

DEPARTMENT OF AGRICULTURE
THOROUGHBRED RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 4815(b)(3)(c)(3) (3 **Del.C.** §4815(b)(3)(c)(3))
3 **DE Admin. Code** 1001

FINAL

ORDER

Pursuant to 29 **Del.C.** 10108(c) and 3 **Del.C.** 10103, the Delaware Thoroughbred Racing Commission issues this Order adopting proposed amendments to the Commission's Rules. Following notice and a public hearing on March 16, 2010, the Commission makes the following findings and conclusions:

Summary of the Evidence

1. The Commission posted public notice of the proposed amendments in the February 1, 2010 *Register of Regulations* and for two consecutive weeks in *The News Journal* and *Delaware State News*. The Commission proposed changes to amend Section 14.6 of the Commission's Rules to allow a Jockey, if unseated during the parade to the post, to re-mount in the vicinity of where the Jockey was unseated, instead of having to return to the area at which thrown. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony on March 16, 2010, at the public hearing on the proposed amendments to the Commission's Rules.

Findings of Fact and Conclusions

1. The public was given notice and an opportunity to provide the Commission with comments in writing and by testimony on March 16, 2010, at the public hearing. No comments were received by writing. No comments were received by testimony.

2. The Commission concludes that the proposal to amend Section 14.6 of the Commission's Rules to allow a Jockey, if unseated during the parade to the post, to re-mount in the vicinity of where the Jockey was unseated, instead of having to return to the area at which thrown, should be adopted.

3. The effective date of this Order will be ten (10) days from the publication of this Final Order in the *Register of Regulations* on April 1, 2010.

IT IS SO ORDERED this 16th day of March 2010.

Bernard J. Daney, Chairman

V. Duncan Patterson, Secretary/Commissioner

Henry James Decker, Commissioner

Debbie Killeen, Commissioner

Edward Stegemeier, Commissioner

1001 Thoroughbred Racing Rules and Regulations

(Break in Continuity of Sections)

14.0 Running of the Race

14.1 Post Time:

14.1.1 Post Time for the first race on each racing day shall be fixed by the Licensee. Post Time for subsequent races on the same program shall be fixed by the Pari-Mutuel Manager. (In Kent County and New Castle County, racing may be conducted during daylight or evening hours, but in Sussex County, no racing shall be held between the hours of sundown and sunrise.)

14.2 Horses in Paddock Not to be Touched:

- 14.2.1 No person shall touch a horse while in the paddock except its Jockey, its registered Owner, its registered Trainer, authorized stable personnel, the Paddock Judge, Horse Identifier, its assigned Valet, a Steward, Farrier or Outrider.
- 14.3 Trainer Responsibility:
- 14.3.1 The Trainer shall be responsible for arrival in the paddock, at the time prescribed by the Paddock Judge, of each horse entered by the Trainer and shall supervise the saddling of such horse. If a Trainer is to be absent from a track where his horses are participating in races, he must provide his own assistant Trainer or registered Trainer to substitute for him during his absence.
- 14.4 Withdrawal of a Horse:
- 14.4.1 Every horse whose starting is obligatory is expected to run the course, except that the Stewards may order the withdrawal of a horse at any time up to the actual start of a race.
- 14.5 Walkover:
- 14.5.1 If, at the time for saddling, only one horse or horses owned by only one stable shall have weighed out, such horse or horses of single ownership shall be ridden past the Stewards' stand, go to the post, and then move over the course before determination of the winner.
- 14.6 Parade to the Post; Time
- 14.6.1 All horses shall parade and carry their declared weight from the paddock to the starting post, such parade to pass the Stewards' stand. After passing the Stewards' stand once, horses may break formation and canter, warm up, or go as they please to the post. The parade to the post shall not exceed 12 minutes from the time the field enters upon the track, except in cases of unavoidable delay. ~~If a Jockey is thrown on the way to the post, such Jockey must remount at the point at which thrown.~~ In the event ~~the a~~ Jockey is so injured as to require a substitute Jockey to be named for the horse by the Stewards, the horse shall be returned to the paddock where the horse shall be mounted by a substitute Jockey.
- 14.6.2 The Stewards may allow the weight to be taken off a horse for safety reasons or any other reason as deemed necessary by the Stewards.
- 14.6.3 The Starter may allow the weight to be taken off a horse: (i) for safety reasons: (ii) so that the horse may be loaded in the starting gate; or (iii) to repair, replace, or adjust any equipment.
- 14.6.4 If a Jockey is unseated from the paddock to the post, said horse shall be re-mounted in the vicinity where the jockey was unseated, unless excused by the Stewards.
- 14.6.5 The Stewards or the Outriders may excuse a horse from the post parade whenever they deem necessary.
- 14.7 Lead Pony:
- 14.7.1 When, by permission of the Paddock Judge, a horse is led to the post by a pony, such horse may be excused from parading with the other horses, but must pass the Stewards' stand en route to the post. Lead ponies may be excluded from the saddling enclosure or walking ring, at the discretion of the Stewards and Paddock Judge.
- 14.8 Control of Horses and Jockeys by Starter:
- 14.8.1 The horses and Jockeys shall be under the control of the Starter from the moment they enter the track until the race is started. If an accident happens to any Jockey or his equipment, the Starter may grant a delay to permit the substitution of a Jockey or repair of equipment. During such delay, the Starter may permit any Jockey to dismount. Should a horse break through the gate or unseat its Jockey after any of the field is loaded in the starting gate and such horse is not immediately taken in hand by the Outrider and brought back for reloading, the Starter may unload the horses in the gate and reload such horses in their proper order when the runaway horse is brought back to position for reloading. All causes of delay shall be reported by the Starter to the Stewards. No person other than the Jockey or Starter or assistant Starter shall be permitted to strike a horse or attempt, by shouting or other fashion, to assist such horse in getting a start.
- 14.9 Starting Gate to be Used:

14.9.1 A starting gate shall be used in starting all races on the flat except in cases permitted by the Stewards. When a race is started without a starting gate, there shall be no start until, and no recall after, the Assistant Starter has dropped his flag in answer to the Starter.

14.10 Horses Left at Post:

14.10.1 If a door at the front of the starting gate should fail to open timely when the Starter dispatches the field or if a horse inadvertently has not been loaded in his scheduled position in the starting gate when the field is dispatched, thereby causing such horse to be left at the post, the Starter shall immediately report such circumstance to the Stewards who shall immediately post the "Inquiry" sign on the infield results board and advise the public to hold all mutuel tickets. After consulting with the Starter and viewing the patrol films or video tapes, the Stewards shall then determine whether such horse was precluded from obtaining a fair start.

14.10.2 If the Stewards find such horse was precluded from obtaining a fair start, the Stewards shall rule such horse a non-starter and shall order money wagered on such horse deducted from the pari-mutuel pool and refunded to holders of pari-mutuel tickets thereon; provided, however, if such horse so ruled a non-starter is part of a mutuel entry and another horse in such entry is not left at the post, there shall be no pari-mutuel refund.

14.10.3 Stakes fees for such ruled non-starter shall be refunded to the Owner.

14.10.4 The Starter may, in his discretion, place an unruly or fractious horse on the outside of the starting gate. If such horse so stationed outside the starting gate by the Starter dwells or refuses to break with the field, and thereby is left at the post, there shall be no refund of pari-mutuel wagers thereon nor refund of stakes fees paid therefore.

14.11 Leaving Course; Losing Jockey:

14.11.1 If a horse leaves the course during the running of a race, such horse must turn back and run the course from the point at which it left the course, or such horse shall be ruled unplaced. Any horse which starts in a race, but does not cross the finish line, or is not ridden the distance of the race and across the finish line by the Jockey with whom it starts the race, shall be declared unplaced. Any portion of a purse that would normally accrue to such horse shall revert to Licensee.

14.12 Remounting:

14.12.1 In steeplechase and hurdle races, any horse losing his rider may be remounted by such rider in any part of the same field or enclosure in which the occurrence took place, but should such horse not be caught until he shall have entered another field, then he shall be ridden or brought back to the one in which he parted from his rider. Any rider so losing his horse may be assisted in catching him and remounting him without risk of disqualification.

Note. In artificially constructed steeplechase courses and in hurdle races, the spaces between the fences or hurdles and the space between the last fence and the finish are considered as fields or enclosures for the purposes of this Rule.

14.13 Course Markers:

14.13.1 In steeplechase and hurdle races, if any flag, post or boundary mark be placed in the course or displaced after the riders have been shown over the ground or have had the course pointed out to them, it shall not be considered binding or of any effect unless such addition or alteration shall have been particularly named, previous to starting, to all the riders in the race by one of the Stewards or their representative.

14.14 Refusal of Fence:

14.14.1 If a horse refuses any fence or hurdle in a jumping race and it can be proved to the satisfaction of the Stewards that he has been led or driven over it by any of the bystanders, or has been given a lead over it by anyone not riding in the race, such horse shall be disqualified.

14.15 Fouls:

14.15.1 A leading horse, when clear, is entitled to any part of the track. If a leading horse or any other horse in a race swerves or is ridden to either side so as to interfere with or intimidate or impede any other horse or Jockey, it is a foul. If a Jockey strikes another horse or Jockey, it is a foul. If, in

the opinion of the Stewards, a foul alters the finish of a race, any offending horse may be disqualified by the Stewards.

14.16 Stewards to Determine Foul Riding:

14.16.1 Every Jockey shall be responsible for making his best effort to control and guide his mount in such a way as not to cause a foul. The Stewards shall take cognizance of riding which results in a foul, irrespective of whether an objection is lodged and, if in the opinion of the Stewards a foul is committed as a result of a Jockey not making his best effort to control and guide his mount to avoid a foul, whether intentionally or through carelessness or incompetence, such Jockey may be penalized at the discretion of the Stewards.

14.17 Horses to be Ridden Out:

14.17.1 Every horse in every race must be ridden so as to win or finish as near as possible to first and demonstrate the best and fastest performance of which it is capable at the time. No horse shall be eased up without adequate cause, even if it has no apparent chance to earn a portion of the purse money. A Jockey who unnecessarily causes a horse to shorten stride may be penalized at the discretion of the Stewards. Stewards shall take cognizance of marked reversal of form of all horses and shall conduct inquiries of the registered Owner, registered Trainer and all other persons connected with such horse suspected of unformful racing and, if the Stewards find that such horse was deliberately restrained or impeded in any way by any means so as not to win or finish as near as possible to first, any person found to have contributed to such circumstances may be penalized at the discretion of the Stewards.

14.18 Use of Whips, Other Means of Altering Performance:

14.18.1 Whips are to be used uniformly and the Stewards shall take cognizance of unusual use or non-use of a whip by a Jockey. No appliance, electrical or mechanical, other than the ordinary whip, shall be used to affect the speed of a horse in a race or workout. No sponge or other object may be used to interfere with the respiratory system of a horse. Use or non-use of ordinary racing equipment shall be consistent and any change thereof must be approved by the Stewards.

14.19 Official Order of Finish as to Pari-Mutuel Payoff:

14.19.1 If foul riding or other cause for disqualification of any horse in a race is brought to the attention of the Stewards by the time the last Jockey in a race has weighed in, the Stewards shall rule on the extent of disqualification, if any, and shall determine the placing of the horses in the official order of finish for purposes of pari-mutuel payoff. After the Stewards have caused the "Official" sign to be flashed on the infield result board, the order of finish so declared official shall be final and no right of appeal therefrom shall exist insofar as the pari-mutuel payoff is concerned. Any subsequent change in the order of finish or award of purse money after the result of a race has been so declared official by the Stewards shall in no way affect the pari-mutuel payoff.

13 DE Reg. 1296 (04/01/10)

***Please note that no changes were made to the regulation as originally proposed and published in the February 2010 issue of the *Register* at page 971 (13 DE Reg. 971). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<http://regulations.delaware.gov/register/april2010/final/13 DE Reg 1296 04-01-10.htm>