

### **3.09: Drivers**

(1) Every driver shall, at the request of the Judges, undergo a physical examination to determine his or her fitness to drive. The report of such examination duly signed by the examining physician shall be filed with the Judges.

(2) All drivers shall, at the request of the Judges, be required to take an eye test. The report of such examination duly signed by the examining physician or optometrist shall be filed with the Judges.

(3) Drivers must keep a rein in each hand from the time they are called to the gate by the Starter through finish of each race. One handed whipping is prohibited at all times.

(4) During the running of the race, drivers are required to maintain an upright position. Leaning or lying back in the sulky is prohibited.

### **3.11: General Rules**

(1) The definitions and interpretations of racing terms, heretofore set forth as well as 205 CMR 3.01: Foreword, are to be considered in connection with 205 CMR 3.00 and as part of them.

(2) All owners and trainers of horses and their stable employees are subject to M.G.L. c.128A and 205 CMR 3.00 immediately upon acceptance and occupancy of stabling accommodations from or approved by an Association or upon making entry to run on its track.

(3) Owners, trainers and stable employees shall abide by M.G.L. c.128A and 205 CMR 3.00 and accept the decision of the Judges on any and all questions to which their authority extends, subject to their right of appeal to the Commission.

(4) Every person participating in and every patron of a licensed Race Meeting shall abide by M.G.L. c.128A and 205 CMR 3.00, and accept the Judges' decisions on any and all questions to which their authority extends, subject to the right of appeal to the Commission.

(5) Every person who drives a horse on a track licensed by the Commission, whether exercising, warming up or driving in a race shall wear a protective helmet and safety vest of a type approved by the Judges.

(6) For the period of two hours before post time of the first race of the day and until the racing program of the day has been completed, every person who drives a horse on a track licensed by the Commission, whether warming up for a race or driving in a race shall wear his or her registered colors, which must be distinguishable at all times.

(7) No person shall use improper, profane or indecent language to a racing official.

(8) No person shall in any manner, or at any time, disturb the peace or make himself or herself obnoxious on the grounds of the Association.

(9) Any person, who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or driver, may be adjudged guilty of conduct detrimental to racing.

(10) No person or horse ruled off, or under full suspension by the United States Trotting Association shall be admitted to the grounds of any Association.

(11) No person, other than an official of the Commission, shall be allowed in the Judges' Stand; the space occupied by the Clerk of Course; the Timers Stand; and the space occupied by the Program Director and his or her assistants for the period from ½ hour before post time of the first race of the day until the last race has been declared "official" unless permission is obtained from the Judges for each entry. Associations shall take such steps as are necessary to assist the Judges in carrying out the provisions of 205 CMR 3.11(11).

(12) Any person who has been convicted by any court anywhere for illegal possession, sale or giving away of narcotics may be ruled off.

(13) If any owner, trainer, driver, stable employee, or other person solicit bets from the public by correspondence or other methods, to be made on any horse which is to run on a track in Massachusetts, such person or persons shall be ruled off.

(14) When a person is ruled off a course or suspended, every horse owned in whole or part by him or her shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his or her owner's penalty or his or her transfer through bona fide sale to an ownership acceptable to the Judges.

(15) When a person is suspended by the Judges of the meeting "from driving only" the ruling of the Judges shall state whether or not the person suspended shall have the privilege of the paddock during the period of his or her suspension.

(16) When a person is ruled off a course or suspended, any horse which is under his or her care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hand of a licensed trainer and the approval of the transfer by the Judges.

(17) When a person is ruled off a course or suspended, he or she shall not be qualified, whether acting as agent or otherwise to subscribe for or to enter or run any horse in any race either in his or her own name or in that of any other person until the rescinding of that person's penalty.

(18) Any horse that has been the subject of fraudulent practice may be disqualified.

(19) When a person is ruled off for any fraudulent practice in relation to a particular horse, wholly or partly belonging to him or her, he or she shall return all money or prizes that such horse has fraudulently won.

(20) Violators of any rule will be subject to ejection from the grounds, and/or to forfeiture, suspension or ruling off.

(21) Complaints against a racing official other than a judge or his or her assistant shall be made to the judges in writing and be signed by the complainant. Complaints against a judge shall be made in writing to the Commission and be signed by the complainant.

(22) Printed for each racing day shall be a program compiled by the Program Director which shall contain the names of the horses that are to run in the races for that day, these names to appear in the order of their post positions, the said position to be designated by numerals placed at the left and in line with the name of the horses in each race, which shall also be prominently displayed on each horse. The program shall also contain, in addition to the horse's name, its sex, color, age, sire and dam; the owner's name and address; the name of the trainer; the driver's name, date of birth, and colors; class and/or sub group of race; as many performance lines of the current or preceding year as the USTA deems appropriate; an indication if the driver is racing with a provisional license, and any other useful information approved by the judges.

(23) Before a horse may go an official time workout before the Judges, he or she must first be posted in the entry room of the Association as being classified in the preferred or invitational category at the current meeting in progress.

(24) Every Racing Association, the Commission or Judges investigating for violations of the law or rules and regulations of racing adopted by the Commission shall have the right to permit persons authorized by any of them to search the person, or enter and search the building, stables, room, vehicles or other places within the grounds of the Association or at other places where horses which are eligible to race are kept together with the personal property and effects contained therein. Every licensed person or person permitted to pursue his/her occupation or employment within the grounds or any Association by accepting his/her license or such permission does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he/she may have by virtue of any action taken under 205 CMR 3.00.

(25) 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.

### **3.14: Licenses, Registrations and Fees for Participants in Racing**

(1) The following persons shall be required to take out a license from the Commission, and pay the current applicable annual fee: Driver, Trainer, Owner, Authorized Agent, Stable Employees, Veterinarian, Blacksmith, Vendors and Racing Officials.

(2) ~~The fee shall accompany each application for license or registration.~~ All persons required to be licensed shall be required to be photographed and fingerprinted at the discretion of the Commission. The applicant is responsible for the cost of fingerprinting. The Commission will direct the fee, which will be consistent with the charge set by the reviewing agency for the type of inquiry requested. ~~They expire December 31st of the year of issue.~~

(3) All applications for license and registrations to participate in racing shall be made to the Commission on forms supplied by the Commission. Any person making any false or misleading statements on an application for license or registration may be denied such a license or registration or may be assessed a fine, suspension or both. If already in possession of a license, said license may be revoked.

(4) Such application shall be submitted first to the Judges. In considering each application for a license the Judges may require the applicant, as well as his or her endorsers, to appear before them and show that said applicant is qualified in every respect to receive the license requested. Ability as well as integrity must be clearly shown by the applicant in order to receive the Judges' recommendation for the granting of the license.

(5) Before recommending any application for a license it shall be the duty of the Judges, individually and collectively, to ascertain if the applicant is qualified as to ability, integrity and right to the license applied for. And further, no application for a license shall be recommended by the Judges if the applicant's previous conduct in Massachusetts or elsewhere is considered to have been objectionable, obnoxious or detrimental to the best interest of racing.

(6) No application for a license or registration shall be recommended by the Judges and no license or registration will be issued by the Commission unless satisfactory evidence first is presented to the Judges that the person so applying will participate in the meeting over which the Judges have supervision.

(7) The Commission may refuse to license any applicant who has been refused a license by any other State Gaming or Racing Commission, the United States Trotting Association or turf governing body.

(8) The Commission may refuse to license any applicant whose previous conduct in Massachusetts or elsewhere in connection with horse racing is considered by the Commission to have been objectionable, obnoxious or detrimental to the best interest of racing.

(9) The Commission may also revoke any license if the holder of the same has violated any rule or regulation of the Commission governing his or her conduct in connection with horse racing, or where such conduct is objectionable, obnoxious or detrimental to the best interest of racing.

(10) All licenses granted shall be subject to the conditions set forth in the application therefor and the Commission shall have full discretion to suspend or revoke the same for any infraction of the conditions of the application of license and 205 CMR 3.00.

(11) No owner, trainer or agent shall start a horse unless all licenses and registrations required by 205 CMR 3.14(1) have been filed. Violators of 205 CMR 3.14(1) may be subject to suspension or a forfeiture.

(12) No application, except a license for ownership, will be considered for or granted to a person under 16 years of age. If younger than 18 years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing within the Commonwealth of Massachusetts.

(13) When an ownership is in the name of both husband and wife, both shall be licensed.

(14) Temporary Owner Licenses may be issued to Trainers acting as agents for their owners or to authorized agents representing their owners. Temporary licenses will be valid for a period of 30 days from date of approval. Every Temporary Owner's License must be followed by an application from the owner received by the Gaming Commission prior to the expiration of the 30-day Temporary Owner's License. Failure to do so will result in an imposition by the Judges of a fine against the trainer or authorized agent. No horse will be allowed to race after the expiration of the Temporary Owner's License until a permanent owner's license is granted.

### **3.18: Racing and Operating Officials**

~~(1) Officials of a race meeting are as follows: Three Judges; Judge at the Start; Starter; Patrol Judges; Timer; Paddock Judge; Clerk of Course; Racing Secretary; Assistant Racing Secretary; Veterinarian; Mutuel Manager; Program Director; Placing Judges; Identifier; Marshall; and such other persons as the Commission may designate from time to time because of their importance in the actual conduct of racing.~~

**(1) Racing Officials at a race meeting include the following:**

- (a) board of judges;**
- (b) racing secretary;**
- (c) horsemen's bookkeeper;**
- (d) paddock judge;**
- (e) horse identifier;**
- (f) clerk of the course;**
- (g) starter;**
- (h) charter;**
- (i) timer/clocker;**
- (j) placing/patrol judge;**
- (k) official veterinarian;**
- (l) racing veterinarian;**
- (m) program director;**
- (n) marshall or outrider; and**
- (o) any other person designated by the Commission.**

~~(2) The Commission shall appoint two of the Judges.~~

**(2) Operating Officials at a race meeting include the following:**

- (a) Director of Racing;**
- (b) Director of Security or Surveillance;**
- (c) Director of Pari-Mutuels;**
- (d) Director of Simulcast Operations;**
- (e) Director of Money Room Operations;**
- (f) Track Superintendent; or**
- (g) any other person so designated by the Commission who has the ability to direct, manage, or control racing operations or who supervises racing officials in the course of their official duties.**

~~(3) All other officials designated in 205 CMR 3.18(1) shall be appointed by the Association holding the meeting and licensed by the Commission, all appointments being subject to the approval of the Commission, which reserves the right to demand a change of personnel for what~~

~~it deems good and sufficient reasons, the successor to official so replaced to be subject to the approval of the Commission.~~

### (3) Eligibility of Racing Officials

The Commission may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing.

To qualify as a racing official the appointee must be licensed by the Commission after a determination that the person:

- (a) is of good moral character and reputation;
- (b) is experienced in and/or knowledgeable of harness racing;
- (c) is familiar with the duties to which the person is appointed and with the Commission's rules of harness racing; and
- (d) is not under suspension or ejection by the USTA or any other racing or gaming commission.

~~(4) No one interested in the result of a race, either because of ownership of any horse entered or of his or her sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race.~~

~~(5) No racing official or his or her assistants shall wager money or any other chattel of value on the result of any race at the meeting.~~

~~(6) No racing official or his or her assistants shall accept directly or indirectly, any gratuity, reward or favor in connection with racing at the meeting.~~

~~(7) Racing officials, as designated in 205 CMR 3.18(1) and their Assistants, shall not directly or indirectly, for a commission or gratuity or otherwise, sell or buy at private sale for himself or herself or another any Standardbred horse, for the duration of the meeting; nor shall he or she solicit or have any interest in any business or endeavor which is peculiarly incidental to harness racing at the meeting at which he or she officiates; nor shall he or she write or solicit horse insurance for the duration of the meeting.~~

### (4) Conduct of Officials

Racing and operating officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (a) accept directly or indirectly, any gratuity, reward or favor in connection with racing at the meeting;
- (b) wager on the outcome of any live or simulcast race, regardless of place of origin;
- (c) participate in the sale or purchase, or own any horse at the race meeting, regardless of percentage or terms;

- (d) sell or solicit horses, horse insurance, equipment, feed, products and/or any services or materials intended for use or used on any horse racing at the race meeting;
- (e) perform their official duties on any day in which any horse is entered to be drawn into a race or on any day a horse races in any live race at the Association grounds that is owned, trained, driven, groomed, stabled or shipped by that official or a person who is associated with that official whose relationship, whether financial or otherwise, would give the appearance that such other person would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of that official. If repeated such conflicts interfere with the official's performance of his or her official duties, the Commission shall consider whether to approve another person to replace the official with the conflict.

~~(8) Each racing official and his or her assistants shall report to the Judges all observed violations of 205 CMR 3.00.~~

#### (5) Report of Observed Violations, Other Notifications

- (a) Racing officials and their assistants shall report immediately to the judges every observed perceived violation of these rules and of the laws of this jurisdiction governing racing.
- (b) Any racing official shall report to the judges as soon as possible any perceived issues with a horse based on its condition prior to the race which may significantly affect the running of the race.
- (c) Upon such notification, the judges shall conduct a timely investigation. All such complaints shall be reported to the Commission by the judges, together with a report of the action taken or the recommendation of the judges.

#### (6) Complaints Against Officials

Any complaint against a racing official other than a judge shall be made to the judges in writing and signed by the complainant. All such complaints shall be reported to the Commission by the judges, together with a report of the action taken or the recommendation of the judges. Complaints against any judge shall be made in writing to the Commission and signed by the complainant.

#### (7) Appointment of Substitute Officials

Where a vacancy exists among racing officials, the judges shall appoint a person to fill the vacancy immediately. Such appointment shall be effective until the vacancy is filled in accordance with these rules. In addition, the judges have the authority to approve temporary, emergency appointments.



**(8) Appointment of Substitute Judge**

Should any judge be absent at race time, the remaining judge(s) shall appoint a deputy for the absent judge(s). If a deputy judge is appointed, the Commission shall be notified immediately.

(9)The Commission, may, at its discretion, require an eye test of any Judge or Patrol Judge, said test to be given by an agreed licensed optometrist. The test shall include particularly distance and color.

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### **3.34: Reporting Requirements – Racing Licensee**

(1) The commission, or its duly authorized representatives, shall at reasonable times have access to the records and books of any licensee for the purpose of examining and checking the same, including, but not limited to reports relative to: pari-mutuel wagering activity, racing office activities, the activities of racing officials during the course of their official duties, third-party pari-mutuel service providers/vendors, purse accounts, and horsemen's bookkeeper reports.

(2) Each day, the chief of security for an association shall deliver a written report to the judges regarding occurrences on association grounds on the previous day. Not later than 24 hours after an incident occurs requiring the attention of security personnel, the chief of security shall deliver to the judges a written report describing the incident. The report must include the name of each individual involved in the incident, the circumstances of the incident and any recommended charges against each individual involved.

(3) Wagering Anomalies.

- (a) Each racing licensee shall notify the Massachusetts Gaming Commission of any documents filed with, or any communication, report or investigation conducted by, the Thoroughbred Racing Protective Bureau (TRPB) or any state or federal regulatory agency that relates to the safety, integrity or security of the racing licensee, and its participants, or that would reasonably be deemed to affect public confidence in the racing licensee. Each racing licensee shall further send a copy of any TRPB or governmental communications, correspondence or reports relating to any such report or investigation to the Commission.
- (b) Each racing licensee shall promptly conduct an investigation of any and all suspected wagering anomalies related to racing conducted at its facility or related to a race imported to its facility for simulcast wagering, even if the licensee has not filed a report with an outside agency. If, after conducting its investigation, the racing licensee reasonably suspects that a wagering anomaly may have occurred, it shall notify the Massachusetts Gaming Commission, and shall promptly provide transactional data and video of the race to the Commission where reasonably requested.
- (c) Wagering anomalies include, but are not limited to, incidents such as:
  - (i) Alleged past posting, cancel delay and other instances when wagering occurs after the horses have left the gate;
  - (ii) Off-shore or account wagering fraud;
  - (iii) Odds manipulation;
  - (iv) Manual merges;

(v) Removal of an outlet from a wagering pool; or

(vi) Any other incident that might reasonably affect the public's confidence in the racing licensee's wagering pools including totalisator and data communications malfunctions.

(d) All notices required to be given to the Massachusetts Gaming Commission under 205 CMR 3.34(3) shall be emailed or faxed to the Director of Racing, Chief Commission Judge, and Chief Pari-Mutuel Officer promptly and in no event later than 48 hours of the event triggering the notice requirement.

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