

11 VAC 10-70. Stewards

11 VAC 10-90. Appeals to the Commission

11 VAC 10-70-20. Appointment.

~~Three~~ The commission shall appoint stewards, all of whom shall be employees of the commission, ~~shall be appointed for each race meeting licensed by the commission. The commission, in its discretion, may appoint one or more stewards for the satellite facilities licensed by the commission. To qualify for appointment as a steward, the appointee shall meet the experience, education and examination requirements necessary to be accredited by the Racing Officials Accreditation Program administered by the Universities of Arizona and Louisville, or in the case of harness racing, be licensed as a judge by the United States Trotting Association.~~

11 VAC 10-70-30. Senior Commonwealth Steward.

One of the ~~three~~ stewards employed by the commission ~~for each race meeting~~ shall be designated as the Senior Commonwealth Steward. The Senior Commonwealth Steward shall preside at all hearings conducted by the stewards ~~at the race meetings that do not pertain to the operation of the satellite wagering facilities. In matters pertaining to the operation of satellite facilities, a single~~ Any steward shall ~~preside at all~~ may conduct hearings pertaining to the operation of satellite wagering facilities.

11 VAC 10-70-40. General powers and authority.

The A steward or the stewards ~~for each race meeting or satellite facility licensed by the commission shall be responsible to the commission for the conduct of the race meeting or for the operation of the satellite facilities in accordance with the Code of Virginia and the regulations of the commission. The steward or stewards,~~ shall have authority over

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all holders of permits, and shall have authority to resolve conflicts or disputes that are related to the conduct of racing or operation of the satellite facilities in accordance with the Code of Virginia and the regulations of the commission.

~~11 VAC 10-70-50. General powers.~~

~~The~~ A steward or the stewards shall exercise immediate supervision, control and regulation of horse racing at each race meeting ~~or~~ and at a all satellite ~~facility~~ facilities licensed by the commission ~~and shall be responsible to the commission.~~ The powers of the stewards shall include:

1. Reviewing the conduct of all racing officials, track management, permitted personnel, other persons responsible for the conduct of racing and simulcasting, and patrons as necessary, to ensure compliance with these regulations and the Code of Virginia;

2. ~~Determining~~ all questions, disputes, protests, complaints, ~~or~~ and objections concerning live horse racing ~~which arise during a race meeting or at a satellite facility~~ and simulcast horse racing and enforcing their rulings;

~~2.~~ 3. Taking disciplinary action against any holder of a permit or participant found violating federal laws, state laws, local ordinances or regulations of the commission;

~~3.~~ 4. Reviewing applications for permits and either granting or denying ~~the~~ permits to participate in horse racing at race meetings or satellite facilities. Nothing in these regulations shall be construed to prohibit the granting of a permit with such conditions as the stewards may deem appropriate;

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~~4.~~ 5. Enforcing the regulations of the commission in all matters pertaining to horse racing ~~or~~ and satellite facilities;

~~5.~~ 6. Issuing rulings pertaining to the conduct of horse racing ~~or~~ and satellite facilities;

~~6.~~ 7. Varying any arrangement for the conduct of a race meeting including but not limited to postponing a race or races, canceling a race, or declaring a race "no contest";

~~7.~~ 8. Requesting assistance from other commission employees, law-enforcement officials, racing officials, members of the horse racing industry or the licensee's security service in the investigation of possible statutory or rule infractions violations;

~~8.~~ 9. Conducting hearings on all questions, disputes, protests, complaints, or objections concerning racing matters ~~or~~ and satellite facilities; ~~and~~

~~9.~~ 10. Substituting another qualified person where any racing official is unable to perform his duties-;

11. Issuing subpoenas for the attendance of witnesses to appear before them, administering oaths and compelling the production of any of the books, documents, records, or memoranda of any licensee or permit holder. In addition, the stewards may issue subpoenas to compel the production of an annual balance sheet and operating statement of any licensee or permit holder and may require the production of any contract to which such person is or may be a party. The stewards may also issue subpoenas to compel production of records or other documents or relevant things and the testimony of witnesses whenever, in their judgment, it is necessary to

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do so for the effectual discharge of their duties;

12. Placing horses on the Stewards' List for unsatisfactory performance; and

13. Interpreting the regulations and deciding all questions of racing not specifically covered by the regulations.

11 VAC 10-70-60. Duties.

In addition to the duties necessary and pertinent to the general supervision, control and regulation of race meetings or satellite facilities, the stewards shall have the following specific duties:

1. Causing investigations to be made in all instances of possible violations of federal laws, state laws, local ordinances and regulations of the commission;
2. Being present within the enclosure at a race meeting no less than 90 minutes before post time of the first race and remaining until 15 minutes after the last race is declared "official";
3. Being present in the stewards' stand during the running of all races at race meetings;
4. Administering examinations for applicants applying for permits as trainers, jockeys, apprentice jockeys or farriers to determine the applicants' qualifications for the permits;
5. Determining the identification of horses;
6. Determining eligibility of horses for races restricted to Virginia bred;

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7. Determining eligibility of a horse or person to participate in a race;
8. Supervising the taking of entries and the drawing of post positions;
9. Approving or denying requests for horses to be excused from racing;
10. Locking the totalizator at the start of the race so that no more pari-mutuel tickets may be sold;
11. Determining alleged violations of these regulations in the running of any race through their own observation or by patrol judges and posting the "inquiry" sign ~~on the infield results board~~ when there are alleged violations;
12. Determining alleged violations of these regulations in the running of any race brought to their attention by any participant and posting the "objection" sign ~~on the infield results board~~ when there are alleged violations;
13. Causing the "official" sign to be posted ~~on the infield results board~~ after determining the official order of finish for the purposes of the pari-mutuel payout;
14. Reviewing the video tapes of the previous day's races and determining the jockeys ~~whom the stewards feel~~ who should review the films for instructional purposes;
15. Making periodic inspections of the facilities within the enclosure at race meetings, including but not limited to the stable area, paddock, and jockeys' room;
16. Reporting their findings of their periodic inspections of the facilities to the commission;

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17. Filing with the commission a written daily report at during race meetings ~~which~~. Such report shall contain a detailed written record of all questions, disputes, protests, complaints or objections brought to the attention of the stewards, a summary of any interviews relating to these actions, copies of any rulings issued by the stewards, and any emergency actions taken and the basis for the actions;

18. Submitting to the commission after the conclusion of the race meeting a written report setting out their findings on the conduct of the race meeting, the condition of the facilities and any recommendation for improvement that they deem appropriate; and

19. ~~Observing the conduct of simulcast horse racing at satellite facilities.~~ Imposing any of the following penalties on a licensee, participant or permit holder for a violation of these regulations:

a. Issue a reprimand;

b. Assess a fine;

c. Require forfeiture or redistribution of a purse or award;

d. Place a permit holder or participant on probation with or without conditions;

e. Suspend a permit holder or participant with or without conditions;

f. Revoke a permit;

g. Exclude from the grounds under the jurisdiction of the commission; or

h. Any combination of the above.

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11 VAC 10-70-70. Objections and protests.

The stewards receive and hear all objections lodged by trainers, owners, jockeys or drivers after the completion of a race, and all protests lodged by holders of a permit before or after the completion of a race under the following provisions:

1. The stewards shall keep a written record of all objections and protests;
2. Jockeys shall indicate their intention of lodging an objection in a manner prescribed by the stewards;
3. Drivers shall indicate their intention of lodging an objection immediately after the race by reporting to the patrol judge;
4. If the placement of the starting gate or line is in error, a protest must be made prior to the time that the first horse enters the starting gate or line;
5. Protests, other than those arising out of the running of a race, shall be in writing, clearly stating the nature of the protest, signed by the holder of a permit making the protest, and filed with the stewards at least one hour before post time of the race out of which the protest arises;
6. Protests, arising out of the running of a race, must be made to the stewards as soon as possible after the completion of the race but before the race is declared official ~~and~~. The stewards may call and examine any witness regarding the protest;
7. Until a final determination is made on an objection or protest and any administrative remedies and all appeals thereof are exhausted, the purse money for the race shall be

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retained by the horsemen's bookkeeper or licensee and paid only upon the approval of the stewards or commission; and

8. A participant or holder of a permit may not withdraw a protest without the permission of the stewards.

11 VAC 10-70-80. Period of authority.

The period of authority for each steward shall ~~commence at a period of time prior to the race meeting and shall terminate at a period of time after the end of the race meeting as designated by the commission. The period of authority for the steward or stewards at satellite facilities shall commence and terminate at a period of time designated by the~~ be established by contractual arrangement between each steward and the commission.

11 VAC 10-70-90. Appointment of substitute.

If any steward is absent at the time of the running of the race or is otherwise unable to perform his duties, the other ~~two~~ stewards shall agree on the appointment of a substitute to act for the absent steward. If a substitute is appointed, the commission shall be notified immediately followed by a written report, stating the name of the ~~deputy~~ substitute steward, the reason for his appointment, and the races over which the substitute officiated.

11 VAC 10-70-170. Orders following disciplinary actions.

Any disciplinary action taken by the steward or stewards or by the commission shall be provided in writing to the ~~holder of a permit~~ person being disciplined, setting forth the federal or state law, local ordinance or regulation that was violated, the date of the

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violation, the factual or procedural basis of the finding, the extent of the disciplinary action taken, and the date when the disciplinary action is to take effect. The order following disciplinary action may be hand delivered or mailed to the ~~holder of the permit person being disciplined~~, but in either case, the mode of delivery shall be duly acknowledged certified by the holder of a permit sender. The sender shall use reasonable efforts to obtain acknowledgement of receipt by the recipient.

11 VAC 10-90-10. ~~Generally~~ Request for review; stay.

A holder of ~~or applicant for~~ a license or permit or a participant who wishes to contest a denial of a permit or disciplinary action of the stewards may request a review by the commission. A denial of a license or permit or disciplinary action taken by the steward or stewards shall not be stayed or superseded by the filing of a request for a review unless the commission so orders. At the written request of an aggrieved party, a stay in the implementation of a disciplinary action may be granted by the executive secretary chairman of the commission or a commissioner designated by the chairman. Such request shall be acted upon within 72 hours of the delivery of the written request to the executive secretary. Any granting or denial of a stay shall be effective until the next regularly scheduled meeting of the commission at which time the granting or denial or further stay shall be decided by the commission.

11 VAC 10-90-30. Content of request.

The request shall state:

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1. The disciplinary action ~~of or denial of a permit~~ by the steward or stewards being contested;
2. The basis for the request; and
3. Any additional information the ~~applicant for or holder of a licensee,~~ permit holder or participant may wish to include concerning the request.

11 VAC 10-90-50. Procedures for conducting a commission review.

Reviews of stewards' decisions involving the outcome of a race or riding/driving infractions shall be conducted on the record of the stewards' proceedings.

Riding/driving infractions are defined as any violations of the commission's regulations while riding or driving a horse in any race.

All other reviews will be de novo.

The commission shall conduct its review within 45 days of receipt of a request for a review of a denial of a permit or a disciplinary action taken by the steward or stewards.

The following provisions shall apply to reviews by the commission:

1. If any commissioner determines that he has a conflict of interest or cannot accord a fair and impartial review, that commissioner shall not take part in the review.
2. The commissioners, in their discretion, may appoint an independent hearing officer to preside at the review and prepare a ~~proposed~~ recommended written decision for their consideration. The commission, at its discretion, may accept the recommendation in its entirety, amend it or reject it.

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3. Unless the parties otherwise agree, a notice setting the date, time and location of the review shall be sent to the ~~holder of or applicant for a permit~~ person requesting the review and all other owners, trainers, jockeys and drivers who may be affected by the resulting decision at least 10 days before the date set for the review.

a. The written notice shall describe the charges, basis thereof and possible penalties.

b. The written notice shall inform each party of the right to counsel, the right to present a defense including witnesses for that purpose and the right to cross-examine any witness.

4. The proceedings shall be open to the public.

a. The proceedings shall be electronically recorded.

b. A court reporter may be used. The court reporter shall be paid by the person who requests him. If the ~~applicant for or holder of a permit~~ person requesting the review elects to have a court reporter, a transcript shall be provided to the commission. The transcript shall become part of the commission's records.

5. The proceedings shall include the following:

a. The commission or hearing officer may issue subpoenas to compel the attendance of witnesses or ~~for the production of reports,~~ books, papers, ~~registration documents or any other materials~~ and other relevant evidence it deems appropriate. However, nothing in this section shall be taken to authorize discovery proceedings;

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b. Oaths shall be administered to all witnesses;

c. The commission may examine any witnesses;

d. Written notice shall be given to the holder of or applicant for a permit in a reasonable time prior to the review;

e. The written notice shall inform the holder of a permit of the charges against him, the basis thereof and possible penalties;

f. The holder of a permit shall be informed of his right to counsel, the right to present a defense including witnesses for that purpose, and the right to cross-examine any witnesses; and

g. The commission may grant a continuance of any review for good cause; ~~and.~~

~~h. A record of the proceedings shall be made.~~

6. ~~The Review proceeding is a hearing~~ proceedings regarding riding or driving infractions shall be on the record of the stewards hearing and not a new hearing; therefore, presentations by both sides will be limited to arguments and comments regarding the record of the stewards hearing.

7. In conducting a review of rulings of the stewards regarding riding or driving infractions, the commission, in its discretion, may allow new evidence to be introduced which, through the exercise of reasonable diligence, could not have been ~~found~~ obtained at the time of the stewards hearing. If the commission determines additional evidence to be introduced may affect the outcome of the case, the commission, in its

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discretion, may remand the case to the stewards for further review. The stewards shall consider such additional evidence as directed by the commission and, if necessary, in the stewards' discretion, will conduct a new, additional or supplemental hearing. The stewards shall then issue a new decision and order subject to commission review as herein provided.

I certify that this regulation is full, true, and correctly dated.

David S. Lermond, Jr., Regulatory Coordinator
Virginia Racing Commission

Date: _____