

4.21: 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 applicable annual fee: Authorized Agent, Jockey, Jockey Apprentice, Jockey Agent, Owner and Colors, Trainer, Stable Employee, Veterinarian, Blacksmith, Racing Officials, Valet, Vendor, Outriders, Stable Name, Partnership.
- (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 licenses and registrations to participate in racing shall be made to the Commission on forms supplied by the Commission. Any person making any false, untrue or misleading statements on an application for license or registration may be denied such a license or registration or may be assessed a forfeiture, suspended or both.
- (4) The Commission may designate categories of licenses which shall require stewards' prior approval or recommendation. Such applications shall be submitted first to the Stewards. In considering each application for a license the Stewards may require the applicant, as well as the 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 Stewards' recommendation for the granting of the license.
- (5) Before recommending any application for a license it shall be the duty of the Stewards, individually and collectively, to ascertain if the applicant is qualified as to the ability, integrity and right to the license applied for.
- (6) 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.
- (7) 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.
- (8) License Denial. The Commission may formally deny an application in accordance with 205 CMR 4.00. 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, whereby other member racing jurisdictions shall be advised.

(9) Grounds for Refusal, Denial, Suspension or Revocation of License

(a) 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:

1. has been convicted of a felony;
2. has been convicted of violating any law regarding gambling or a controlled dangerous substance;
3. has pending criminal charges; ~~or~~
4. is unqualified to perform the duties required of the applicant;
5. has failed to disclose or states falsely any information required in the application;
6. has been found in violation of statutes or rules governing racing in this state or other jurisdictions;
7. has racing disciplinary charges pending in this state or other jurisdictions;
8. has been or is currently excluded from association grounds by a recognized racing jurisdiction;
9. has had a license denied, suspended or revoked by any racing jurisdiction;
10. 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; **or**
11. demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;.

(b) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, whereby other member racing jurisdictions shall be advised.

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

(11) All persons licensed and registered by the Massachusetts Gaming Commission and all others whose occupation requires access to secured stable areas or participating in horse racing in the Commonwealth of Massachusetts may be photographed and finger-printed under the supervision of the Massachusetts Gaming Commission Police Unit and in accordance with the Massachusetts State Police Identification System.

(12) The Stewards may issue temporary licenses, to jockeys or apprentice jockeys. If during the term of the temporary license, the Stewards make the determination that said jockey or apprentice jockey is not qualified as to the ability to receive a permanent license then the temporary license shall be revoked.

(13) 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 Stewards 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.

(14) 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.

(15) When an ownership is in the name of both husband and wife, both shall be licensed and no partnership shall be required.

(16) Every Commission licensee exercising a horse shall upon request of an official timer, correctly identify the horse he or she is exercising and shall state the distance over which such horse is to be worked and the point on the race track where it is intended to start the workout.

(17) Every person following the vocation of exercise person, hot walker, groom or stable foreman shall be licensed by the Commission.

(18) Any applicant for licensing as a pony or exercise person, who is not registered as an employee of an existing licensee, may apply for such licensing provided that such applicant shall be approved by the Stewards and shall be required to be registered on a separate "Badge List" to be maintained by track security.

(19) Before a Trainer's License is issued by the Commission, said trainer shall submit evidence, satisfactory to the Stewards, that he or she has fully complied with the provisions of Worker's Compensation Laws of the Commonwealth of Massachusetts and that he has secured compensation to employees in accordance with in accordance with M.G.L. c.152.

4.30: Racing and Operating Officials

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

- (a) stewards;
- (b) racing secretary;
- (c) horsemen's bookkeeper;
- (d) paddock judge;
- (e) horse identifier;
- (f) clerk of scales;
- (g) outrider;
- (h) starter;
- (i) timer/clocker;
- (j) patrol judge, absent video replay equipment;
- (k) placing judge
- (l) official veterinarian;
- (m) racing veterinarian;
- (n) any other person so designated by the Commission.

~~(2) The Commission shall appoint two of the Stewards. All other officials designated in 205 CMR 4.30(1) shall be appointed by the Association holding the meeting, 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.~~

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

- (a) Director of Racing;
- (b) Director of Security;
- (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) **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 running horse racing;
- (c) is familiar with the duties to which the person is appointed and with the Commission's rules of running horse racing; and
- (d) is not under suspension or ejection any other racing or gaming commission.

~~(3) 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.~~

~~(4) No such 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.~~

~~(5) No such racing official or his or her assistants shall accept, directly or indirectly, any gratuity reward or favor in connection with racing at the meeting.~~

~~(6) No such racing official or his or her assistants shall, at the meeting, directly or indirectly, buy or sell any contract upon any jockey or apprentice jockey for himself or herself or another.~~

~~(7) No such racing official or his or her assistants shall write or solicit horse insurance at 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, ridden, 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.

(f) buy or sell any contract upon any jockey or apprentice jockey.

~~(8) Each racing official and his or her assistants shall report to the Stewards all observed violations of 205 CMR 4.00.~~

(5) Report of Observed Violations, Other Notifications

(a) Racing officials and their assistants shall report immediately to the stewards every observed perceived violation of these rules and of the laws of this jurisdiction governing racing.

(b) Any racing official shall report to the stewards 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 stewards shall conduct a timely investigation. All such complaints shall be reported to the Commission by the stewards, together with a report of the action taken or the recommendation of the stewards.

(6) Complaints Against Officials

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

(7) Appointment of Substitute Officials

Where an emergency vacancy exists among racing officials, the stewards or the association, with the stewards' approval, shall fill the vacancy immediately. Such appointment shall be reported to the Commission and shall be effective until the vacancy is filled in accordance with these rules.

(8) Appointment of Substitute Steward

Should any steward be absent at race time, and no approved alternate steward be available, the remaining stewards shall appoint a substitute for the absent steward. If a substitute steward is appointed, the Commission and the association shall be notified by the stewards.

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

4.35: Stewards

- (1) The Stewards shall have the power to interpret 205 CMR 4.00 and to decide all questions not specifically covered by them.
- (2) In matters pertaining to racing, the orders of the Stewards supersede the orders of the Officers and Directors of the Association.
- (3) The Stewards shall have general supervision over owners, trainers, jockeys, grooms and other persons attendant on horses, and also over all the other officials at the meeting.
- (4) The Stewards shall have the authority to declare a race void and to order all wagers made thereon refunded if they shall determine that any occurrence before or during the running of such race calls for such action by them.
- (5) The Stewards shall have control over and free access to all stands, weighing rooms, enclosures, and other places in use for the purpose of racing.
- (6) All entries and declarations shall be under the supervision of the Stewards.
- (7) The Stewards shall have the power to determine all questions arising with reference to entries and racing.
- (8) All questions pertaining to which their authority extends shall be determined by a majority of the Stewards.
- (9) The Stewards shall have the power to punish for violation of 205 CMR 4.00 any person subject to their control and in their discretion to impose forfeitures or suspensions or both for infractions.
- (10) The Stewards may not impose a forfeiture in excess of \$3,000.00. If it is deemed necessary that a larger forfeiture should be imposed, the Stewards shall so recommend to the Commission.
- (11) The Stewards may suspend a person or disqualify a horse. The Stewards shall maintain a list of such disqualified horses and other horses that in the opinion of the Stewards are not competitive at that meeting or are dangerous to themselves, riders or other horses. Horses on said list may not enter until permission to do so is given by the Stewards in order to remove a horse from said list. No horse may be placed on said list unless prior thereto the Stewards state, in writing, the reason for placement of the horse thereon.
- (12) The Stewards shall have the powers to exclude or eject from the premises and enclosures of the Association:
 - (a) any person who is disqualified for corrupt practices on the turf in any country;

(b) any person who is under suspension by the Stewards of a recognized meeting or ruled off by any other Commission; or

(c) any person who is under their supervision.

(13) The Stewards may demand proof that a horse neither is disqualified in any particular; nor entered or owned, in whole or in part, by a disqualified person, or trained in whole or in part, by a disqualified person. In default of proof, satisfactorily to them, the Stewards may declare the horse disqualified.

(14) The Stewards may postpone a race from race-day to race-day.

(15) The Stewards shall have the power to examine or cause to be examined at any time any horse stabled on the Association grounds, or in stabling approved by the Association.

(16) The three Stewards must be on duty during race time, which shall mean from one hour before post time for the first race of the day until the last race of the day has been made official.

(17) At least one of the Stewards, or his or her deputy, must be on duty within call of the Racing Secretary from the time of opening of overnight entries each morning until after the drawing of postpositions.

~~(18) The Steward may appoint his or her own deputy at any time.~~

~~(19) If there is only one Steward present at race time, said Steward shall appoint two other qualified persons to act with him or her as Stewards pro tem.~~

~~(20) If only two Stewards are present at race time, they shall by agreement appoint a deputy for the absent Steward; but if unable to reach an agreement, shall call upon the Racing Secretary to appoint said deputy.~~

~~(21) If none of the Stewards are present at race time, the Racing Secretary shall appoint three qualified persons, one of whom may be himself or herself, to act as Stewards pro tem.~~

~~(22) When a vacancy occurs among the racing officials, other than the Stewards, prior to post time of the first race of the day, or when a vacancy occurs after the racing of the day has started, the Stewards shall immediately fill the vacancy. The appointment shall be effective only for the day, unless the Association fails to fill the vacancy on the following day and notifies the Stewards of its action not less than one hour before the post time of the first race of the day. Such appointment shall be reported immediately to the Commission.~~

~~(18)~~(23) The Stewards shall take notice of any questionable conduct with or without complaint thereof.

~~(19)~~(24) The Stewards may substitute a jockey of their selection on any horse.

~~(20)~~~~(25)~~ The Stewards may place any horse in the temporary charge of a trainer of their selection.

~~(21)~~~~(26)~~ In case of accident or casualty to a horse before a start, the Stewards may excuse said horse.

~~(22)~~~~(27)~~ The Stewards must investigate promptly, and render a decision in every objection and in every complaint properly made to them.

~~(23)~~~~(28)~~ The Stewards shall report all objections and complaints to the Commission as soon as received by them, and shall make prompt report to said Commission of their decision.

~~(24)~~~~(29)~~ The Stewards shall, not later than seven days after the end of each meeting, make a report to the Chairman of the Commission of all infractions of 205 CMR 4.00 and of all rulings of the Stewards upon matters coming before them during such meeting.

~~(25)~~~~(30)~~ Except in emergencies, no Steward shall grant permission for a change of horses' equipment after the close of entries for the race in which the changed equipment is to be carried.

~~(26)~~~~(31)~~ There shall be one or more timers. They shall determine the official time of each race.

~~(27)~~~~(32)~~ The time recorded for the first horse to cross the finish line shall be the official time of the race.

~~(28)~~~~(33)~~ In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of a narcotic, stimulant, depressant or local anesthetic, then such track record shall be null and void.

~~(29)~~~~(34)~~ When electric timing is used, the races shall also be timed otherwise.

~~(30)~~~~(35)~~ The time shall be announced and displayed.

~~(31)~~~~(36)~~ A written report of the time of each race shall be made to the Clerk of the Scales for the reports to the Racing Secretary.

~~(32)~~~~(37)~~ No person may refuse to testify before the Stewards at any formal hearing on any relevant matter within the authority of the Stewards, except in the proper exercise of a legal privilege or unless representation is requested by an attorney or their association.

4.58: 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 stewards 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 stewards 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.

(c) All notices required to be given to the Massachusetts Gaming Commission under 205 CMR 4.58(3) shall be emailed or faxed to the Director of Racing, Chief Commission Steward, 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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