not be declared into a claiming race for at least 30 days following the last breeding of the mare, and thereafter such a mare may only be declared into a claiming race after a veterinarian has pronounced the mare not to be in foal. Any mare pronounced in foal shall not be declared into a claiming race. Where a mare is claimed out of a claiming race and subsequently proves to be in foal from a breeding which occurred prior to the race from which she was claimed, the claim may be voided by the judges at the option of the successful claimant provided the mare is subjected to a pregnancy examination within 18 days of the date of the claim, and is found pregnant as a result of that pregnancy examination. A successful claimant seeking to void the claim must file a petition to void said claim with the judges within 10 days after this pregnancy examination and shall thereafter be heard by the judges after due notice of the hearing to the parties concerned.

6.3.2.8 No person shall claim more than one horse in a race either alone, in a partnership, corporation or other legal entity.

6.3.2.9 If a horse is claimed, no right, title or interest therein shall be sold or transferred except in a claiming race for a period of thirty (30) days following the date of the claiming.

6.3.3 Claiming Procedure

6.3.3.1 A person desiring to claim a horse must have the required amount of money, in the form of cash or certified check, on deposit with the association at the time the completed claim form is deposited. Such deposit also may be made by wire transfer prior to 2:00 p.m. on the day of the claiming race.

6.3.3.2 The claimant shall provide all information required on the claim form provided by the association.

6.3.3.3 The claim form shall be completed and signed by the claimant prior to placing it in an envelope provided for this purpose by the association and approved by the Commission. The claimant shall seal the envelope and identify on the outside the date, time of day, race number and track name only.

6.3.3.4 The envelope shall be delivered to the designated area, or licensed delegate, at least fifteen (15) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received, the current license status of the claimant and whether credit in the required amount has been established.

6.3.3.5 It shall be the responsibility of the association to ensure that all such claim envelopes are delivered unopened or otherwise undisturbed to the judges prior to the race from which the claim is being made. The association shall provide for an agent who shall, immediately after closing, deliver the claim to the judges' stand.

6.3.3.6 The claim shall be opened and the claims, if any, examined by the judges prior to the start of the race. The association's auditor, or his/her agent, shall be prepared to state whether the claimant has on deposit, the amount equivalent to the specified claiming price and any other required fees and taxes.

6.3.3.7 The judges shall disallow any claim made on a form or in a manner which

fails to comply with all requirements of this rule.

6.3.3.8 Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of a photostatic copy of the check presented, or written detailed information to include the name of the claimant, the bank, branch, account number and drawer of any checks or details of any other method of payment. This documentation is to be kept on file at race tracks for three (3) years and is to be produced to the Commission for inspection at any time during the period.

6.3.3.9 When a claim has been lodged it is irrevocable, unless otherwise provided for in these rules.

6.3.3.10 In the event more than one claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

6.3.3.11 Upon determining that a claim is valid, the judges shall notify the paddock judge of the name of the horse claimed, the name of the claimant and the name of the person to whom the horse is to be delivered. Also, the judges shall cause a public announcement to be made.

6.3.3.12 Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, or sound or unsound, or injured during or after the race. If a horse is claimed out of a heat or dash of an event having multiple heats or dashes, the judges shall scratch the horse from any subsequent heat or dash of the event.

6.3.3.13 A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. Any claimed horse not otherwise selected for testing by the State Steward or judges shall be tested if requested by the claimant at the time the claim form is submitted in accordance with these rules. The successful claimant shall have the right to void the claim should the forensic analysis be positive for any prohibited substance or an illegal level of a permitted medication, or if a blood sample exhibits a positive response to the Erythropoietin (EPO) antibody test. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation, and, until the Commission chemist issues a report on his forensic analysis of the samples taken from the horse, the claimed horse shall not be permitted to be entered to race.

6.3.3.14 Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

6.3.3.15 ~~[A claimed horse shall not be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed for thirty (30) days, unless reclaimed out of another claiming race. Nor shall such horse remain in or be returned to the same stable or care or management of the first owner or except out of another claiming race. No horse claimed out of a claiming race shall be eligible to start in any race in the name or interest of the prior owner for 30 days, nor shall such horse remain in the same stable or under the care or management of the prior owner or trainer, or anyone connected therewith unless reclaimed out of another claiming race.]~~ Further, such claimed horse shall only be required eligible to continue to enter in races the track where claimed in the state of Delaware for a period of 60 days ~~or the balance of the current racing meet, whichever comes first~~ following the date of the claim, unless released **[in writing]** by the Racing Secretary an authorized representative of the Association.

6.3.3.16 The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration and eligibility certificates have been received by the racing secretary for transfer to the new owner.

6.3.3.17 The judges shall rule a claim invalid:

6.3.3.17.1 at the option of the claimant if the official racing chemist reports a positive test on a horse that was claimed, provided such option is exercised within 48 hours following notification to the claimant of the positive test by the judges;

6.3.3.17.2 if the horse has been found ineligible to the event from which it was claimed, regardless of the position of the claimant.

6.3.3.18 Mares and fillies who are in foal are ineligible to claiming races. Upon receipt of the horse, if a claimant determines within 48 hours that a claimed filly or mare is in foal, he/she may, at their option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

6.3.3.19 When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

6.3.3.19.1 the amount of the claiming price and any other required fees and/or taxes shall be repaid to the claimant;

6.3.3.19.2 any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and

6.3.3.19.3 the claimant shall be responsible for any reasonable costs incurred through the care, training or racing of the horse while it was in his/her possession.

6.4 Added Money Events

6.4.1 General Provisions

6.4.1.1 For the purpose of this rule, added money events include stakes, futurities, early closing events and late closing events.

6.4.1.2 All sponsors and presenters of added money events must comply with the rules and must submit to the Commission the conditions and other information pertaining to such events.

6.4.1.3 Any conditions contrary to the provisions of any of these rules are prohibited.

6.4.2 Conditions

Conditions for added money events must specify:

6.4.2.1 which horses are eligible to be nominated;

6.4.2.2 the amount to be added to the purse by the sponsor or presenter, should the amount be known at the time;

6.4.2.3 the dates and amounts of nomination, sustaining and starting payments;

6.4.2.4 whether the event will be raced in divisions or conducted in elimination heats, and;

6.4.2.5 the distribution of the purse, in percent, to the money winners in each heat or dash, and the distribution should the number of starters be less than the number of premiums advertised; and

6.4.2.6 whether also eligible horses may be carded prior to the running heats or legs of added money events.

6.4.3 Requirements of Sponsors/Presenters

6.4.3.1 Sponsors or presenters of stakes, futurities or early closing events shall provide a list of nominations to each nominator or owner and to the associations concerned within sixty (60) days after the date on which nominations close, other than for nominations payable prior to January 1st of a horse's two-year-old year.

6.4.3.2 In the case of nominations for futurities payable during the foaling year, such lists must be forwarded out prior to October 15th of that year and, in the case of nominations payable in the yearling year, such lists must be forwarded out not later than September 1 of that year.

6.4.3.3 Sponsors or presenters of stakes, futurities or early closing events shall also provide a list of horses remaining eligible to each owner of an eligible within 45 days after the date on which sustaining payments are payable. All lists shall include a resume of the current financial status of the event.

6.4.3.4 The Commission may require the sponsor or presenter to file with the Commission a surety bond in the amount of the fund to ensure faithful performance of the conditions, including a guarantee that the event will be raced as advertised and all funds will be segregated and all premiums paid. Commission consent must be obtained to transfer or change the date of the event, or to alter the conditions. In any instance where a sponsor or presenter furnishes the Commission with substantial evidence of financial responsibility satisfactory to the Commission, such evidence may be accepted in lieu of a surety bond.

6.4.4 Nominations, Fees and Purses

6.4.4.1 All nominations to added money events must be made in accordance with the conditions.

6.4.4.2 Dates for added money event nominations payments are:

6.4.4.2.1 Stakes: The date for closing of nominations on yearlings shall be May 15th. The date for closing of nominations to all other stakes shall fall on the fifteenth day of a month.

6.4.4.2.2 Futurity: The date for closing of nominations shall be July 15th of the year of foaling.

6.4.4.2.3 Early Closing Events: The date for closing of nominations shall fall on the first or fifteenth day of a month. Nominations on two-year-olds shall not be taken prior to February 15th.

6.4.4.2.4 Late Closing Events: The date for closing of nominations shall be at the discretion of the sponsor or presenter.

6.4.4.3 Dates for added money event sustaining payments are:

6.4.4.3.1 Stakes and Futurities: Sustaining payments shall fall on the fifteenth day of a month. No stake or futurity sustaining fee shall become due prior to (Month) 15th of the year in which the horses nominated become two years of age.

6.4.4.3.2 Early and Late Closing Events: Sustaining payments shall fall on the first or fifteenth day of a month.

6.4.4.4 The starting fee shall become due when a horse is properly declared to start and shall be payable in accordance with the conditions of the added money event. Once a horse has been properly declared to start, the starting fee shall be forfeited, whether or not the horse starts. Should payment not be made thirty (30) minutes before the post time of the event, the horse may be scratched and the payment shall become a liability of the owner who shall, together with the horse or horses, be suspended until payment is made in full, providing the association notifies the Commission within thirty (30) days after the starting date.

6.4.4.5 Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.

6.4.4.6 Conditions that will eliminate horses nominated to an event, or add horses that have not been nominated to an event by reason of performance of such horses at an earlier meeting, are invalid. Early and late closing events shall have not more than two also eligible conditions.

6.4.4.7 The date and place where early and late closing events will be raced must be announced before nominations are taken. The date and place where stakes and futurities will be raced must be announced as soon as determined but, in any event, such announcement must be made no later than March 30th of the year in which the event is to be raced.

6.4.4.8 Deductions may not be made from nomination, sustaining and starting payments or from the advertised purse for clerical or any other expenses.

6.4.4.9 Every nomination shall constitute an agreement by the person making the nomination and the horse shall be subject to these rules. All disputes and questions arising out of such nomination shall be submitted to the Commission, whose decision shall be final.

6.4.4.10 Nominations and sustaining payments must be received by the sponsor or presenter not later than the hour of closing, except those made by mail must bear a postmark placed thereon not later than the hour of closing. In the event the hour of closing falls on a Saturday, Sunday or legal holiday, the hour of closing shall be extended to the same hour of the next business day. The hour of closing shall be midnight of the due date.

6.4.4.11 If conditions require a minimum number of nominations and the event does not fill, the Commission and each nominator shall be notified within twenty (20) days of the closing of nominations and a refund of nomination fees shall accompany such notice to nominators.

6.4.4.12 If conditions for early or late closing events allow transfer for change of gait, such transfer shall be to the lowest class the horse is eligible to at the adopted gait, eligibility to be determined at the time of closing nominations. The race to which the transfer may be made must be the one nearest the date of the event originally nominated to. Two-year-olds, three-year-olds, or four-year-olds, nominated in classes for their age, may only transfer to classes for the same age group at the adopted gait to the race nearest the date of the event they were originally nominated to, and entry fees to be adjusted.

6.4.4.13 A nominator is required to guarantee the identity and eligibility of nominations, and if this information is given incorrectly he or she may be fined, suspended, or expelled and the horse declared ineligible. If any purse money was obtained by an ineligible horse, the monies shall be forfeited and redistributed among those justly entitled to the same.

6.4.4.14 Early or late closing events must be contested if six or more betting interests are declared to start. If less horses are declared to start than required, the race may be declared off, in

which case the total of nominations, sustaining and starting payments received shall be divided equally to the horses declared to start. Such distribution shall not be credited as purse winnings.

6.4.4.15 Stakes or futurities must be contested if one or more horses are declared to start. In the event only one horse, or only horses in the same interest start, it constitutes a walk-over. In the event no declarations are made, the total of nomination and sustaining payments shall be divided equally to the horses remaining eligible after payment to the last sustaining payment, but such distribution shall not be credited as purse winnings.

6.4.4.16 Associations shall provide stable space for each horse declared on the day before, the day of and the day following the race.

6.4.4.17 The maximum size of fields permitted in any added money event shall be no more than one trailer unless otherwise approved by the Commission.

6.4.4.18 An association may elect to go with less than the number of trailers specified in subdivision 17 above.

6.4.4.19 In the event more horses are declared to start than allowed in one field, the race will be conducted in divisions or eliminations, as specified in the conditions.

6.4.4.20 In early closing races, late closing races and overnight races requiring entry fees, all monies paid in by the nominators in excess of 85 percent of the advertised purse shall be added to the advertised purse and the total shall then be considered to be the minimum purse. If the race is split and raced in divisions, the provisions of subdivision 21 below shall apply. Provided further that where overnight races are split and raced in eliminations rather than divisions, all starting fees payable under the provisions of this rule shall be added to the advertised purse.

6.4.4.21 Where a race other than a stake or futurity is divided, each division must race for at least 75 percent of the advertised purse.

6.4.4.22 In added money events conducted in eliminations, starters shall be divided by lot. Unless conditions provide otherwise, sixty percent of the total purse will be divided equally among the elimination heats. The final heat will be contested for 40 percent of the total purse. Unless the conditions provide otherwise, all elimination heats and the final heat must be raced on the same day. If the conditions provide otherwise, elimination heats must be contested not more than six days, excluding Sundays, prior to the date of the final heat. The winner of the final heat shall be the winner of the race.

6.4.4.23 The number of horses allowed to qualify for the final heat of an event conducted in elimination heats shall not exceed the maximum number permitted to start in accordance with the rules. In any elimination dash where there are horses unable to finish due to an accident and there are fewer horses finishing than would normally qualify for the final, the additional horses qualifying for the final shall be drawn by lot from among those unoffending horses not finishing.

6.4.4.24 The judges' decisions in arriving at the official order of finish of elimination heats on the same program shall be final and irrevocable and not subject to appeal or protest.

6.4.4.25 Unless the conditions for the added money event provide otherwise the judges shall draw by lot the post positions for the final heat in elimination events, i.e. they shall draw positions to determine which of the two elimination heat winners shall have the pole, and which the second position; which of the two horses that were second shall start in the third position, and which in the fourth, etc.

6.4.4.26 In a two-in-three race, a horse must win two heats to win a race and there shall be 10 percent set aside for the race winner. Unless conditions state otherwise, the purse shall be divided and awarded according to the finish in each of the first two or three heats, as the case may be. If the number of advertised premiums exceeds the number of finishers, the excess premiums shall go to the winner of the heat. The fourth heat, when required, shall be raced for 10 percent of the purse set aside for the race winner. In the event there are three separate heat or dash winners and they alone come back in order to determine the race winner, they will take post positions according to the order of their finish in the previous heat. In a two-year-old race, if there are two heat winners and they have made a dead heat in the third heat, the race shall be declared finished and the one standing best in the summary shall be awarded the 10 percent. If the two heat winners make a dead heat and stand the same in the summary, the 10 percent shall be divided equally among them.

6.5 Cancellation of a Race

In case of cancellation of races, see Rule 7.3 --"Postponement and Cancellation."

6.6 Delaware Owned or Bred Races

6.6.1 Persons licensed to conduct harness horse racing meets under title 3, chapter 100, may

offer non-stakes races limited to horses wholly owned by Delaware residents or sired by Delaware stallions.

6.6.2 For purposes of this rule, a Delaware bred horse shall be defined as one sired by a Delaware stallion who stood in Delaware during the entire breeding season in which it sired a Delaware bred horse or a horse whose dam was a wholly-owned Delaware mare at the time of breeding as shown on the horse's United State Trotting Association registration or eligibility papers. The breeding season means that period of time beginning February 1 and ending August 1 of each year.

6.6.3 All horses to be entered in Delaware owned or bred races must first be registered and approved by the Commission or its designee. The Commission may establish a date upon which a horse must be wholly-owned by a Delaware resident(s) to be eligible to be nominated, entered, or raced as Delaware-owned. In the case of a corporation seeking to enter a horse in a Delaware-owned or bred event as a Delaware-owned entry, all owners, officers, shareholders, and directors must meet the requirements for a Delaware resident specified below. In the case of an association or other entity seeking to enter a horse in a Delaware owned or bred event as a Delaware-owned entry, all owners must meet the requirements for a Delaware resident specified below. Leased horses are ineligible as Delaware owned entries unless both the lessor and the lessee are Delaware residents as set forth in this Rule and 3 **Del.C.** §10032.

6.6.4 The following actions shall be prohibited for Delaware-owned races and such horses shall be deemed ineligible to be nominated, entered, or raced as Delaware-owned horses:

6.6.4.1 Payment of the purchase price over time beyond the date of registration;

6.6.4.2 Payment of the purchase price through earnings beyond the date of registration;

6.6.4.3 Payment of the purchase price with a loan, other than from a commercial lender regulated in Delaware and balance due beyond the date of registration;

6.6.4.4 Any management fees, agent fees, consulting fees, or any other form of compensation to non-residents of Delaware, except industry standard training and driving fees; or

6.6.4.5 Leasing a horse to a non-resident of Delaware.

6.6.5 The Commission or its designee shall determine all questions about a person's eligibility to participate in Delaware-owned races. In determining whether a person is a Delaware Resident, the term "resident" shall mean the place where an individual has his or her permanent home, at which that person remains when not called elsewhere for labor or other special or temporary purposes, and to which that person returns in seasons of repose. The term "residence" shall mean a place a person voluntarily fixed as a permanent habitation with an intent to remain in such place for the indefinite future.

6.6.6 The Commission or its designee may review and subpoena any information which is deemed relevant to determine a person's residence, including but not limited to, the following:

6.6.6.1 Where the person lives and has been living;

6.6.6.2 The location of the person's sources of income;

6.6.6.3 The address used by the person for payment of taxes, including federal, state and property taxes;

6.6.6.4 The state in which the person's personal automobiles are registered;

6.6.6.5 The state issuing the person's driver's license;

6.6.6.6 The state in which the person is registered to vote;

6.6.6.7 Ownership of property in Delaware or outside of Delaware;

6.6.6.8 The residence used for U.S.T.A. membership and U.S.T.A. registration of a horse, whichever is applicable;

6.6.6.9 The residence claimed by a person on a loan application or other similar document;

6.6.6.10 Membership in civic, community, and other organizations in Delaware and elsewhere.

6.6.6.11 None of these factors when considered alone shall be dispositive, except that a person must have resided in the State of Delaware in the preceding calendar year for a minimum of one hundred and eighty three (183) days. Consideration of all of these factors together, as well as a person's expressed intention, shall be considered in arriving at a determination. The burden shall be on the applicant to prove Delaware residency and eligibility for Delaware-owned or bred races. The Commission may promulgate by regulation any other relevant requirements necessary to ensure that the licensee is a Delaware resident. In the event of disputes about a person's eligibility to enter a Delaware-owned or bred race, the Commission shall resolve

all disputes and that decision shall be final.

6.6.7 Each owner and trainer, or the authorized agent of an owner or trainer, or the nominator (collectively, the "entrant"), is required to disclose the true and entire ownership of each horse with the Commission or its designee, and to disclose any changes in the owners of the registered horse to the Commission or its designee. All licensees and racing officials shall immediately report any questions concerning the ownership status of a horse to the Commission racing officials, and the Commission racing officials may place such a horse on the steward's or judge's list. A horse placed on the steward's or judge's list shall be ineligible to start in a race until questions concerning the ownership status of the horse are answered to the satisfaction of the Commission or the Commission's designee, and the horse is removed from the steward or judge's list.

6.6.8 If the Commission, or the Commission's designee, finds a lack of sufficient evidence of ownership status, residency, or other information required for eligibility, prior to a race, the Commission or the Commission's designee, may order the entrant's horse scratched from the race or ineligible to participate.

6.6.9 After a race, the Commission or the Commission's designee, may upon reasonable suspicion, withhold purse money pending an inquiry into ownership status, residency, or other information required to determine eligibility. If the purse money is ultimately forfeited because of a ruling by the Commission or the Commission's designee, the purse money shall be redistributed per order of the Commission or the Commission's designee.

6.6.10 If purse money has been paid prior to reasonable suspicion, the Commission or the Commission's designee may conduct an inquiry and make a determination as to eligibility. If the Commission or the Commission's designee determines there has been a violation of ownership status, residency, or other information required for eligibility, it shall order the purse money returned and redistributed per order of the Commission or the Commission's designee.

6.6.11 Anyone who willfully provides incorrect or untruthful information to the Commission or its designee pertaining to the ownership of a Delaware-owned or bred horse, or who attempts to enter a horse restricted to Delaware-owned entry who is determined not to be a Delaware resident, or who commits any other fraudulent act in connection with the entry or registration of a Delaware-owned or bred horse, in addition to other penalties imposed by law, shall be subject to mandatory revocation of licensing privileges in the State of Delaware for a period to be determined by the Commission in its discretion except that absent extraordinary circumstances, the Commission shall impose a minimum revocation period of two years and a minimum fine of \$5,000 from the date of the violation of these rules or the decision of the Commission, whichever occurs later.

6.6.12 Any person whose license is suspended or revoked under subsection (k) of this rule shall be required to apply for reinstatement of licensure and the burden shall be on the applicant to demonstrate that his or he licensure will not reflect adversely on the honesty and integrity of harness racing or interfere with the orderly conduct of a race meeting. Any person whose license is reinstated under this subsection shall be subject to a two year probationary period, and may no participate in any Delaware-owned or bred race during this probationary period. Any further violations of this section by the licensee during the period of probationary licensure shall, absent extraordinary circumstances, result in the Commission imposing revocation of all licensure privileges for a five year period along with any other penalty the Commission deems reasonable and just.

6.6.13 Any suspension imposed by the Commission under this rule shall not be subject to the stay provisions in 29 Del.C. §10144.

1 DE Reg. 503 (01/01/97)

2 DE Reg.1241 (01/01/99)

2 DE Reg. 1765 (04/01/99)

3 DE Reg. 432 (09/01/99)

3 DE Reg 1520 (05/01/00)

4 DE Reg. 1123 (01/01/01)

4 DE Reg 1652 (04/01/01)

5 DE Reg. 1691 (03/01/02)

6 DE Reg. 862 (01/01/03)

7 DE Reg. 1512 (05/01/04)

11 DE Reg. 308 (09/01/07) (Final)