

FLAT RACING LICENSING AND DUTIES OF LICENSEES - CHAPTER 8

ARCI-008-005 Purpose

To provide requirements and procedures for granting, refusing, suspending and revoking of licenses, as well as general duties and requirements for individuals holding specific occupational licenses.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

ARCI-008-010 General Provisions

A. Licenses Required

- (1) A person shall not participate in pari-mutuel racing under the jurisdiction of the Commission without a valid license issued by the Commission. License categories shall include the following and others as may be established by the Commission:
 - (a) racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, exercise rider, pony rider, veterinarian, veterinary assistant, horseshoer and stable employees);
 - (b) racing officials (including steward, racing secretary, starter, horsemen's bookkeeper, timer/clocker, clerk of scales, jockey room custodian, paddock judge, patrol judge, placing judge, official veterinarian, racing veterinarian and horse identifier);
 - (c) persons employed by the association, or employed by a person or concern contracting with or approved by the association or Commission to provide a service or commodity, which requires their presence in a restricted area, or which requires their presence anywhere on association grounds while pari-mutuel wagering is being conducted; and
 - (d) all Commission employees.
- (2) Members of the media, including chart callers, while not required to be licensed, may at the commission's discretion be subject to background investigation, fingerprinting, be required to carry credentials, and pay all required fees.
- (3) Persons required to be licensed shall submit a completed application on forms furnished by the Commission and accompanied by the required fee.
- (4) License applicants may be required to furnish to the Commission a set(s) of fingerprints and a recent photograph and may be required to be re-fingerprinted or rephotographed periodically as determined by the Commission.

B. Fingerprinting and Licensing Reciprocity

The Commission may license persons holding valid permanent (not temporary) licenses issued by racing jurisdictions in North America. The licensee must be in good standing; have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous 36 months, or such other period as is required by this jurisdiction; file an application and/or affidavit as may be required by the Commission; and pay the required applicable fees prior to participating in racing.

- (1) The Commission may recognize the issuance of racing licenses from jurisdictions in North America for purposes of issuance of licenses in this jurisdiction.
- (2) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.
- (3) An applicant must be in good standing in each jurisdiction where they hold or have held a racing license.
- (4) The applicant must have submitted fingerprints within the past 36 months, or such other period as is required by this jurisdiction, for the purpose of a criminal records check by the FBI or RCMP. The applicant shall provide this jurisdiction with proof of licensure from another jurisdiction to which fingerprints were submitted.
- (5) The applicant shall submit the license application form and license fee required by this jurisdiction.
- (6) Provided the above requirements have been met, this jurisdiction may issue either a license and/or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another jurisdiction. The validation sticker shall measure a maximum of one-half inch vertically by one and one-half inches horizontally and shall contain this jurisdiction's two-letter postal service abbreviation, the year of validation and the audit trail code or serial number (where applicable). The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. This Commission shall determine the period of time that such license shall be valid in this jurisdiction.
- (7) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the Commission office by the licensee so that a Commission representative may affix the proper validation sticker to the racing license badge.

C. Multi-Jurisdictional Licensing Information

In lieu of a license application from this jurisdiction, the Commission shall accept a NAPRA or RCI Multi-Jurisdictional License Form.

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D. Age Requirement

Applicants for licensing shall be a minimum of 16 years of age unless otherwise specified in these rules. An applicant may be required to submit a certified copy of his/her birth certificate. Persons under the age of 18 may be required to show evidence of active participation in a certified educational program or have a high school diploma or equivalent.

E. Consent to Investigation

The filing of an application for license shall authorize the Commission to investigate criminal and employment records, to engage in interviews to determine applicant's character and qualifications and to verify information provided by the applicant.

F. Consent to Search and Seizure

By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents and to the seizure of any prohibited medication, drugs, paraphernalia or devices in accordance with state/provincial and federal law.

G. Protection of Horses

- (1) Each person licensed by the Commission shall do all that is reasonable and within his/her power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.
- (2) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

H. Substance Abuse/Addiction

- (1) All licensees shall be deemed to be exercising the privileges of their license, and to be subject to the requirements of these rules, when engaged in activities that could affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.
- (2) It shall be a violation to exercise the privileges granted by a license from this Commission if the licensee:
 - (a) Is engaged in the illegal sale or distribution of alcohol or a controlled substance;
 - (b) Possesses, without a valid prescription, a controlled substance;

- (c) Is intoxicated or under the influence of alcohol or a controlled substance;
 - (d) Is addicted, having been determined to be so by a professional evaluation, to alcohol or other drugs and not engaged in an abstinence-based program of recovery acceptable to the Commission;
 - (e) Has in his/her possession within the enclosure any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance;
 - (f) Refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition; or
 - (g) Presently has drugs (controlled substances) or alcohol in his or her body. With regard to alcohol, the results of a breathalyzer test showing a reading of more than .05 percent of alcohol in the blood shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the drug in any quantity measured by the testing instrument establishes the presence of the drug for purposes of this paragraph.
- (3) At its discretion, the Commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.
 - (4) When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.
 - (5) No notice need be given as to onset or cessation of random testing.
 - (6) For licensees who are tested under the provisions in this chapter, and whose testing shows the presence of drugs (controlled substances) or alcohol, any field screening test results shall be confirmed by a laboratory acceptable to the Commission which shall include Gas Chromatography/ Mass Spectrometry (GC/MS) procedures.
 - (7) When the sample quantity permits, each test sample shall be divided into portions so that one portion may be used for the confirmation procedure and another portion may be utilized by the licensee to obtain an independent analysis of the urine sample.

- (8) The Commission shall provide for a secure chain of custody for the sample to be made available to the licensee.
- (9) All costs for the transportation and testing for the sample portion made available for the licensee shall be the financial responsibility of the requesting person.
- (10) Payment shall be due from the requesting person within 30 days of receipt of notice of the costs.
- (11) A licensee penalized or restricted pursuant to this chapter shall retain rights of due process with respect to any determination of alleged violations which may adversely affect the right to hold a license.
- (12) If there has been a violation, under number 2 above, the following procedures will be followed:
- (13) The Commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other drugs or the Commission may act on the information at hand.
- (14) Actions in the case of first violators may include revocation of the license, suspension of the license for up to six months, placing the violator on probation for up to 90 days or ordering formal assessment and treatment.
- (15) Treatment or assessment, if ordered, must meet the conditions given in numbers 16-18 below.
- (16) The license of the person may be revoked or suspended for a period of up to one year or a professional assessment of the person may be ordered by the Commission.
- (17) If a professional assessment indicates presence of a problem of alcohol or other drug abuse that is not treatable within the reasonably foreseeable future (360 days) the license may be suspended for a period of up to one year.
- (18) If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the Commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the Commission. Required features of any program or practitioner acceptable to the Commission will be:
 - (a) Accreditation or licensure by an appropriate government agency, if required by state statute;
 - (b) A minimum of one year follow-up of formal treatment; and
 - (c) A formal contract indicating the elements of the treatment and follow up program that will be completed by the licensee and, upon completion, certified

to the Commission as completed. To effect the contract, the licensee will authorize release of information by the treating agency, hospital or individual.

- (19) For third-time violators, the violator's license may be revoked and the violator may be deemed ineligible for licensure for up to five years.
- (20) Although relapse (failure to maintain abstinence) is not inevitable, it is common for relapse to occur in recovery from alcoholism or other substance dependence. Therefore, a licensee who is engaged in a formal program of recovery, and is compliant with all provisions other than abstinence, will not be regarded automatically as having committed a new violation.
- (21) When a licensee is determined to have failed in maintaining abstinence, the licensee shall furnish to the Commission an assessment by the treating agency, hospital or individual practitioner indicating whether the licensee was compliant with the agreed upon program of recovery, and an opinion as to whether a "new violation" occurred.
- (22) The Commission will determine whether a new violation has occurred in each instance. If a new violation has occurred, the Commission will proceed under numbers 13-15 above or numbers 16-18 above. Otherwise, the licensee shall continue in the agreed upon program of recovery.

I. Approval or Recommendations by Stewards

The Commission may designate categories of licenses which shall require stewards' prior approval or recommendation.

J. Employer Responsibility

- (1) The employment or harboring of any unlicensed person at facilities under the jurisdiction of the Commission is prohibited.
- (2) Every employer shall report the discharge of any licensed employee in writing to the Commission or its designee, including the person's name, occupation and reason for the discharge.

K. Employer Endorsement of License Applications

The license application of an employee shall be signed by the employer.

L. Workers' Compensation

Licensed employers shall carry workers' compensation insurance covering their employees as required by statute.

M. Financial Responsibility

Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued.

N. License Refusal

The Commission or its designee may refuse to issue a license and give the applicant the option of withdrawal of an application without prejudice. If an applicant is refused, the applicant may reapply for a license.

O. License Denial

The Commission may formally deny an application in accordance with these rules. An application denied shall be reported in writing to the applicant stating the reasons for denial, the date when a reapplication may be submitted, and shall be reported to or the Association of Racing Commissioners International, Inc whereby other member racing jurisdictions shall be advised.

P. Grounds for Refusal, Denial, Suspension or Revocation of License

- (1) The Commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant:
 - (a) has been convicted of a felony;
 - (b) has been convicted of violating any law regarding gambling or a controlled dangerous substance;
 - (c) has pending criminal charges; or
 - (d) is unqualified to perform the duties required of the applicant;
 - (e) has failed to disclose or states falsely any information required in the application;
 - (f) has been found in violation of statutes or rules governing racing in this state or other jurisdictions;
 - (g) has racing disciplinary charges pending in this state or other jurisdictions;
 - (h) has been or is currently excluded from association grounds by a recognized racing jurisdiction;
 - (i) has had a license denied, suspended or revoked by any racing jurisdiction;
 - (j) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;

- (k) demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;
 - (l) is ineligible for employment pursuant to federal or state law because of age or citizenship; or
 - (m) has violated any of the alcohol or substance abuse provisions outlined in Sec. H of this rule.
- (2) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, Inc. whereby other member racing jurisdictions shall be advised.

Q. Relationships with Inactive Persons, Prohibited

- (1) A person shall not train a horse or practice veterinary medicine for the benefit, credit, reputation, or satisfaction of an inactive person. This prohibition shall not prevent the partners in a veterinary practice from providing services to horses as long as the inactive person does not receive a pecuniary benefit from those services.
- (2) An associated person of an inactive person shall not:
- (a) Assume the inactive person's responsibilities at a location under the jurisdiction of the commission;
 - (b) Complete an entry form for a race on behalf of or for the inactive person or an owner or customer for whom the inactive person has worked; or
 - (c) Pay or advance an entry fee for on behalf of the inactive person or owner or customer for whom the inactive person has worked.
- (3) An associated person who assumes the responsibility for the care, custody, or control of an unsuspended horse owned (fully or partially), leased, or trained by an inactive person shall not:
- (a) Be paid a salary directly or indirectly by or on behalf of the inactive person;
 - (b) Receive a bonus or any other form of compensation in cash, property, or other remuneration or consideration from the inactive person;
 - (c) Make a payment or give remuneration or other compensation or consideration to the inactive person or associated person; or
 - (d) Train or perform veterinarian work for the inactive person or an owner or customer of the inactive person at a location under the jurisdiction of the Authority.
- (4) A person who is responsible for the care, training, or veterinarian services provided to a horse formerly under the care, training, or veterinarian services of an inactive person shall:

- (a) Bill customers directly on his or her bill form for any services rendered at or in connection with any race meeting;
- (b) Maintain a personal checking account totally separate from and independent of that of the inactive person to be used to pay expenses of and deposit income from an owner or client of the inactive person;
- (c) Not use the services, directly or indirectly, of current employees of the inactive person; and
- (d) Pay bills related to the care, training, and racing of the horse from a separate and independent checking account. Copies of the invoices for such expenses shall be retained for not less than six (6) months after the date of the reinstatement of the license of the inactive person or the expiration of the suspension of the inactive person's license.

R. License Restrictions, Limitations and Conditions

The Commission or its designee, for cause, may restrict, limit or place conditions on any license.

S. Duration of License

- (1) Licenses expire December 31 or are valid for such other period as permitted by the Commission.
- (2) A license is valid only under the condition that the licensee remains eligible to hold such license.

T. Changes in Application Information

During the period for which a license has been issued, the licensee shall report to the Commission changes in information provided on the license applications as to current legal name, marital status, permanent address, criminal convictions, license suspensions of 10 days or more or license revocations or fines of \$500 or more in other jurisdictions.

U. Temporary Licenses

The Commission may establish provisions for temporary licenses or may permit applicants to participate in racing pending action on an application.

V. More Than One License

More than one license to participate in flat racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest.

W. Conflict of Interest

- (1) The Commission or its designee shall refuse, deny, suspend or revoke the license of a person whose spouse holds a license and which the Commission or stewards find to be a conflict of interest.
- (2) A commissioner or Commission employee or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.
- (3) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.
- (4) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as a jockey; apprentice jockey; jockey agent; racing official; assistant starter; practicing veterinarian; veterinary assistant; racetrack director, officer or managing employee; track maintenance supervisor or employee; jockey room custodian; valet; outrider; racetrack security employee; horseshoer; photo finish operator; horsemen's bookkeeper; racing chemist or testing laboratory employee.

X. License Presentation

- (1) A person shall present an appropriate license to enter a restricted area.
- (2) The stewards may require visible display of a license in a restricted area.
- (3) A license may only be used by the person to whom it is issued.

Y. Visitor's Pass

Track security may authorize unlicensed persons temporary access to restricted areas. Such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the Commission or its designee within 48 hours. Such authorization or credential may only be used by the person to whom it is issued.

Z. Safety Equipment

(1) Helmets

Any person mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting crew means any person licensed as an assistant starter or any person who handles a horse in the starting gate. The helmet must comply with one of the following minimum safety standards or later revisions: American Society for Testing and Materials (ASTM 1163); ~~UK~~ [European](#)

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Standards (EN-1384 ~~and or~~ PAS-015 or VG1); or, Australian/New Zealand ~~Standard Standards~~ (AS/NZ 3838) ~~or~~ ARB HS 2012); or Snell Equestrian Standard 2001.

(2) Vests

Any person mounted on a horse or stable pony on the association grounds must wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew must also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards or later revisions:

- (a) British Equestrian Trade Association (BETA):2000 Level 1
 - (b) Euro Norm (EN) 13158:2000 Level 1
 - (c) American Society for Testing and Materials (ASTM) F2681-08 or F1937.
 - (d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3
 - (e) Australian Racing Board (ARB) Standard 1.1998
- (3) A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.
- (4) Reins

- a. All horses with a jockey or exercise rider mounted that are racing, parading or warming up prior to racing; or jogging or exercising at any time must be equipped with a type of safety reins approved by the commission. Reins to be approved must be originally designed and constructed to provide a secure secondary attachment to the bit that is secured to a reinforcement material to prevent failure due to breakage of the rein, or breakage or inadvertent loss of the primary connection to the bit.

AA. Knowledge of Rules

- (1) A licensee shall be knowledgeable of the rules of the Commission; and by acceptance of the license, agrees to abide by the rules.
- (2) A licensee shall report to track security or the stewards any knowledge he/she has that a violation of these rules has occurred or may occur.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 3.1 to 3.2 ARCI 12/9/04 NAPRA 12/9/04: Amended new rule and language added

Version 4.0 to 4.1 ARCI 4/26/07: Added new rule language

Version 4.3 to 4.4 ARCI 12/10/08: Updated helmet standards

Version 4.4 to 4.5 ARCI 4/23/09 Amended language Relationships with Inactive Persons Prohibited

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