



**Wednesday, December 6, 2017**

**Officiating the Races Around the World**

**Moderator:**

**Jennifer Durenberger:** Chief Examining Veterinarian, The New York Racing Association

**Speakers:**

**Eddie Arroyo:** Chief State Steward, Illinois Racing Board

**Scott Chaney:** Steward, California Horse Racing Board

**Atsushi Koya:** General Manager, Japan Racing Association, New York

**Cathy O'Meara:** Coordinator, Racing Officials Accreditation Program

**Ms. Wendy Davis:** You guys are ready? 

Everybody's good?

Okay, great.

All right, we are to the home stretch.

We don't have a big break in between these panels.

We will have our tequila fiesta just after this panel session, but we'd like everybody to come in.

You get to be a racing official today.

You get to be the steward.

You get to make the call.

Today, we have a panel that's sponsored by the racing official's accreditation program. They have put together all of the panelists.

We are actually sponsored by Trakus, but the content has been sponsored by ROAP.

Everyone up here has been involved at some point in the accreditation process.

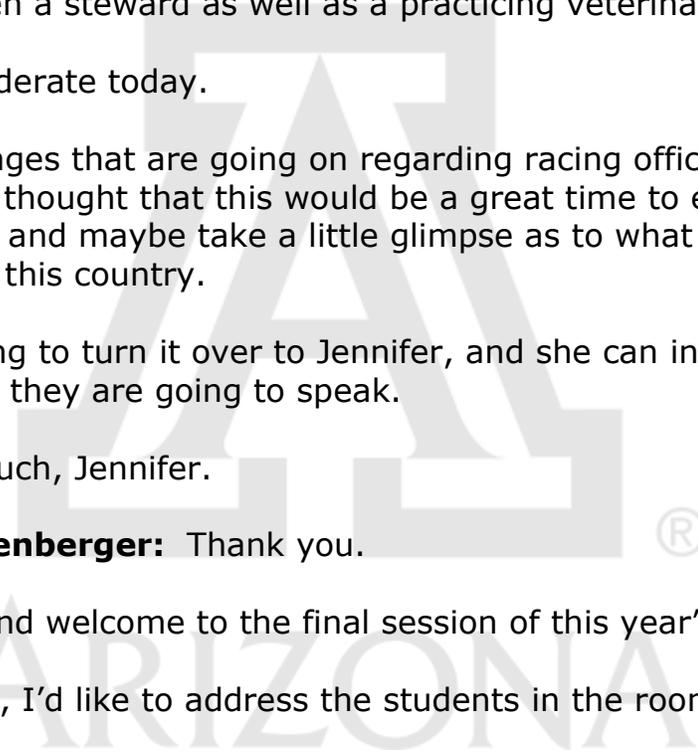
Our moderator today is Dr. Jennifer Durenberger on the far end, and she is a ROAP board member and has been very active in the organization, as well as she is and has been a steward as well as a practicing veterinarian.

She's going to moderate today.

There's some changes that are going on regarding racing officiating around the world, and we thought that this would be a great time to explain what those changes are and maybe take a little glimpse as to what might be happening here in this country.

With that, I'm going to turn it over to Jennifer, and she can introduce the panel members as they are going to speak.

Thank you very much, Jennifer.

**Dr. Jennifer Durenberger:** Thank you. 

Good afternoon, and welcome to the final session of this year's symposium.

As I do every year, I'd like to address the students in the room first.

How many students are still with us?

Excellent.

Thank you for being here.

Racing is one of the few industries that I can think of where, the longer you're in it, the more valuable you become.

Each of you is going to have a very unique trajectory in this industry.

It's an incredible journey that you're about to take, and I speak for all of us when I say welcome.

Next, we would like to talk about this panel.

The goal today, as Wendy said, is to introduce you to a topic that we're just beginning to discuss in the United States.

We're used to talking about the need for uniformity in medication rules and our position in the world regarding the use of certain race day medication, which I'll remain nameless.

Did you know that the United States is a global outlier when it comes to our interference and disqualifications rules as well?

Our panelists today will first introduce you to the two different types of approaches to interference.

They are called, creatively, category one and category two. We're a category two country, for those of you who didn't know.

We'll hear about the experience of one country that recently made a change from category two to the majority category one.

Then we'll contemplate the future of the minority inference rule that we continue to use in the United States.

All the way on the left is Cathy O'Meara.

She's currently the racing officials' accreditation program coordinator.

In that capacity, she keeps all of our committees and large board of directors operating smoothly.

She's our liaison to the International Harmonization of Race Day Rules Committee, and she has authored trade articles on this topic and addressed a global audience on the matter at this year's jockey club roundtable.

To her right is Atsushi Koya.

He's the general manager of the Japan Racing Association's New York Office.

In that role, as you learned in an earlier panel today, he is in charge of business development and recruitment in the Americas and, overseas, the international and steward divisions.

Mr. Koya led the way for Japan's adoption of a category one interference rule, and we are very, very privileged to have him here to share that experience with us this afternoon.

Next, we have Eddie Arroyo, currently serving as the chief state steward for the Illinois racing board.

During his steward career, he has officiated decades of Arlington millions, a race which historically draws a large number of international runners.

Arroyo began his career in racing as groom and exercise rider and rode as a jockey for over 20 years, an inductee in the Chicago Sports Hall of Fame and Pete Peterson award winner.

Mr. Arroyo is on the ROAP board of directors.

We have Scott Chaney.

Scott currently serves as a steward for the CHRB and, in that role, has officiated five breeders cup world championships.

Mr. Chaney holds a law degree from USC, spent a number of years as an assistant trainer on the Southern California circuit, and has been a major part of rulemaking and amending process on construction and use of the riding crop.

With that, I will have Cathy O'Meara please tee up the issue because I think, some of this, we just haven't hit our collective consciousness yet.

She's going to put a framework to the following discussion.

**Ms. Cathy O'Meara:** Thank you, Jennifer.

Again, my role today is to give a little bit of history of both the categories and bring you up to speed with where we are internationally.

First, we'll talk domestically.

The United States, we used to take a pretty hardline approach to our disqualifications where, basically, if a foul was committed, the horse was gonna come down.

It could've been a you brushed the horse in a turn, drew off by ten lengths. That horse was coming down.

We have softened that approach.

Nowadays, most of our interference rules do follow more of the, did the horse — was it effected — the race outcome effected, or was that horse effected his placings?

That's pretty much how we're looking at that.

The vast majority of the states do specifically allow our stewards to have discretion over that disqualification.

Again, looking at, did it cost that horse the opportunity.

Keeping in mind when I say that there isn't an interference or that a foul hasn't occurred, you don't have to take that horse down if there is a foul.

We're not saying it didn't happen.

We're just saying it didn't affect the outcomes.

The stewards are able to use their professional judgements to make that call.

That's the general premise of a category two. Internationally, with a couple exceptions — most everyone else subscribes to what we consider category one.

This philosophy means toward pretty much leaving the race alone, how they cross the wire, and really ensuring that the most deserving or best horse wins the race.

The stewards will review the interference and determine if the horse that caused that interference benefitted from the interference.

Otherwise stated, if that interference had not occurred, would the suffered horse have beaten a horse that caused the interference?

Basic category one.

You're like, "Well, that wasn't very basic," but we'll get to a little bit more description in a moment.

Kim Kelly, who is the chair of the International Harmonization of Race Day Rules Committee — he's also the stipendiary steward in Hong Kong — he's been chairing the International Rules Committee since 2009.

That committee was actually formed back in 2007.

The main goal was to harmonize the rules of the race internationally.

North America, France, Germany, and South America, and until fairly recently, Japan, all subscribed to this category two philosophies.

We are, as Jennifer indicated, an outlier globally.

Atsushi's going to give us an overview of the Japanese experience in a moment.

Basically, this international committee has been working diligently to get an international interference rule.

In this past October's IFHA meetings in Paris, they did come up with, basically, the category one recommendation.

I'll read that rule to you.

It comes in three parts.

The first is, if, in the opinion of the staging authority's relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with but irrespective of the incident, the sufferer would not have finished ahead of the horse causing the interference, the judges placing will remain unaltered.

Clause two: If, in the opinion of the staging's authority's relevant judicial body, a horse or its rider causes interferences and finishes in front of the horse interfered with, and if not for the incident, the sufferer would have finished ahead of the horse causing the interference, the interferer would be placed immediately behind the sufferer.

Racing authorities may, with their rules, provide for the disqualification of a horse from a race in circumstances in which the staging authority's relevant judicial body deems that the rider has ridden in a dangerous manner.

That last section was added, actually, specifically for France, or at their request, because they are a category two country right now.

They were very concerned that moving to a category one philosophy would — basically, we'd have a lot more dangerous riding cuz there would not be a deterrent.

That last clause was added in there.

If there is dangerous riding, you bring that horse down regardless if the best horse had won that race.

Recently, I spoke with both the representatives in France and Germany, and they have indicated, as early as 2018, they will be changing to a category one philosophy.

That will leave the Americas as an outlier.

One aspect that I want you to keep in mind while we discuss these philosophies is that the ruling on the track is separate from the ruling on the jockey.

Many times, these are confused where you think that just because there is an interference and we demote a horse that the jockey automatically gets penalties and vice versa.

They are completely separate in that you can have an interference occur where the jockey's tried everything in his power to prevent that interference.

Same thing, it could be where the jockey causes the interference.

These are critical aspects of category one.

The interference does not necessarily result in the change of the placings, nor a penalty being issued to the rider.

In both cases, the questions that we need to ask is, if not for the interference, would the hampered horse have finished in front of the interferer?

Once the inquiry has been decided, was the rider doing all he or she could do to prevent the inference?

The penalties for the jockeys are typically in the form of days, not fines. They are not allowed to have designated races where the jockey can ride in stakes and then make that suspension day up.

This creates a strong deterrent for the jockey to avoid acts of interference. I believe the Japanese experience will show that the numbers of careless riding suspensions have decreased since the introduction of category one. The last part that I don't want you to forget about is our bettors. We've heard a lotta chatter that, pretty much, when the horses cross the wire, that's how they want it to be paid out.

A lotta people believe that they want fewer demotions overall for — basically simplicity for the bettors.

One of the things that we wanna do here with Robe, one of the reasons we're here today, we're trying to get feedback, trying to open this dialogue between not only the representatives here, but also our horsemen, our jockeys, our bettors, and we want to be able to reach out and have you guys reach to us as well with all your comments and suggestions on how to potentially move forward.

Thank you.

**Dr. Jennifer Durenberger:** Atsushi Koya, please share with us your slide presentation and your story and your experience in Japan.

**Mr. Atsushi Koya:** Yes.

Thank you, Jennifer, and thank you everyone.

My name is Atsushi Koya, general manager of JRA New York Office.

The first international stewards' conference was conducted in Dubai, 2007 in conjunction with the Asian Racing Conference.

Many major sports also have the common rule internationally.

The same rules applied in major sports events all over the world, like soccer, tennis, golf, basketball, and baseball.

After the stewards' conference in Dubai, we realized that each country operated horse racing by their own race day rules.

I eventually decided to establish the International Harmonization Committee for Race Day Rules.

The first Harmonization Committee for Race Day Rules was held in Hong Kong in December 2007.

The most important issue to be harmonized is the demotion, disqualification of the horse.

There are two different demotion, disqualification philosophy, as Cathy mentioned.

Category one and category two.

The category two, the United States is under this philosophy, and the JRA was under this category two philosophy until 2012.

JRA was introduced to category two philosophy after study of the American rule in 1990 and then studying the category two philosophy in 1991 as the same rule as the United States.

The category two is, if the interferer is guilty of causing interference and such interference has affected the result of the race, the interferer shall be demoted behind sufferer.

United States, France, Germany are now under this category.

JRA changed the philosophy from category two to category one from January 1, 2013.

The category one's philosophy is, if the interferer finished in front of the sufferer and has not improved its placing as a result of the interference — or, in other words, but for the interference, the sufferer would not have beaten the interferer, the interfere retains its place.

This philosophy is adopted by United Kingdom, England, and most of Asian Racing Federation countries like Australia, Dubai, Hong King, Japan, New Zealand, Singapore, and so on.

Many countries belong to the category one at this time, however, as I studied, many countries of category one changed from category two to category one in last 30 years.

How did the interference affect the sufferers' race results?

This is the point for steward's decision under the category two.

The stewards should review the races and how the sufferer was stumbled, lost speed, lost balance, and lost ground, etc.

Every time some interference are caught in the JRA races, especially in major grade one races, many responses delivered from punters and racing funds, why this interferer was demoted or why the interferer was not demoted.

It was hard to understand the steward decision.

After many arguments, in the stewards' committee JRA, we decided to change the philosophy to category one because category one philosophy is simple, easy to understand, not only for the stewards, but also for horsemen, mediator, and punters.

After two years for preparation and transition, Japan changed to the category one from January 1, 2013.

Also, we changed the disqualification philosophy at the same time.

The definition of the term demotion and disqualification in the U.S. is the same as demotion in Asian and Europe countries.

Where the term of disqualification is for placing last or no race records. The disqualification philosophy in Japan, since 2013, is the same as the other category one philosophy countries.

The interference is considered extremely vicious and dangerous action, and it has caused serious effect to the race, then interferer should be disqualified.

As I ask the steward in major category one countries, there were no disqualifications in last few decades.

More than four years have passed with changed the philosophy.

Most of the reactions received from punters, public media, and the horsemen were simple, easy to understand, and more reasonable.

It may take some more time for this change of philosophy to be formally rooted in our racing in Japan, but I would like to say that this change was a true reform to make our racing better.

With this change, the JRA stewards are also able to make the steward decision faster than before, even in the event of some complicated cases.

I think it helps wagering interest because the punters can move on to the next race smoothly and quickly after knowing the result with fast and easy steward's decision.

This is the disqualification philosophies, yes, 2013.

This is the stats of the JRA from 2011 to 2016. I'd like to show just some stats about the stewards' inquiry demotion, disqualification, suspension due to careless riding.

The steward's inquiry in 2011 was 185, but, last year, just 14.

Demotion decreased from 19 to 2.

Suspension is almost the same, but slightly decline at 29 to like 24.

Many people worry, if the interfeerer shall not be demoted in many cases of interference, so, therefore, the JRA beefed up the penalty standard for race integrity and safety at the same time as the January 1, 2013.

Then the number of suspension was increased right after the changing the philosophy, but now declined in the number of suspension.

Thank you very much.

**Dr. Jennifer Durenberger:** Thank you.

I heard him say that this made our racing better.

Did I hear you say that correctly?

**Mr. Atsushi Koya:** Yeah, I did.

**Dr. Jennifer Durenberger:** That is a pretty remarkable statement when you think about it, and it's coming from someone who should know.

Next, we have Eddie Arroyo, and Eddie was at the Pan-American conference that was held this year, Preakness week in the Washington D.C. area.

In conjunction with that was an international stewards meeting.

Eddie's going to share with us his perspective and then how he took what he heard there back home to Illinois this summer.

**Mr. Eddie Arroyo:** Well, thank you.

I was at the meeting also three years ago, I believe.

I think it was the first time that Mr. Kelly from Hong Kong introduced at least the concept to us.

There were several other stewards from the United States.

I think you were there.

When they showed us the category one, the category two, and we all looked each other, had a quick grin, and said, "This'll never fly." The topic was not discussed very much.

Last year, again, we went to the meeting in Washington D.C.

Again, there's more discussion.

This time, something was different. We began to look at the difference in the categories, and it became quite apparent to us that there's some merit to this.

As Cathy mentioned, we have a lot of interaction with the bettors.

Our phones ring when we disqualify a horse.

We do take calls.

We take calls from the public.

We'll take a call from anyone until it gets to where they're — most of the calls are very intelligent people, and they have an opinion.

Sometimes it's quite good; other times, they're very frustrated, and the language gets a little where it shouldn't go, and then we terminate the conversation.

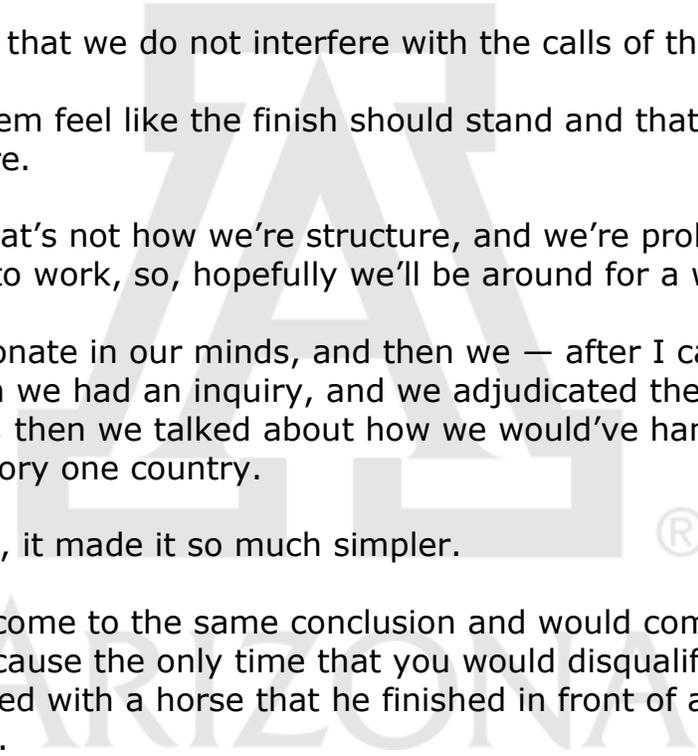
For the most part, we have some dialogue with the public.

They would rather that we do not interfere with the calls of the races.

The majority of them feel like the finish should stand and that the stewards should not interfere.

Well, obviously, that's not how we're structure, and we're probably going to be — we all need to work, so, hopefully we'll be around for a while longer.

That began to resonate in our minds, and then we — after I came back from the meeting, when we had an inquiry, and we adjudicated the race, either disqualified or not, then we talked about how we would've handled the race if we were a category one country.

I will tell you what, it made it so much simpler. 

We always would come to the same conclusion and would come to the conclusion fast because the only time that you would disqualify a horse is if that horse interfered with a horse that he finished in front of and that horse would've beat him.

Well, as you know, you see a lotta that happen, but the majority of the inquiries that we adjudicate that's very hard to determine that a horse would've finished fourth or fifth, that he was going to beat the winner.

It'd be a lot easier if we didn't have to make that decision. I'm not saying that we're shucking the responsibility to make those decisions.

That's what we get paid for, but the benefit of the category one is — I'm not 100 percent sold on it, by the way.

Just telling' you how I feel.

How I see it, the category one, everyone understands what the stewards are going to do when the incident happens because of the finish of the race.

You'd have a horse who one by two or three lengths, and he did bother a horse in the race, and that horse probably wasn't going to beat him, you know that there is no — you don't have to worry about your ticket.

You know what your decision is going to be.

Under the category two, you don't know that until the official sign goes up. It simplifies what we do, but at the same time, I think it will—if we all did that — and you know how hard it is to get this country for everybody to apply to same rule.

If we were all to adhere to that rule, then we'd be really consistent in making' our decisions. Not just in our state, but across the country.

I think it needs some discussion, but I think it's got a future.

**Dr. Jennifer Durenberger:** Thank you, Eddie.

I heard him use the word consistency, which is something that we're mindful of as racing officials because we know it causes dissatisfaction among all stakeholders — the pari-mutuel customer, the licensees, and even in the steward stand, and then things get appealed, so consistency is important to everybody.

Scott, I'll put you on the hot seat, certainly, later, but do you have specific questions at this point — or comments or anything that you'd like to speak about?

**Mr. Scott Chaney:** Of course, I always have something' to say, right?

**Dr. Jennifer Durenberger:** I thought you might.

**[Laughing]**

**Mr. Scott Chaney:** It's almost a question for Atsushi who said that racing improved.

I think the comment was even made earlier that there was — it looked, by numbers, to me that there was actually more careless riding suspensions, except for 2016, than under the old philosophy.

Is it fair to say that it's all positive, or do riders take a — that's the concern, right, that riders will take a shot?

**Mr. Atsushi Koya:** Could you show up the stats again?

**Dr. Jennifer Durenberger:** Oh, back.

**Mr. Atsushi Koya:** Yes.

**Mr. Scott Chaney:** Right, so you go from 23/29 under the old philosophy to 36, 31, 46.

Now, in 2016, you're back down to 24, which is not less.

It almost seems like 2016 was the outlier.

**Mr. Atsushi Koya:** We had a lot of the suspension before the 2010.

The number of suspension has been increased between 2012 and 2013 was because we beefed up the penalty standards.

Usually, we impose the penalty, caution warning, the fine, and suspension.

In the case of the fine case, in 2012, the same instance happened in 2013.

That going to be the suspension case.

That's why the number of suspension have been increased in 2013.

**Mr. Scott Chaney:** A company embarking on this, you would recommend ramping up the suspensions much more quicker than you did.

**Mr. Atsushi Koya:** Yes.

**[Laughs]**

**Mr. Scott Chaney:** Jockeys' Guild will love that.

I'm sorry.

I'm asking a question —

**Dr. Jennifer Durenberger:** No.

No, worries, no worries.

Cathy, one of the things that we talk about, when it comes to culture change — and this officiating races is a culture.

It's part of our racetrack culture, how we interpret interference.

We talk about this notion of a tipping point.

Given the way that our major U.S. racing events have grown in handle, particularly with the international audience, how far away are we from a tipping point type race in this country?

**Ms. Cathy O'Meara:** Right, so we've had a couple little pockets of big races internationally that've obviously gotten a bunch of chatter, but we really are at just the very intro point right now.

I'd hate to speculate on a specific time period.

I think that it's important that we're having this discussion.

We had the races like the Beverly D., then obviously the Breeders' Cup Classic were lotta chatter, lotta international.

That got that momentum going.

It's like anything with our sport.

You have one or two more big instances in a big race where we could potentially lose some handle or some big bettors just because of the frustrations of not understanding.

I think it's important that we do begin that dialogue.

I'm really, really encouraging to get as much feedback as possible.

I hope, with position at ROAP, that I'm able to reach out to, especially, our bettors.

I feel like I have a pretty good connection with a lot of our industry groups, but that's one that I'd like to explore a lot more with them, give a lot more feedback and go from there.

**Dr. Jennifer Durenberger:** Thank you.

A rollout like this is a lot of education involved, and I would imagine that there's education of the pari-mutuel customer as to what's going on.

There's education to the licensees, both to, actually, owners, trainers, and riders so that they can understand the expectation and the outcomes.

Then, of course, there's educating for officials.

Atsushi, obviously, you had great experience with this, and I think you have another slide, right?

Yes.

**Mr. Atsushi Koya:** Yes.

**Dr. Jennifer Durenberger:** Could you tell us how you went about educating all segments of the industry and how long that took?

**Mr. Atsushi Koya:** Yes.

After we decided to change the philosophy from — that was in late 2010 after the controversial instance held in the Japan Cup 2010. We took two years for the change in philosophy beginning January 1, 2013.

I had tons of the meeting with the owner, trainer, and jockey and also the racing officials, the JRA employees, and the racing official walking in — not JRA, but in the local government or race tracks as well and how we change in how we deal with \*\*\* in the races under the philosophy of category one.

To educate the people and the licensees and owner, trainer, and the punter as well, we used the leaflet and also the JRA website and also the racing channel.

The chief steward of JRA appeared on the racing channel — the official racing channel, on the green channel and newspaper as well to explain the change. We also launched the special content on the JRA website including

five minutes of video with using computer graphics, sample cases when the interferer shall be demoted and not be demoted in category one philosophy. We have a photo on the leaflet, and the racing fan can get this leaflet at the racecourse and O.T.B. as well.

First, we started to educate the keepers of each association — owner's association, trainer's association, jockey's association — and then split to all of the member of the licenses.

We had the same thing in the JRA officials. First, of course, the steward section and the racing section and the split to the pari-mutuel and the public and the press sections.

**Dr. Jennifer Durenberger:** Hindsight is always 20/20.

What would you have done differently, if anything.

**Atsushi Koya:** I'm sorry?

**Jennifer Durenberger:** If you had to do it again, is there any area that you would focus on differently or mend your strategy?

**Atsushi Koya:** Yes.

The racing channel helps us to educate easier for the public and punters and the media as well.

The website is also good item at this time — 20 years ago, leaflet helps us with — right now, the website is good items to explain how we changed.

I'm sorry. I have just only the Japanese samples here, but you can find the video on our website, but in Japanese.

The sample case I used in the website using the computer graphics is, I think, easy to understand for public.

Everybody understands how we change the philosophy.

**Dr. Jennifer Durenberger:** That sounds like a good resource, and I look forward to looking at that after the panel.

I think, if it's okay with the panelists, we did bring some films to show you how this would work.

If it's okay with you all, I'd like to start doing some of the films.

I have Cathy at that end because she's the audio-visual technician.

You don't want me pushing any buttons.

Cathy, if you want to do your thing here and —

**Ms. Cathy O'Meara:** Yeah, just ignore what's going on.

Let me get you the beginning before we start that.

Let me back up here.

Okay, so the first one, this is actually, obviously, an international race that we're going to show.

We wanted to talk — I don't want to steal your thunder, Jennifer, but we're going to go a little bit, and we're going to, obviously, talk about the two different things if we were under category one, category two, and how we might officiate.

We'd like some audience participation, too, if that's okay.

Jennifer may ask some questions of you guys.

Raise your hand if you would or would not demote the horses.

We'll let it play, and you guys see this — there's going to be quite a few different views of this race.

We'll let it play and see what you guys see.

**Dr. Jennifer Durenberger:** Are the lights okay?

Can you see the video, or do we need to do anything?

**Ms. Cathy O'Meara:** Can we dim the light?

Yeah, there we go.

**Dr. Jennifer Durenberger:** Do we have that technology?

Excellent.

**Ms. Cathy O'Meara:** Yes, we do.

Don't go to sleep.

All right.

**[Pause]**

**Ms. Cathy O'Meara:** We're looking primarily at the first three horses there, and that's all I'm going to say.

**[Pause]**

**Mr. Scott Chaney:** Ooh.

**Dr. Jennifer Durenberger:** Just the oohs and the ahs, right?

**Ms. Cathy O'Meara:** There's the soundtrack, right?

Provided by Scott Chaney.

**Mr. Scott Chaney:** That's what the crowd and the track would do.

**Dr. Jennifer Durenberger:** Yeah.

**[Laughing]**

**Ms. Cathy O'Meara:** They have quite a few cameras.

This is actually a race.

This is a graded race from Hong Kong.

Hopefully, you guys are seeing the incident.

I'll let our acting stewards describe it, if need be.

**Dr. Jennifer Durenberger:** Do we want to take a Poll?

Is that the idea Cathy?

**Ms. Cathy O'Meara:** Yeah, I think, before we talk about it, we should just let our audience stewards take a stab at it.

**Dr. Jennifer Durenberger:** Okay, so you be the judge.

I think we can kind of see.

How many of you would —

**Ms. Cathy O'Meara:** Oops, I'll back up to —

**Dr. Jennifer Durenberger:** — disqualify the winner in this race?

We're not asking where you place him, but—okay, and how many would not?

**Ms. Cathy O'Meara:** How many would not?

We have one —

**Audience Member:** Sure.

**Ms. Cathy O'Meara:** We have a couple.

We have about three that would not disqualify.

**Dr. Jennifer Durenberger:** We have some non-voters, and that's okay.

All right, so —

**Audience Member:** Under what rule?

**Ms. Cathy O'Meara:** Well, just right now.

Just your opinion right now.

**Audience Member:** Oh, okay.

**Ms. Cathy O'Meara:** Yeah, we'll definitely go into more of it.

Do you want me to run or you run?

**Dr. Jennifer Durenberger:** Yep.

**Ms. Cathy O'Meara:** You want me to run with it, okay.

Sorry, I didn't want to steal thunder.

Okay, so —

**Mr. Eddie Arroyo:** Category two or one?

**Dr. Jennifer Durenberger:** Here.

**Ms. Cathy O'Meara:** Well, this was just a general thought.

I wanted to see, before we actually talked about the incident, just your personal feel right now, and it did look like most of the audience would bring down that winner.

**Dr. Jennifer Durenberger:** First, we should ask, was there interference?

**Ms. Cathy O'Meara:** Yeah, that's always the first question, right?

**Dr. Jennifer Durenberger:** That is the first question, yeah.

**Ms. Cathy O'Meara:** Was there interference?

We probably all could agree.

The three does come over.

I believe it was the four, and then the one beats the four for second place.

I'll let you guys first — the stewards, obviously, on the panel, if you want to describe the incident and what you would do under our current category two philosophy — what you would do in this case.

**Dr. Jennifer Durenberger:** Scott, we'll start with you.

**Mr. Scott Chaney:** Sure.

I think it's probably a pretty easy disqualification.

The only real question is, is the third-place horse going to beat the second-place horse?

Yes, there's interference.

Was the third-place horse cost the opportunity of better placing?

Was he cost second?

He's beaten, what, a quarter long neck or something and actually hazes him for a while before he really finishes him off.

That's the question you have to ask.

I'm guess most American stewards would disqualify the winner.

**Mr. Eddie Arroyo:** As most of the —

**Mr. Scott Chaney:** The room would under our rules.

**Mr. Eddie Arroyo:** - the room would, yeah.

Again, I agree with you that it would — this is an easy call to make.

I wish they were all this easy under our current rules.

You hate to disqualify the winner.

Who was the best horse in the race?

Any doubt who the best horse in the race was?

**Mr. Scott Chaney:** No.

**Mr. Eddie Arroyo:** No, no doubt.

**Mr. Eddie Arroyo:** Thank you.

**Mr. Scott Chaney:** You're welcome.

**[Laughing]**

**Mr. Eddie Arroyo:** That makes our job hard, especially when you know that the betting public is going to lose their money because of the actions of

the jockey, in this case, that caused interference and changed the outcome of the race for second, but not for first.

**Ms. Cathy O'Meara:** I guess the second part of that then is, what would you do to the jockey?

**Mr. Eddie Arroyo:** For me?

**Ms. Cathy O'Meara:** For you.

**Mr. Eddie Arroyo:** He definitely has a penalty.

It depends on how many times he's been penalized that particular meet or day or year.

Either a fine or a suspension, but definitely a penalty.

This is all the jockey's doing'.

This is not the horse trying' to squeeze the other horse out.

The jockey did it, no doubt.

No excuse.

**Mr. Scott Chaney:** Yeah, I was going to say I don't know cuz — this is good insight into stewarding.

I wasn't really looking at the actions of the jockey when we were examining it for a DQ, right?

You were just looking at the actions of the horse.

Now, putting on the suspension hat and looking at the actions of the jockey, you're going to argue — if you're his attorney, you're going to say he was sitting right handed.

The horse, I think, switches leads kind of late there, and the heads turned out.

At the same time, he comes in several paths, so you're probably looking at a suspension, I would think.

In California, it's like three days as minimum, so that's probably what he's looking at.

**Ms. Cathy O'Meara:** If we looked at this under category one, what would you guys do in Japan?

**Mr. Atsushi Koya:** No change in category one philosophy.

Under the category one philosophy, we just think about the first finisher and the third finisher.

Don't think about the second finisher.

The margin was around two lengths.

It was, I think, the easy winner.

Of course, the number three horse, that finished first interfered with number four, but, under the category one philosophy, if but for interference, the number four horse would have finish ahead of the number three horse or not?

I don't think number four beat the number three but for the interference.

That's why no change, but impose the severe penalty to the jockey number three because he won the race with the interference.

**Mr. Scott Chaney:** Atsushi, I think we all agree with that.

The four's never going to beat the three.

Would you hang the inquiry sign in this case?

Cuz I noticed, in your stats, that number of inquiries went down, too.

Is that because riding's better, or you just know you're not going to make a change, you just don't hang the inquiry sign?

**Mr. Atsushi Koya:** Yes. This is —

**Dr. Jennifer Durenberger:** Great question.

**Mr. Atsushi Koya:** — just the four years past that we change the philosophy.

At this time, I think the JRA stewards should turn on the inquiry sign on the tote board because to — it is a good occasion to explain how category one philosophy work in the JRA races again and also like to review just only within the two lanes.

**Mr. Scott Chaney:** So you have something to talk about at the racing conferences.

**[Laughing]**

**Mr. Eddie Arroyo:** I like to know, under the category one rules, how many would disqualify?

Raise your hand.

**Ms. Cathy O'Meara:** In the audience.

If you had to adjudicate under category one, how many would disqualify.

That's good.

**Mr. Scott Chaney:** There's right and wrong in this one.

**Ms. Cathy O'Meara:** right?

**[Laughing]**

**Dr. Jennifer Durenberger:** Atsushi, you said sever penalty for the rider.

Can you describe what that is under this model for you?

**Mr. Atsushi Koya:** Usually, the starting point of the number of the suspension is nine calendar days in JRA racing.

He wins the race with the interference.

This is the graded race — especially like a grade one race, like a Japan Cup 5 million purse, the number of suspension days should be increased, like 16 calendar days or 23.

In the regular race, I think it is nine calendar days suspension.

**Dr. Jennifer Durenberger:** If a rider is a serial offender, if this was the second time this had happened in the last month, do you increase the penalty?

**Mr. Atsushi Koya:** Yes.

We review the penalty record when we decide the penalty for the interference.

If there is the penalty record in the recent couple months and then the jockey interfered again, the suspension will be 16 or 23 days rather than 9 calendar days.

**Dr. Jennifer Durenberger:** Wow, okay.

All right, we're going to move here, stateside.

This is the Dixiana Bourbon Stakes from not too long ago.

We'll let this roll, and then we'll poll the audience.

**Ms. Cathy O'Meara:** Again, we are going to be watching our first three finishers.

There is quite a few different views of this and some closeups and some angles we normally wouldn't see in the replay.

I'm just, again, going to let it play through. We're looking at the 12, 3, and I believe that's the one.

**Mr. Scott Chaney:** Cathy, the order across the line is outside wins it, then second is on the inside, and the middle horse finishes third.

**Ms. Cathy O'Meara:** Correct, 12, 1, 3 is your finish across the line.

**Dr. Jennifer Durenberger:** Okay, so we're in the United States, category two.

How many of you would — was there interference?

**Audience Member:** Yes.

**Dr. Jennifer Durenberger:** Okay, all right.

How many of you would disqualify the winner?

**Audience Member:** The winner or —

**Dr. Jennifer Durenberger:** I'm sorry. What was the order across the wire?

**Ms. Cathy O'Meara:** Across the wire is the 12 on the outside —

**Dr. Jennifer Durenberger:** The inside, okay.

**Ms. Cathy O'Meara:** — 1 on the inside, and the 3 is in the center.

**Dr. Jennifer Durenberger:** Don't disqualify the winner cuz that will get you fired.

**Ms. Cathy O'Meara:** Yeah.

**[Laughing]**

**Dr. Jennifer Durenberger:** You'll be the subject of the morning news.

How many of you would disqualify that second-place horse for the interference?

How many would not?

**Audience Member:** This is under two?

**Dr. Jennifer Durenberger:** Yep, yeah.

**Ms. Cathy O'Meara:** Yeah, basically looking at switching the two and the three — second and third placing.

**Mr. Scott Chaney:** Huh.

**Ms. Cathy O'Meara:** That's interesting.

**Dr. Jennifer Durenberger:** Yeah, I know.

**Ms. Cathy O'Meara:** Well, this is a really good one then.

Steward Chaney is perplexed.

**Dr. Jennifer Durenberger:** We'll see the —

**Mr. Scott Chaney:** Cuz there's a right answer here.

**[Laughing]**

**Mr. Scott Chaney:** This isn't a hard one either.

I'm puzzled at the folks who wouldn't disqualify the one.

**Ms. Cathy O'Meara:** We've had a request for the head on again, so we can see what we're looking at here.

**Mr. Eddie Arroyo:** Here it is.

**Ms. Cathy O'Meara:** Again, your outside here is going to be your winner.

This is going to be your second place, and the middle horse here is going to be your third place across the line.

Oh, that's not the head on.

I'm sorry.

I went back too far.

Let's move it on.

**Mr. Scott Chaney:** It's a great example of the three running right up to the one and getting interfered with and then —

**Mr. Eddie Arroyo:** Yeah, here's the —

**[Laughing]**

**Ms. Cathy O'Meara:** That's why we choose these examples.

I guess the first thing you had asked there is we are not looking at the 12. Hopefully, everyone can see that the 12 is not at fault with anything here. He's going to just get in the brunt of it.

**Mr. Eddie Arroyo:** After looking at this again, how many would disqualify?

**Ms. Cathy O'Meara:** Couple more hands.

**Mr. Eddie Arroyo:** How many would not?

See?

**Ms. Cathy O'Meara:** We're about 50/50, so we need some education on our —

**Mr. Eddie Arroyo:** We can't convince you, huh?

**[Laughing]**

**Dr. Jennifer Durenberger:** Scott, I'm going to let you run with this one.

**Mr. Scott Chaney:** No, I can't — with all due respect —

**[Laughing]**

**Mr. Scott Chaney:** There's a right and wrong answer here.

First of all, we all agree — does anybody think that the inside horse did not interfere with the middle horse?

**Dr. Jennifer Durenberger:** I think everybody raised their hand.

**Mr. Scott Chaney:** We all agree that the interference, right?

The only question becomes, was the third-place horse cost the opportunity a better placing?

Was he cost second?

Eddie, I hope I'm not speaking for you, but he runs right up like he's going to run past him until he gets broadsided and then finishes third, beaten right there like a nose, if not smaller —

**Ms. Cathy O'Meara:** A nostril.

**Mr. Scott Chaney:** — than that.

**Mr. Eddie Arroyo:** An inch, yeah.

**Mr. Scott Chaney:** Every steward in the country, in the U.S. would disqualify this horse.

**Mr. Eddie Arroyo:** Mm-hmm, and it goes beyond that.

I think Cathy, you have some statistics.

**Ms. Cathy O'Meara:** Yes, I have the stats.

Every jurisdiction that I spoke with internationally would also disqualify the second-place horse and place third.

This was a race — it was very convenient that it obviously just happened at the Keeneland Meet.

When I first sent this race over to Kim Kelly in Hong Kong, I was assured.

I was like, "Hey, they took the horse down.

Category two, I'm sure you'd leave him up," and little chatty e-mail.

He's like, "No, actually, that horse definitely should come down." I was like, "Wow, okay."

I asked if I could send it around to the international rules committee, and it came back that every single jurisdiction, regardless of category one or two, would disqualify in this case.

For the most part, all of the days were fairly similar in the suspension as well.

**Mr. Scott Chaney:** I think it's important to note that it's the exact same analysis.

Does everybody see that under category one, category two?

Category two, we just ask, was the third-place horse cost second?

Under category one, you would ask, was the sufferer of the interference — would he have beaten the interferer?

You're asking, will the third-place horse have beaten the second but the for the interference?

It's the exact same analysis.

I think what you'll find is that, even though it would normally be the same analysis — let's say it was a length.

In the U.S., we would probably be more likely to disqualify a horse, given the same analysis, than they would internationally.

I think we just disqualify more horses, even if it's the same analysis under either category.

**Ms. Cathy O'Meara:** Mm-hmm.

No, definitely.

I think, in this case, the biggest one is — hopefully, I'm speaking correctly from the e-mails from Mr. Kelly — is that you're looking at the three and the one.

Clearly, the three was coming up in the middle there.

He was making ground.

He was gaining on the number on horse.

I tried to stop it as best I could here on the video, but he loses barely by a nose, and so they're looking at those two there.

They're saying, "Okay, if he wasn't knocked off stride, he would've been able to have his head in front."

If it would've been, like you say, maybe a length or so, maybe not, but he was — it's so close, and they really felt that that would make a difference.

**Mr. Scott Chaney:** The interesting thing for me is, out of 3,500 races that run in Japan, you guys disqualify 2 horses every year.

That's basically what it is, so no horses are ever disqualified, right?

**Mr. Atsushi Koya:** Yes.

**Ms. Cathy O'Meara:** Well, there's a difference in demotion and disqualification.

**Mr. Scott Chaney:** I'm sorry.

I'm sorry.

Demotion is, what, a five or —

**Mr. Atsushi Koya:** Yes, a four.

**Ms. Cathy O'Meara:** Seven or something. Yeah, it was another small number.

**Mr. Scott Chaney:** Almost none out of 3,500, right?

**Mr. Atsushi Koya:** Yeah.

**Ms. Cathy O'Meara:** Right.

**Mr. Scott Chaney:** Would this have been a horse that you demote?

**Mr. Atsushi Koya:** Yes.

I think the — JRA would demote the second place to the third place under both category, category two and category one at this moment.

**Mr. Scott Chaney:** This is one of those small five to seven races every year that would resolve to —

**Mr. Atsushi Koya:** Yes.

**Mr. Scott Chaney:** — a demotion.

**Mr. Atsushi Koya:** As I reviewed, the incident — of course, the [momentum] is very important, but not only [moving?] was considered for the changing the interferer or not.

Both two horses were travelling before the incident and also after the incident, and but for the interference, the interferer — the sufferer would have finished ahead of the interferer or not.

In that case, both two horses travel — I think they're the same speed in it, or the finisher is gaining before the wire, but bumped from the inside and then lost it with the \*\*\* mark.

**Dr. Jennifer Durenberger:** There's tequila waiting, but if anyone in the audience has burning questions, I do want to give you the opportunity to ask them.

Please come to a microphone —

**Mr. Scott Chaney:** We're gonna lose out to the tequila, come on.

**[Laughing]**

**Dr. Jennifer Durenberger:** Oh, we have some questions.

**Audience Member:** Thank you.

This has been really educational.

I have a question about the first example you showed.

Let's pretend it takes place in Illinois, and I've got Eddie's phone number, and I call and say, "I'm a player, and I have a \$100.00 bet on a three-four exacta. You cost me several thousand dollars. I don't care about the winner, but I think my horse would've finished second rather than third. You've just cost me a lot of money."

How do you handle that situation?

It seems there's an injustice to somebody.

**Mr. Eddie Arroyo:** Under the category two, you wouldn't have to complain because we would've disqualified that horse.

Under the category one, we would not have disqualified that horse.

Therein lies the issue that, until we, as a country, switch to — completely all switch to one and you understand that this is how it's going to be adjudicated, then I think you would accept my explanation a little better had you understood why I made that decision.

**Mr. Scott Chaney:** I take a little different tact.

I think you hit the nail on the head.

It's not all roses.

To me, you're sacrificing equity and fairness.

In this race, the three clearly was the interferer, and it seemed unfair to us — maybe this is the cultural change that may or may not take place — that he should be awarded for that interference.

When you switch to category, you are — make no mistake, you're sacrificing fairness, equity, and things like that for certainty, consistency, easier to understand.

When I was thinking about this on the plane ride this morning actually, it's not unlike — in the U.S., most jurisdictions used to be a fowl was a fowl.

Now, it's kind of draconian, but people still like to talk about it.

Every once in a while, when you disagree with the stewards, you'll say, "We should go back to a fowl is a fowl approach."

That approach was, if you commit interference, you're disqualified.

It doesn't matter where you finish or the sufferer or the interference, you're automatically disqualified.

It creates a lotta certainty for the wagering public and for the jockeys. You're not going to interfere with another horse.

Otherwise, you'll be disqualified.

What it does sacrifice is equity, fairness.

We kind of moved, as a country, to our current philosophy, which introduces a lot more judgement, a lot more subjectivity in an effort to try to make the races, and then their outcomes, more fair, more just.

From a steward sitting in the stand — I'll be at Las Alamitos tomorrow afternoon — I like category one because we don't get any grief. Everyone agrees what the result's going to be. It's straightforward.

You probably don't need to pay stewards as much cuz, when you're just — out of 3,500 races, you're changing the result 5 to 10 times depending on the year.

I'm all for it's easy to — cuz, as a steward, you take criticism, but I think it's important to know that you are giving up something.

**Audience Member:** Can I just have a quick response to that?

**Dr. Jennifer Durenberger:** Please.

**Audience Member:** We worry about getting owners in the game, and if you're the owner of this horse that finished third by a neck that probably would've finished second, you've been beat out of some purse money.

You have no remedy there.

If you're a fan, you feel like the outcome is not fair. ®

I think you admitted that, Scott.

The rule only talks about the effect on the sufferer as oppose to the effect on the final finish of the race.

I'm a little concerned about the image that we're projecting when it's clear that the three would've won, and that's an easy decision.

There's a lotta people playing superfectas and trifectas and have a lotta money on this.

To them, this is not going to be a fair outcome.

**Mr. Scott Chaney:** Arguing the opposite side — I think Eddie alluded to this earlier.

My experience over the last ten years as a steward has been, in general, people like when stewards change the order less.

They like it when we don't get involved.

That's the opposite argument for — unless, of course, you've met the horse that we want to take down.

**Dr. Jennifer Durenberger:** Atsushi made an interesting comment at lunch about the types — he handles everything, and so the types of calls that customer service gets also.

We do have owners that call and give a piece of their mind.

Go ahead and share with us what you shared this afternoon.

**Mr. Atsushi Koya:** Yes.

Before changing the philosophy, until 2012, we have many phone call and e-mails to the customer service after the incident.

Why you demote the winner with interference?

Why you didn't demote the interferer behind sufferer?

We didn't need the long time to educate the punter and person there.

Everybody involved in the horseracing industry about the how the category one philosophy works in the JRA races.

Then after couple month, the phone call regarding the steward decision was very few.

Most of them were sifted to the complaining about the customer service or the behavior of the teller or something, not the steward decision.

That means the public, the punters, the racing ran, the media — everybody — could understand easily about the category one philosophy.

I had the same argument with the JRA officials and the media and the punters as well.

How you treat the number four horse, the sufferer by the — suffered the interference by number three horse.

Kim Kelly, the chief steward Hong Kong Jockey Club told me stewards cannot treat everything.

That is it.

**Dr. Jennifer Durenberger:** Right, and I think that both Tom and Scott have very good points.

I think that you are sacrificing something.

I think that you are sacrificing something.

If you're sacrificing that something, but everybody's expectations change with the cultural change — everybody's been on the bad side of the DQ.

If you're playing' or if you're an owner, you've been on the bad side of it.

Sometimes you get put up, and you were surprised by it.

Sometimes it goes the other way.

If there's more consistency, though, I think that that may, in the end, for me, outweigh some of the concerns that you expressed.

**Mr. Scott Chaney:** For sure.

Make no mistake, the category two has inequities as well.

There was a case number of years ago — Bob and John, maybe some — a Bob Baffert trained three-year-old — I think it was a three-year-old prep race, maybe.

Although, it was Hollywood.

It was one to nine, bumps a horse at the quarter pole, and then draws off and win by ten.

The horse that he bumped ends up third, beating' a whisker.

Under an application of the rules, was there an interference?

Yes.

Did it cost that third-place finisher second?

Absolutely.

The winner comes down and goes third, which seems really unfair.

There are inequities involved in category two as well.

It's not perfect.

Of course, then you have a lot more subjectivity, and people like to call up after the race and yell at you.

Never us.

We always \*.

**Dr. Jennifer Durenberger:** You guys are always good.

**Mr. Scott Chaney:** Ooh, that was audible out there.

**Dr. Jennifer Durenberger:** Right.

**[Laughing]**

**Dr. Jennifer Durenberger:** Okay, we are over time.

Andrew, were you walking to the mic?

**Audience Member:** Any of you have the 2015 Beverly D.?

**Ms. Cathy O'Meara:** We do have the Beverly D. queued up.

**Audience Member:** That might be worth showing to illustrate Scott's point.

It's kind of the same circumstance.

**Ms. Cathy O'Meara:** It's actually the slow-mo of that, but I will be glad to  
—

**Dr. Jennifer Durenberger:** Okay, well —

**Mr. Scott Chaney:** Let's look at an Arlington race.

**Ms. Cathy O'Meara:** If you guys are okay, we'll —

**[Laughing]**

**Ms. Cathy O'Meara:** — discuss Arlington.

This is in slow motion at the request of Eddie.

I'll just turn it to you, Eddie, cuz this is your race.

**Mr. Eddie Arroyo:** Well, again, this is one of those cases that you rather not have to make a decision on, but that's why we get paid, so we do.

As you see, the ten-horse here comes out on the three there, and it clearly gets in a space, makes a jockey change.

Therefore, under category two, he interfered with him.

He didn't bump him, but he did interfere, intimidate him.

Cost him third money.

That's why the disqualification, however, I got outvoted. ®

**Mr. Scott Chaney:** This was majority, wasn't it?

**Mr. Eddie Arroyo:** Yeah.

**Mr. Scott Chaney:** You put your category one hat on.

**Mr. Eddie Arroyo:** I put my category one hat on.

The reason I got outvoted is because, if you watch the jockey on the outside, in my opinion — this is just mine — when he realizes that he can't beat the winner, he stands up there, makes sure the whole world watches him, and he goes behind the winner.

In doing' that, the horse on the inside went by him.

Cost him second money.

In my opinion, the jockey cost himself second money.

**Mr. Scott Chaney:** What this is is a great —

**Mr. Eddie Arroyo:** Watch, yeah.

**Mr. Scott Chaney:** — example of the difference between category one and category two.

**Mr. Eddie Arroyo:** Yep.

**Mr. Scott Chaney:** Cuz under category one, I don't think there's any real argument that the horse that end up third is going to beat the winner, right?

**Mr. Eddie Arroyo:** Correct.

**Audience Member:** Right.

**Mr. Scott Chaney:** In category two, it was two to one on the steward stand, so people are going to disagree.

**Ms. Cathy O'Meara:** Right, and I think, too, what people complains — well, some of the questions I received was kind of what Eddie was saying.

Why didn't the guy go to the outside?

We're speculating, obviously, cuz we're not in the race.

It's raining.

There's issues.

Those were some of the comments that were read on the blogs and such.

I don't know.

**Mr. Eddie Arroyo:** Yeah.

This race was appealed, obviously, and the commission ruled in favor of the majority of the stewards to uphold the decision.

The decision stood.

**Ms. Cathy O'Meara:** It was interesting, obviously, with this case.

I think another reason why it got so much chatter at the time was this was Qatar Racing ownership.

Three weeks earlier, they also had a DQ in the same ledger.

That appeal was overturned, but yet, the Illinois appeal was upheld.

It was maybe a one — this is one of those potential tipping point type instances.

**Dr. Jennifer Durenberger:** All right.

Well, I want to thank our esteemed panelists for joining us, and thank you to the audience for sticking around.

**Ms. Cathy O'Meara:** Thanks.

**Mr. Atsushi Koya:** Thank you very much.

