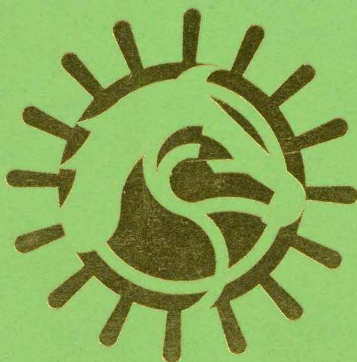


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# RULES OF RACING



## *IOWA RACING AND GAMING COMMISSION*

1992 Edition

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**RULES** AUG 13 1993  
**OF**  
**RACING**



***IOWA RACING  
AND GAMING  
COMMISSION***

**1992 Edition**

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DES MOINES, IOWA 50319

# Iowa Racing and Gaming Commission

Lucas State Office Building  
Des Moines, Iowa 50319  
(515) 281-7352

L. C. "BUD" PIKE .....CHAIRMAN  
LEO MONAGHAN.....VICE-CHAIRMAN  
RICHARD CANELLA .....COMMISSIONER  
RITA SEALOCK .....COMMISSIONER  
LORRAINE MAY .....COMMISSIONER  
MICK LURA .....ADMINISTRATOR

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## CHAPTER 1 ORGANIZATION AND OPERATION

**191-1.1(99D,99F) Function.** The Iowa racing and gaming commission was created by Iowa Code chapter 99D, and is charged with the administration of the Iowa Pari-Mutuel Wagering Act and Excursion Boat Gambling Act. Iowa Code chapter 99D and 99F mandates that the commission shall have full jurisdiction over and shall supervise all race meetings and gambling excursions governed by Iowa Code chapters 99D and 99F.

### **191-1.2(99D,99F) Organization and operations.**

**1.2(1)** The Iowa racing and gaming commission is located at Lucas State Office Building, Des Moines, Iowa 50319; phone 515/281-7352. Office hours are 8 a.m. to 4:30 p.m. Monday through Friday.

**1.2(2)** The Iowa racing and gaming commission consists of five members. The membership shall elect a chairperson and vice-chairperson in July of each year.

**1.2(3)** The commission meets periodically throughout the year and will meet in July of each year. Notice of a meeting is published at least five days in advance of the meeting or will be mailed to interested persons upon request. The notice will contain the specific date, time, and place of the meeting. Agendas are available to any interested persons not less than five days in advance of the meeting. All meetings will be open to the public, unless a closed session is voted by four members or all members present for the reasons specified in Iowa Code section 21.5. The operation of commission meetings will be governed by the following rules of procedure:

- a. A quorum shall consist of three members.
- b. When a quorum is present, a position is carried by an affirmative vote of the majority of the entire membership of the commission.
- c. Persons wishing to appear before the commission should submit a written request to the commission office not less than seven days prior to the meeting. The administrator or commission may place a time limit on presentations after taking into consideration the number of presentations requested.
- d. Special or electronic meetings may be called by the chair only upon a finding of good cause and shall be held in strict accordance with Iowa Code section 21.4 or 21.8.
- e. The presiding officer may exclude any person from the meeting for behavior that disrupts or obstructs the meeting.
- f. Cases not covered by these rules shall be governed by Robert's Rules of Orders Revised (1981 edition).

**1.2(4)** Minutes of commission meetings are prepared and are available at the commission office for inspection during business hours. Copies may be obtained without charge by contacting the office.

**491-1.3(99D,99F) Administration of the commission.** The commission shall appoint an administrator for the Iowa racing and gaming commission who is responsible for the day-to-day administration of the commission's activities.

**491-1.4(68) Open records.** Except as provided in Iowa Code sections 22.7 and 17A.2(7)"f" all public records of the commission are available for public inspection during business hours. Requests to obtain records may be made either by mail, telephone or in person. Minutes of commission meetings, forms and other records routinely requested by the public may be obtained without charge. Other records requiring more than ten copies may be obtained upon payment of the actual cost for copying. This charge may be waived by the administrator.

**491-1.5(17A,100) Forms.** All forms utilized in the conduct of business with the Iowa racing and gaming commission are available from the commission upon request.

## **CHAPTER 2 RULE MAKING AND DECLARATORY RULINGS**

**491-2.1(99D,99F) Commission rule making.** The commission shall make rules in accordance with Iowa Code section 17A.4.

**491-2.2(99D,99F) Oral presentations.** When requested by the persons or groups enumerated in Iowa Code section 17A.4(1)"b", an opportunity for an oral presentation shall be scheduled on the agenda of the next regularly scheduled commission meeting held not less than 35 days after the publication of notice. The request must be presented at the commission office within 21 days of the publication of the Notice of Intended Action and must identify the proposed rules subject to the request by ARC number and by the specific citation of the proposed rule upon which presentations are to be made.

**2.2(1) Notice.** When so requested under the provisions of rule 2.2(99D,99F), the administrator shall use discretion in scheduling an opportunity for oral presentations by publishing a notice of the opportunity in the Iowa Administrative Bulletin, which shall refer to the ARC number and citation of the proposed rule, and which shall give the public not less than 20 days' notice of the date, time and place of the meeting. Additional notice shall be mailed to all persons who have requested the opportunity for an oral presentation.

**2.2(2) Conduct of meetings.** The acting chairperson of the commission shall serve as the presiding officer at the meetings. At the commencement of the meeting, any person wishing to make

in oral presentation shall advise the presiding officer of the person's name, address and affiliation. The meetings shall be conducted in the same manner as any commission meeting and be governed by Robert's Rules of Order.

**491-2.3(99D,99F) Conferences or consultations.** In addition to the required rule-making procedures, the commission or designee may obtain viewpoints or advice concerning proposed rule making through informal conferences or consultations as the commission or designee may deem desirable.

**491-2.4(99D,99F) Adoption.** After all oral and written presentations and discussion have been completed, the commission shall consider final action on the proposed rule or defer final action to a subsequent meeting. Once the proposed rule has been adopted by the commission in final form, it shall then be made effective pursuant to the provisions of Iowa Code section 17A.5. Adoption of the rule must not be less than 35 days after the publication of Notice of the Intended Action.

**491-2.5(99D,99F) Petition for rule making.** Any interested person may petition the commission to request the promulgation, amendment, or repeal of a rule. The petition for rule making shall be filed in the commission office, Lucas State Office Building, Des Moines, Iowa 50319. The petition shall either be mailed certified, return receipt requested, or may be delivered in person. An additional copy may be provided if the petitioner wishes to retain a filed stamped copy of the petition. The petition may be either typewritten or legibly printed in ink and must substantially conform to the following form:

IOWA RACING AND GAMING COMMISSION

Lucas State Office Building

Des Moines, Iowa 50319

---

Petition by \_\_\_\_\_ (Name) \_\_\_\_\_ )  
 to (Amend, Adopt, or Repeal) \_\_\_\_\_ ) PETITION FOR RULE  
 Rules Relating to (state \_\_\_\_\_ ) MAKING  
 subject matter) \_\_\_\_\_ )

---

(petition must state in separate numbered paragraph)

1. Petitioner's name and address and phone number.
2. The nature of petitioner's interest in the matter.
3. The text or substance of any requested rule adoption, amendment or repeal including the text and citation for any current rule in effect.
4. The reasons for seeking the requested action, including any statute, rule, data, evidence or arguments which are relevant to the request. Copies of any statute, rule, evidence, etc. should be attached to the petition.

\_\_\_\_\_  
Petitioner's signature

2.5(1) Procedure after petition is filed. Upon filing of the petition, the administrator shall inspect the petition to ensure substantial compliance with the recommended form. If the petition does not contain the text or substance of the proposed amendment or fails to include copies of any cited statute, rule or evidence, the administrator may reject the petition and return it to the petitioner along with the reasons for the rejection. Petitioner may then correct the reasons for rejection and refile the petition. A petition in substantial compliance with the recommended form shall be filed, stamped, and copies promptly sent to the commission members for further study.

2.5(2) Commission action. Within 60 days of the filing of a petition, the commission shall meet to consider the petition. The petitioner shall be given 20 days' notice of the meeting and, at the discretion of the commission, may appear at the meeting and speak to the merits of the petition. The commission shall either grant the petition and commence rule making, or deny the petition and notify the petitioner in writing of the grounds for the denial.

491-2.6(17A) General. Any interested person may solicit oral or written advice from the administrator concerning the application

or interpretation of any statute or administrative rule dealing with the racing and gaming commission. However, unless the request is made pursuant to Iowa Code, section 17A.9, petition for declaratory ruling, any such advice is not binding upon the commission. Petitioners for a declaratory ruling must have a real and direct interest in a specific fact situation which may affect their legal rights, duties or responsibilities under statutes or regulations administered by the commission.

**491-2.7(17A) Petition for declaratory rulings.** A petition for a declaratory ruling shall be filed in the office of the Administrator, Iowa Racing and Gaming Commission, Lucas State Office Building, Des Moines, Iowa 50319. The petition shall either be mailed certified, return receipt requested, or may be delivered in person. An additional copy may be provided if the petitioner wishes to retain a filed stamped copy of the petition. The petition shall be typewritten and must substantially conform to the following:

**IOWA RACING AND GAMING COMMISSION  
Lucas State Office Building  
Des Moines, Iowa 50319**

---

Petition by _____ (Name) _____)	PETITION
For a Declaratory Ruling on _____ )	FOR
(state statute, rule citation _____ )	DECLARATORY
to be ruled on) _____ )	RULING

---

(petition must state in separate numbered paragraphs)

1. Petitioner's name, address and phone number.
2. A clear, concise and complete statement of all relevant facts on which the ruling is requested.
3. A clear and concise statement of the controversy or uncertainty.
4. Reference to the statutory authority or rules in question, along with attached copies.
5. The reasons for prompting the petition and a full disclosure of petitioner's interest.
6. Whether petitioner is currently a party to a contested case, rulemaking or judicial proceeding involving the controversy or uncertainty.
7. The names and addresses, when known, of other persons who may be affected by the declaratory ruling.

---

Petitioner's signature

#### **491-2.8(17A) Procedure after petition is filed.**

**2.8(1) Initial review.** Upon filing of the petition the administrator shall inspect the petition for substantial compliance with the recommended form, and may reject a petition which fails to contain one or more of the required statements.

a. The administrator shall conduct an initial review of the petition and may request the petitioner to provide additional facts or provide greater specificity and detail in the questions posed. A request shall be made within ten days of the filing of the petition. If the requested information is not provided within 30 days of receipt of the request, the petitioner will be deemed to have withdrawn the petition.

b. The administrator shall then draft a proposed ruling or declination to rule within 20 days of the receipt of additional information or of the filing of the petition, whichever is later. The petition for a declaratory ruling, the proposal by the administrator and copies of all evidence and arguments shall then be forwarded to the commission members for final action.

**2.8(2) Commission action.** Within 30 days of the receipt of the petition or additional information, whichever is later, the commission shall meet to consider the petition. Petitioner shall be given ten days' notice of the meeting and, at the discretion of the commission, may appear at the meeting and speak to the merits of the petition. After due consideration, the commission may:

a. Adopt the proposed ruling of the administrator.

b. Modify the proposed rule and adopt the modification.

c. Instruct the administrator to obtain additional information pursuant to subrule 2.8(1).

d. Instruct the administrator to prepare an alternate proposed ruling to be considered at the next meeting, if petitioner agrees to an extension of the time period.

e. Decline to issue a ruling based upon one or more of the following:

(1) The issue in question is currently involved in a rule making, contested case or judicial proceeding.

(2) The petition does not contain sufficient facts to demonstrate that the petitioner will be aggrieved or adversely affected by failure to issue a declaratory ruling.

(3) The petitioner presents issues or facts which are unclear, overbroad or otherwise inappropriate as a basis upon which to issue a declaratory ruling.

(4) The petition indicates the petitioner seeks to obtain approval to engage in activities so borderline as to be of dubious legality, although perhaps marginally proper.

(5) The issue in question has been rendered moot by a change in circumstances, fact, or law.

(6) The issue in question depends upon peculiar facts which cannot be predicted or accurately described in advance.

(7) Other good and sufficient reasons, which shall be detailed in writing.

2.8(3) Effect of declaratory ruling. A declaratory ruling adopted by the commission is binding upon both the commission and the petitioner on the questions of law dealt with in the ruling to the fact situation set out in the petition including such additional facts required by the administrator or commission in accordance with these rules.

### CHAPTER 3 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

The racing and gaming commission adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in Volume I of the Iowa Administrative Code.

**491-3.1(17A,22) Definitions.** As used in this chapter:

"Agency." In lieu of the words "[official or body issuing these rules]", insert "racing and gaming commission".

**491-3.3(17A,22) Requests for access to records.**

3.3(1) Location of record. In lieu of the words "[insert agency head]", insert "Administrator". In lieu of the words "[insert agency name and address]", insert "Racing and Gaming Commission, Lucas State Office Building, Des Moines, Iowa 50319."

3.3(2) Office hours. In lieu of the words "[insert customary office hours and, if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4]", insert, "8 a.m. to 4:30 p.m. Monday thru Friday, except legal holidays".

**491-3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** In lieu of the words "[designate office]", insert "racing and gaming commission".

**491-3.9(17A,22) Disclosures without the consent of the subject.**

3.9(1) Open records are routinely disclosed without the consent of the subject.

3.9(2) To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

a. For a routine use as defined in rule 3.10 or in the notice for a particular record system.



b. To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

c. To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

d. To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject.

e. To the legislative fiscal bureau under Iowa Code section 2.52.

f. Disclosures in the course of employee disciplinary proceedings.

g. In response to a court order or subpoena.

**491-3.10(17A,22) Routine use.** "Routine use" means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

**3.10(1)** To the extent allowed by law, the following uses are considered routine uses of all agency records:

a. Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer, employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

b. Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

c. Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

d. Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

e. Any disclosure specifically authorized by the statute under which the record was collected or maintained.

f. Information transferred to any originating agency when racing and gaming commission has completed the authorized audit, investigation, or inspection.

**3.10(2) Reserved.**

#### **491-3.11(17A,22) Consensual disclosure of confidential records.**

**3.11(1)** Consent to disclosure by a subject individual. To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 3.7(17A,22).

**3.11(2)** Complaints to public officials. A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

#### **491-3.12(17A,22) Release to subject.**

**3.12(1)** A written request to review confidential records may be filed by the subject of the record as provided in rule 3.6(17A,22). The commission need not release the following records to the subject:

a. The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

b. Records need not be disclosed to the subject when they are the work product of an attorney or otherwise privileged.

c. Investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5).)

d. As otherwise authorized by law.

**3.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the division may take reasonable steps to protect confidential information relating to another subject.

#### **491-3.13(17A,22) Availability of records.**

**3.13(1)** Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**3.13(2)** Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.

a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)

b. Tax records made available to the agency. (Iowa Code sections 422.20, 422.72)

c. Exempt records under Iowa Code section 22.7.

d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))

e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1)"d".

f. Those portions of division staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by commission staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:

- (1) Enable law violators to avoid detection;
- (2) Facilitate disregard of requirements imposed by law; or
- (3) Give a clearly improper advantage to persons who are in an adverse position to the agency. (See Iowa Code sections 17A.2 and 17A.3)

g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 122.11 the rules of evidence, the Code of Professional Responsibility, and case law.

h. Criminal investigative reports (Iowa Code section 22.7(5))

i. Personnel files. Information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code 22.7(11).

**491-3.14(17A,22) Personally identifiable information.** The commission maintains systems of records which contain personally identifiable information.

**3.14(1) Stewards' hearings and contested case records.** Records are maintained in paper and computer files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the stewards' hearing or contested case records as well as summary lists of enforcement activities.

Records are collected by authority of Iowa Code chapter 99D and 99F. None of the information stored in a data processing system is compared with information in any other data processing system.

**3.14(2) Occupational licensing.** Records associated with occupational licensing conducted under Iowa Code chapter 99D and 99F, are maintained by this division. The licensing system of records includes numerous files and crossfiles which include but are not limited to: computer storage of licensing records, fingerprint cards, license applications, photos of licensees and photo cards. The records associated with occupational licenses, which contain personally

identifiable information, are open for public inspections only upon the approval of the administrator or administrator's designee. The information stored in a data processing system is not compared with information in any other data processing system.

3.14(3) List of contested cases and stewards' hearings. The commission utilizes a listing of contested case and stewards' hearings furnished by the Association of Racing Commissioners, International and provides individually identifiable information to that organization. The list is used for purposes delineated in Iowa Code chapter 99D and 99F.

#### CHAPTER 4 PRACTICE AND PROCEDURE BEFORE THE RACING AND GAMING COMMISSION

**491-4.1(99D, 99F) Definitions.** As used in these rules, unless the context otherwise requires, the following definitions apply:

"Administrator" means the administrator of the commission.

"Board" means either the board of stewards or riverboat board, as appointed by the administrator, whichever is appropriate. The administrator may serve as a board of one.

"Bookmaker" means a person engaged in bookmaking as defined in Iowa Code section 725.13.

"Commission" means the Iowa racing and gaming commission.

"Commissioner" means any member of the Iowa racing and gaming commission.

"Contested case" means a proceeding, including licensing, in which the legal rights, duties or privileges of a party are required by constitution or statutes to be determined by the commission after an opportunity for an evidentiary hearing.

"Gaming Official" means any person authorized by the administrator to perform regulatory functions related to riverboat gambling.

"License" means the whole or any part of any permit, certificate, approval, registration, charter, or similar form of permission to engage in any occupation or activity related to racing or gaming required by the commission.

"Pari-mutuel license" means a license issued to a nonprofit corporation or association for the operation of pari-mutuel racing.

"Party" means any person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party, including intervenors.

"Person" means any individual, estate, trust, fiduciary, partnership, corporation, association, government subdivision or agency, or public or private organization of any character or any other covered by the Iowa administrative procedure Act other than an agency.

"Steward" means one of three individuals appointed as a steward or judge at a racetrack in accordance with the rules of the commission.

"Tout" means a person other than a licensed tip sheet concessionaire who obtains for or sells to others information on horses, dogs, stables, kennels, jockeys, or other aspects of a race meeting of potential use to bettors.

**491-4.2(99D, 99F) Computation of time, filing of documents.** In computing any period of time prescribed or allowed by these rules or by an applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Legal holidays are prescribed in the Code.

**4.2(1)** All documents or papers required to be filed with the commission shall be delivered to any commission office within such time limits as prescribed by law or by rules or orders of the commission. No papers shall be considered filed until actually received by the commission.

**4.2(2)** In all cases where the time for the filing of a protest or an appeal or the performance of any other act shall be fixed by law, the time so fixed by law shall prevail over the time fixed in these rules.

**491-4.3(99D, 99F) Board meetings.** Whenever the board has reasonable cause to believe that the holder of a license has committed an act or engaged in conduct in violation of statute or rules of the commission, the following procedures will apply:

1. The license holder shall be immediately subject to such intermediate conditions, limitations, and restrictions as the board decides necessary to protect the public safety, health, and welfare and to insure the integrity of racing or gaming.

2. Within seven days of the matter coming to the attention of the board, the board shall schedule a meeting to which the license holder shall be summoned for the purpose of investigating suspected or alleged misconduct by the license holder at which all board members or their appointed representatives shall be present in person or by teleconference; however, the license holder may request a continuance for good cause and the continuance need not necessarily stay any intermediate sanction.

3. The summons given to the license holder shall give adequate notice of the time, place and purpose of the board's meeting, and shall specify by number the statutes or rules allegedly violated.

4. Every person called to testify before the board is entitled to have counsel or an observer of the person's choosing present at the meeting; however, the counsel or observer may only participate

under conditions or in a manner the board directs. The board is not required to permit cross-examination of witnesses appearing before the board.

5. If a license holder, after receiving adequate notice of a board meeting, fails to appear as summoned, the license holder will be deemed to have waived any right to appear and present evidence to the board.

6. No special announcement of the meeting or of the alleged infraction of rules shall be made until after the board meeting, when the board shall transmit a signed written decision to the commission office and to the license holder containing the board's findings and the penalty imposed.

7. Duty of disclosure. It is the duty and obligation of every licensee to make full disclosure to the commission, at a hearing before the commission, or to the board, at a meeting before the board, of any knowledge possessed regarding the violation of any rule, regulation or law concerning racing and gaming in Iowa. No person may refuse to testify before the board or the commission at any hearing on any relevant matter within the authority of the board or the commission, except in the proper exercise of a legal privilege. No person shall falsely testify before the board or the commission.

8. Persons who are not holders of a license or occupational license and who have allegedly violated commission rules, orders, or final orders, or the Iowa pari-mutuel wagering act, or whose presence at a track or on a licensed riverboat is allegedly undesirable are subject to the authority of the board and the commission, to the procedures and rights accorded to a license holder under this chapter, and to the sanctions allowed by law including a fine and expulsion from all tracks or licensed riverboats in the state.

**491-4.4(99D, 99F) Penalties.** The board may eject the license holder, either from the racetrack or riverboat under its jurisdiction, suspend the license of the holder for up to one calendar year or season, whichever is greater, or impose a fine of up to \$1000, or both. In addition, the board may order a redistribution of a racing purse or the payment of or the withholding of a gaming payoff.

**491-4.5(99D, 99F) Stays of board decisions.** An appeal of a board's decision will not automatically stay the decision. A party may request the administrator to stay the decision. The administrator or designated representative may order a stay unless the public welfare dictates a contrary result. It is the position of the commission that any situation which impugns the integrity of racing or gaming or the pari-mutuel system or brings that integrity into question has a serious adverse effect on the public welfare.

**491-4.6(99D, 99F) Effect of another jurisdiction's orders.** The

commission or board may take appropriate action against a license holder or other person who has been ruled off a track or gaming establishment in another jurisdiction, to exclude that person from any track or gaming establishment under the commission's jurisdiction. Proceedings shall be conducted in the same manner as prescribed by these rules for determining misconduct on Iowa tracks or gaming establishments and shall be subject to the same appeal procedures.

**491-4.7(99D, 99F) Hearings before the commission.** The following types of hearings may be heard by the commission.

1. Contested cases.
2. Any hearing initiated by the racing and gaming commission upon its own motion, pursuant to any matter within its jurisdiction.
3. Any hearing initiated by any person upon written request received by the commission, pursuant to any matter within its jurisdiction.

**491-4.8(99D, 99F) Contested case proceedings before the commission-general.** These rules on contested cases shall apply to the following types of proceedings:

1. A ruling by the board referring a matter to the commission for any additional sanctions the commission may deem necessary.
2. An appeal by the license holder, either in whole or in part, of a ruling by the board.
3. A proceeding instituted by the commission to review a board's decision or to take up any other matter on its own motion or complaint of the administrator.
4. Any other situation in which an evidentiary hearing is required by constitution or statute before commission action.

All hearings before the commission will be de novo in accordance with the requirements of the Iowa administrative procedure Act and these rules for contested cases.

**491-4.9(99D, 99F) Appeal from board's decisions.** License holders adversely affected by a decision of the board may seek review of the decision by filing a notice of appeal within 72 hours of the decision. The notice of appeal shall contain numbered paragraphs and set forth the name of the person seeking review, the decision to be reviewed, separate assignments of error, clear and concise statement of relevant facts, reference to applicable statutes, rules or other authority, prayer setting forth relief sought and signature, name, address, and telephone number of the person seeking review or that person's representative, or shall be on a form prescribed by the commission.

**491-4.10(99D, 99F) Refusal by a board to approve license.** Whenever

the board or administrator's designee refuses to approve an application for a license, the person to whom a license has been denied may request a hearing before the commission. The request should be in writing, and should be made within 72 hours of the decision.

The board may also refuse to grant a license or summarily suspend a license of an association employee for failing to return a division of criminal investigation background form in a timely manner as determined by the administrator.

**491-4.11(99D, 99F) Subpoenas.** The administrator is authorized to issue subpoenas, including subpoenas duces tecum, requiring witnesses at contested case proceedings before the commission.

**491-4.12(99D, 99F) Notice of hearing.** Upon receipt of a notice of appeal, or upon action initiated by a complaint of the administrator or by a motion of the commission, the administrator shall by certified mail with return receipt requested, or in accordance with the rules regarding actual or personal service of original notice in a civil action, serve a notice of hearing upon all parties to a contested case. If the case involves an appeal from a board's decision, a copy of the notice of hearing, with required attachments, shall be delivered to the board. The notice of hearing shall comply with the Iowa administrative procedure Act. A copy of the notice of appeal or complaint by the administrator where applicable, shall be attached to the notice of hearing. When action is initiated by a motion of the commission, a statement setting forth the nature and grounds of the motion shall be attached.

**491-4.13(99D, 99F) Discovery.** Generally, the rules of discovery applicable to civil actions in Iowa district court are applicable to contested case proceedings before the commission. The administrator is permitted to lengthen or shorten times for discovery and to make any reasonable modification of normal discovery procedures when time or other circumstances require.

**491-4.14(99D, 99F) Time of hearing.** Contested case proceedings regarding granting or the suspension of occupational licenses may be conducted at the next regular meeting of the commission or at a special meeting, but in any event no later than 30 days after filing of the application with the administrator, unless the parties agree to a continuance.

Contested case proceedings on appeal from the board's decisions may be conducted after the next regular meeting of the commission or at a special meeting, but in any event shall be conducted as expeditiously as possible after receipt by the commission of a notice of appeal.



Contested case proceedings on complaint of the administrator or motion of the commission may be conducted at any regular or special meeting of the commission in its discretion.

The commission may delegate to an administrative law judge its authority under the Iowa administrative procedure Act and these rules to conduct contested case proceedings and other hearings to the extent and manner provided by Iowa Code sections 17A.11 to 17A.15. The administrative law judge shall have the authority granted under these rules to the commission, the chair, the vice chair and administrator in regard to the conduct of proceedings and decision making to the extent permitted by the Iowa administrative procedure Act unless specifically limited by the commission. A decision by the administrative law judge shall be treated in the manner prescribed by Iowa Code section 17A.15. Further review by the commission of an administrative law judge's decision may be requested in writing by any party, or the administrator, or by the commission. A request for further consideration of an administrative law judge's decision shall be filed with the commission's principal office no later than 10 days from the date of the administrative law judge's decision. A request for further consideration of an administrative law judge's decision by a party or the administrator shall specify those portions of the decision which are to be reviewed and the reasons for disagreement with the decision.

In all of the above contested case proceedings, continuances may be granted for good cause shown.

**491-4.15(99D, 99F) Conduct of proceedings.** A proceeding shall be conducted by the chair or vice-chair who, among other things, shall:

1. Open the record and receive appearances;
2. Administer oaths, and issue subpoenas;
3. Enter the notice of hearing into the record;
4. Receive testimony and exhibits presented by the parties;
5. In the officer's discretion, interrogate witnesses;
6. Rule on objections and motions;
7. Issue an order containing findings of fact and conclusions of law.

**4.15(1)** Evidentiary proceedings shall be oral and open to the public and shall be recorded either by mechanical means or by certified shorthand reporters. Parties requesting that the hearing be recorded by certified shorthand reporters shall bear the appropriate costs. The record of the oral proceedings or transcription shall be filed with and maintained by the department for at least five years from the date of the decision.

**4.15(2)** If a party fails to appear in a contested case proceeding after proper service of notice, the chair or vice-chair may, upon the officer's own motion or upon the motion of the party who has appeared, adjourn the hearing or proceed with the hearing and make

a decision in the absence of the party.

**4.15(3) Contemptuous conduct** by any person appearing at a hearing shall be grounds for that person's exclusion from the hearing by the chair or vice-chair.

**4.15(4) Commission hearings reviewing a decision of an administrative law judge or designated hearing officer** shall be based upon the record made before the administrative law judge or hearing officer and such other evidence as the commission in its discretion agrees to hear. Commission hearings are considered to be de novo hearings.

**491-4.16(99D, 99F) Rules of evidence.** In evaluating evidence, the commission's experience, technical competence, and specialized knowledge may be utilized.

**491-4.17(99D, 99F) Oath.** All testimony presented before the commission shall be given under oath which the chair or vice-chair has authority to administer.

**491-4.18(99D, 99F) Evidence having probative value.** Although the commission is not bound to follow the technical common law rules of evidence, a finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial.

**4.18(1) Irrelevant, immaterial, or unduly repetitious evidence** shall be excluded. The commission shall give effect to the rules of privilege recognized by law.

**4.18(2) Evidence not provided to a requesting party by subpoena, through discovery or during any informal procedures** shall not be admissible at the hearing.

**4.18(3) Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form by the commission.**

**4.18(4) Objections to evidentiary offers** may be made at the hearing.

**491-4.19(99D, 99F) Copies of evidence.** A copy of any book, record, paper, or document may be offered directly in evidence in lieu of the original, if the original is not readily available or if there is no objection. Upon request, the parties shall be given an opportunity to compare the copy with the original, if available. When an original is admitted in evidence, a copy may be substituted later for the original or such part as may be material or relevant upon leave granted in the discretion of the chair or vice-chair.

**491-4.20(99D, 99F) Official notice.** The commission may take official

notice of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the commission. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data. The parties shall be afforded an opportunity to contest such facts prior to the issuance of the decision in the contested case proceeding unless the commission determines as a part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

**491-4.21(99D, 99F) Presentation of evidence and testimony.** In any hearing, each party shall have the right to present evidence and testimony of witnesses and to cross-examine any witness who testified on behalf of an adverse party. A person whose testimony has been submitted in written form, if available, shall also be subject to cross-examination by an adverse party. Opportunity shall be afforded each party for redirect examination and recross-examination and to present evidence and testimony as rebuttal to evidence presented by another party, except that unduly repetitious evidence shall be excluded.

**491-4.22(99D, 99F) Offer of proof.** An offer of proof may be made through the witness or by statement of counsel. The party objecting may cross-examine the witness without waiving any objection.

**491-4.23(99D, 99F) Motions.** After commencement of contested case proceedings, appropriate motions may be filed by any party with the administrator should facts requiring such motion come to the knowledge of the party. All motions shall state the relief sought and the grounds upon which the motions are based.

**4.23(1)** Motions made prior to a hearing shall be in writing and a copy served on all parties and attorneys of record. Such motions may be ruled on by the administrator. The administrator shall rule on the motion by issuing an order. A copy of the motion with the ruling noted shall be mailed to the parties and attorneys of record. Motions may be made orally during the course of a hearing; however, the hearing officer may request that it be reduced to writing and filed.

**4.23(2)** To avoid a hearing on a motion, it is advisable to secure the consent of the opposite party prior to filing the motion. If consent of the opposite party to the motion is not obtained, a hearing on the motion may be scheduled and the parties notified. The burden will be on the party filing the motion to show good cause why the motion should be granted.

**4.23(3)** The party making the motion may attach affidavits deemed essential to the disposition of the motion, which shall be served

with the motion and to which the opposite party may reply with counter affidavits. Types of motions include but are not limited to:

- a. Motion for continuance.
- b. Motion for dismissal.
- c. Motion for judgment.
- d. Motion to delete confidential matter in the decision.

**491-4.24(99D, 99F) Briefs.** At any time, whether upon the request of any party or not, the commission may require the filing of briefs on any of the issues prior to or at the time of hearing or at a subsequent time. If briefs have been filed prior to a hearing, the parties should be prepared to make oral arguments as to the law set forth in the briefs at the conclusion of a hearing if the hearing officer so directs. Two copies of all briefs shall be filed.

**491-4.25(99D, 99F) Service.** All papers or documents required by law or these rules to be filed with the administrator, with the opposing party or other person shall be served by personal service or by certified mail return receipt requested unless another rule specifically refers to another method. All notices required by law or these rules to be served on parties or persons by the commission shall be served by personal service or certified mail return receipt requested.

**491-4.26(99D, 99F) Standards of conduct.** All persons appearing in any proceeding before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Iowa. If any person does not conform, the commission may decline to permit that person to appear in a representative capacity in any future proceeding before the commission.

**491-4.27(99D, 99F) Alcohol and drug testing rule.**

**4.27(1) Alcohol prohibition/Breathalyzer test.** A licensee or employees of any entity associated with the conduct of racing and gaming on duty or in a restricted area while on the premises of a licensed racetrack or riverboat shall not have present within their system any amount of alcohol in excess of .05 percent. Acting with reasonable cause, the stewards or a designated commission representative may direct any licensee or employee to submit to a breathalyzer test. The licensee or employee shall, when so directed, submit to examination. If the results show a reading of .10 percent alcohol content or more, the licensee or employee is subject to fine or suspension by the administrator's designee. For a subsequent violation the licensee or employee may be subject to procedures following positive chemical analysis (below).

Licensees or employees, of any entity associated with the conduct of racing or gaming while on duty or in a restricted area on the

grounds of a licensed racetrack or riverboat shall not have present within their system any amount of alcohol which would constitute legal impairment (.05%). Acting with reasonable cause, a designated commission representative may direct any licensee or employee to submit to a breathalyzer test. The licensee or employee shall, when so directed, submit to examination. If the results show a reading of .05 percent alcohol content or more, the licensee or employee shall not be permitted to continue duties for that day. For a second violation, the licensee or employee shall not be permitted to continue duties for that day and then be subject to fine or suspension by the stewards or commission. For a subsequent violation the licensee or employee may be subject to procedures following positive chemical analysis (below).

**4.27(2) Drug prohibition/body fluid test.** Licensees or employees of any entity associated with the conduct of racing or gaming while on the grounds of a licensed racetrack or riverboat shall not have present within their system any controlled substance as listed in Schedules I to V of the U.S. Code Title 21 (Food and Drug Section 812), Iowa Code chapter 204 or any prescription legend drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. Acting with reasonable cause a designated commission representative may direct the licensees or employees to deliver a specimen of urine in the presence of a physician or subject themselves to the taking of a blood sample or other body fluids by a physician appointed by the commission. In these cases the designated commission representative may prohibit the licensee or employee from participating in racing or gaming until the licensee or employee evidences a negative test result. Sufficient sample should be collected to ensure a quantity for a split sample when possible. A licensee or employee who refuses to provide the samples herein described shall be in violation of these rules and shall be subject to disciplinary action by the commission. All testing shall be at the expense of the commission.

**4.27(3) Procedures following positive chemical analysis.**

a. After professional evaluation, if the licensee's or employee's condition proves nonaddictive and not detrimental to the best interest of racing or gaming and the licensee or employee can produce a negative test result and agrees to further testing at the discretion of the designated commission representative to ensure unimpairment, the licensee or employee may be allowed to participate in racing or gaming.

b. After professional evaluation, should the licensee's or employee's condition prove addictive or detrimental to the best interest of racing or gaming, the licensee or employee shall not be allowed to participate in racing or gaming until the licensee or employee can produce a

negative test result and show documented proof of successful completion of a certified alcohol/drug rehabilitation program approved by the administrator. The licensee or employee must also agree to ensure unimpairment.

c. For a second violation, a licensee or employee shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the administrator and to apply for reinstatement only at the discretion of the administrator.

## CHAPTER 5 APPLICATIONS FOR TRACK LICENSES AND RACING DATES

**491-5.1(99D) In general.** Any qualified nonprofit corporation as defined in Iowa Code, section 99B.1(10) organized to promote those purposes enumerated in section 99B.7(3)"b," or a nonprofit corporation which conducts a livestock exposition for the promotion of the livestock, horse, or dog breeding industries of the state, may apply to the commission for a license to conduct horse or dog racing. The application shall be filed with the administrator of the commission at least 60 days before the first day of the horse-race or dog-race meeting which the nonprofit corporation or association proposes to conduct. For purposes of this chapter, the requirements placed upon an applicant shall become a requirement to the licensee once a license to race has been granted.

**5.1(1)** Every license to hold a meeting is granted upon the condition that the license holder shall accept, observe and enforce the rules and regulations of the commission, and it shall be the duty of each and every officer, director, and employee of said license holder to observe and enforce the rules.

**5.1(2)** All applications shall be signed and verified under oath.

**5.1(3)** For purposes of these rules, the terms "stock" and "stockholder" shall also be defined as meaning "members" and "membership interest in" for nonprofit corporations organized under Iowa Code, chapters 504A and 504B.

**5.1(4)** Applicants shall designate those portions of the application that should be regarded as confidential under Iowa Code, section 22.7.

**491-5.2(99D) Ownership and management.** Every application to become a license holder shall contain the following ownership and management information.

**5.2(1)** State the name of the applicant and indicate whether it is an individual, firm, association, partnership, or corporation.

**5.2(2)** State the following information as to the applicant and if the applicant has a parent corporation, the same information must

be submitted both for the parent and applicant corporation:

a. State the year in which the applicant was organized, its form of organization, and the name of the state under the laws of which it was organized. Attach a copy of the articles, bylaws, and previous three years' corporate tax returns to the application.

b. On the initial application of a license holder for racing dates, a certified copy of the articles of incorporation of the applicant must be attached to the application and any applications for racing dates filed subsequent to the initial application and any subsequent amendments to the aforementioned articles of incorporation shall be attached thereto, so that there will be on file at the commission at all times a current copy of the applicant's articles of incorporation and amendments thereto.

c. State the classes of capital stock authorized, the amount authorized, and the amount outstanding as of the date not less than 15 days prior to the date of filing of the application. State the amount of dividends paid to stockholders during the five years immediately preceding the application.

d. State the name and address of each person or entity who owns, of record or beneficially, one or more shares of any class of capital stock or an option or conditional interest in applicant. This can be indicated in columnar forms providing for name and address, class of stock owned, type of ownership whether of record or beneficial, amount owned, and percent of the class of stock.

e. Describe briefly the terms of any voting trust in which any of the capital stock is held and the name, address, class of stock, and number of shares of stock for all stock held in said voting trust.

f. Describe briefly the terms of any proxy by which any of the capital stock is held, the holder of the proxy, and the name, address, class of stock, and number of shares of stock for all stock held by said proxy.

g. State whether 5 percent or more of the applicant's assets, or 5 percent or more of any stockholders' stock, is encumbered by any long-term debt. Explain fully, by stating names and addresses of parties holding security interests or promissory notes from the applicant and the stockholders, where the stock is pledged as security, and outline the terms of the agreements creating the security interests.

h. Outline briefly the dividend rights, voting rights, liquidation rights, pre-emptive rights, conversion rights, and redemption provisions. If the rights of holders of such stock may be modified otherwise than by a vote of majority or more of the shares outstanding, voting as a class, so state and explain briefly.

i. If the applicant was organized as a corporation within the past five years, furnish the following information: The names of the promoters; the nature and amount of anything of value received

or to be received by each promoter directly or indirectly from the applicant; and the nature and amount of any assets, services, or other consideration therefor received or to be received by the applicant.

j. List the names of all directors and officers of the applicant and all persons chosen to become directors or officers and furnish personal history resumes for each person named, using forms provided by the commission. Indicate all positions and offices with the applicant held by each person named, and the principal occupation during the past five years of each person named.

k. List all parents of the applicant showing the basis of control and as to each parent, the percentage of voting securities owned, or other basis of control by any parents.

5.2(3) Attach to the application, balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. If the applicant has not completed a full fiscal year since its organization or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year. Balance sheets, profit and loss statements, and all other financial statements required herein shall be prepared, audited and certified by independent, certified public accountants in accordance with generally accepted accounting procedures and practices accepted on a consistent basis. Any report containing exceptions of a material nature, will not be considered to be certified.

5.2(4) State all loans by applicant in excess of 1 percent of net income and describe fully the name of the borrower, amount of the loan, collateral, and terms.

5.2(5) Briefly describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporation is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto.

5.2(6) State if the applicant, or its directors, officers, policymaking manager, or stockholders have owned an interest in any firm, partnership, association, or corporation previously licensed by the Iowa racing and gaming commission, or are now engaged in the business of racing outside of the state of Iowa. Explain.

5.2(7) Describe briefly and where practical state the approximate amount of any interest, direct or indirect, of any officer, director or stockholder of the applicant, or any associate of any of the foregoing persons in any transactions during the last three years, or in any proposed transactions, to which the applicant was, or is to be a party.

5.2(8) State all contracts by the applicant entered into within the



year preceding the date of application, and all executory contracts not otherwise described pursuant to these rules in which the consideration exceeds 1 percent of net income and describe fully, including the names of the parties to the contract, amount of consideration and terms.

**5.2(9)** List all direct remuneration paid by the applicant and its subsidiaries, if any, during the applicant's last fiscal year to:

- a. Each director and officer of the applicant whose aggregate direct remuneration exceeded \$10,000 naming each person;
- b. All directors of the applicant as a group without naming them;
- c. All officers of the applicant as a group without naming them;
- d. All other persons whose aggregate remuneration exceeds \$10,000 naming each person. As used in this paragraph, direct remuneration shall include salary, retirement benefits, automobiles furnished, expenses reimbursed, and all other sums paid for the benefit of the officer, director, or other recipient.

**5.2(10)** State whether the applicant, its officers, directors, and stockholders have complied with and are in compliance with subrule 5.7(1). If not in compliance, explain in full.

**491-5.3(99D) Location and physical plant.** Every application to become a license holder shall contain the following information about location and physical plant:

**5.3(1)** State county and municipality of track.

**5.3(2)** Give actual legal description of the site, names and addresses of the titleholders to the real property, and names and addresses of all persons holding mortgages or other security interests in the property.

**5.3(3)** State whether or not applicant has complied with local zoning ordinances and has received approval of the appropriate local governmental body with respect to the proposed site.

**5.3(4)** State whether the racetrack site identified above has adequate and available sewer, water, electricity and gas.

**5.3(5)** State the total estimated cost of construction of the racetrack facility proposed by this application; please distinguish between known fixed costs and projections, and, in doing so, separately identify:

- a. Facility design expense;
- b. Land acquisition costs;
- c. Site preparation costs;
- d. Facility construction cost;
- e. Equipment acquisition cost;
- f. Cost of interim financing;
- g. Organization, administrative and legal expenses;
- h. Projected permanent financing costs.

**5.3(6)** Set forth the construction schedule you propose for completion of your facility; include therein an estimated date of

project completion.

**5.3(7)** State your source or sources of funds for the construction of the facility proposed by this application; please identify and document:

- a. Each source of equity contribution and the amount of such contribution;
- b. The present commitment, if any, you have received for each funding source;
- c. Each source of debt contribution, and the amount of such contribution; and
- d. The present commitment, if any, you have received for such financing.

**5.3(8)** State the number of miles from the nearest population center, and describe briefly the transportation facilities serving that population's center.

**5.3(9)** Indicate the exact dimensions of any track proposed.

**5.3(10)** Describe the grandstand size and type of construction. Submit at least one copy of architect's plans or renderings showing detail of any proposed construction.

**5.3(11)** Describe briefly the efforts made to ensure the security, safety, and comfort of patrons and license holders.

**5.3(12)** State the availability of fire protection and adequacy of law enforcement and police protection.

**5.3(13)** Indicate the parking lot capacity and describe the construction and type of parking facilities.

**5.3(14)** Indicate the number and type of construction of stables, kennels, and other areas, indicating capacities and fire prevention facilities for all areas.

**5.3(15)** Indicate the provisions for facilities for owners and other racing personnel.

**5.3(16)** Describe the arrangements for food and drink concessions, indicating the names and addresses of concessionaires and the terms of the concession contracts. Attach copy of contract. Indicate the number of Iowa people who will be employed.

**5.3(17)** Describe any concessions, clubs, or other special facilities for patrons.

**5.3(18)** Describe your detention barn facilities, providing a detailed plan of the detention barn and your estimate of the cost of such construction.

**5.3(19)** Describe your paddock facility, providing a detailed plan of the paddock facility and your estimate of the cost of such construction.

**5.3(20)** Horse races only—describe your jockeys' or drivers' quarters, giving changing facilities, a listing of equipment to be installed in each facility, and the location of the jockeys' quarters in relation to the paddock. Provide a detailed plan of the jockeys'

or drivers' quarters and your estimate of the cost of such construction.

5.3(21) Describe your pari-mutuel tote facility, giving approximate location of bettors' windows and cash security areas; describe the nature and type of equipment to be installed; describe any proposed lease agreements and furnish a copy to the commission when available.

**491-5.4(99D) Racing operation.** Every application to become a license holder shall contain the following information about racing operations:

5.4(1) Indicate by actual dates the racing days requested by the applicant.

5.4(2) Indicate the kind of racing to be conducted.

5.4(3) Describe the proposed management of your facility and identify management personnel by function and, with respect to personnel, please furnish personal history resumes on forms provided by the commission. Attach a copy of any written contract or describe the terms of any oral agreement between applicant and the employee.

5.4(4) Provide financial projections reflecting the development period and the first five succeeding years. Show the number of racing days needed to break even and the optimum number of racing days the applicant seeks. Include any and all known feasibility studies which have been done on the type of racing in the particular locale where the applicant intends to conduct racing.

**491-5.5(99D) Economic, demographic and other.** Every applicant to become a license holder shall contain the following economic, demographic, and miscellaneous information:

5.5(1) Describe briefly climatic conditions prevalent during the proposed racing season.

5.5(2) Indicate the population of the local area, and the growth trend. Indicate the potential market, including tourists, transients, and patrons from neighboring areas.

5.5(3) Indicate the principal sources of local income, showing the percentage from farming and ranching, industrial and professional services, and military and other governmental sources.

5.5(4) Indicate the effect of competition with other racetracks in and out of the state and with other sports or recreational facilities in the area. State in detail what affect the competition from other racetracks will have on the availability of racing stock and track personnel.

5.5(5) Indicate what effect opposition from area residents will have on the economic outlook for the proposed track.

**491-5.6(99D) Commission approval of sale.** In the event the control, whether majority or less of the capital stock, of any corporation holding a license for racing from the commission is to be conveyed,

no sale or conveyance shall take effect until approval is obtained from the Iowa racing and gaming commission. The application of the purchaser for the permission and approval of the racing and gaming commission shall contain, where applicable, the same information as is required to be furnished under Rule 5.2(99D).

#### **491-5.7(99D) Duties and obligations.**

**5.7(1) Gratuities prohibited.** For purposes of this rule, the term "lineal heir" means parent, child or grandchild. No applicant, officer, director, or stockholder of the applicant, nor any director of any corporation which is a stockholder of the applicant, nor any spouse or lineal heir of any such person, nor any corporation in which the applicant or an officer, director, or stockholder of the applicant holds stock, shall directly or indirectly, in the name of or on behalf of the applicant, promise or offer to give or cause or procure to be promised, offered or given, any money, goods, present, or reward, or any promise, contract, undertaking obligation or security for the payment or delivery of any goods, money, present, or reward or any other thing of value whatsoever with the intent to influence the action or decision of any such person on any question, matter, cause or proceeding concerning the applicant, which may be pending or which may in the future be brought before any such person in an official capacity. This includes but is not limited to:

- a. Any member of the commission
- b. Any officer, agent or employee of the state of Iowa or a political subdivision of the state
- c. Any person who is a candidate for public office in the state of Iowa
- d. Any spouse, lineal heir, or employee of any of the persons listed in paragraph "a," "b," or "c" of this subrule.

**5.7(2)** Upon application to the commission, prior to entering into any such contract or doing any business, or making any such payment or contribution, the provision of subrule 5.7(1) may be waived by the commission, in its discretion, if the proposed contract, or the proposed business, or any proposed payment or contribution, is, under the circumstances, advantageous to the applicant in the conduct of its business of racing.

**5.7(3)** If any officer, director, or stockholder of the applicant, or any officer or director of any corporation which is a stockholder of the applicant, or any spouse or lineal heir of any such person, or any corporation in which an officer, director or stockholder is a stockholder shall:

- a. Contract with the applicant, except for bona fide contracts for salaries for directors and officers actually serving as such or for professional services actually rendered; or
- b. Provide goods or services which are ultimately sold to applicant's patrons; then describe such contract, provision, or arrangement.

**5.7(4) Evidence of character and reputation.** The commission will not issue a license to an applicant if there is substantial evidence that the officers, directors, partners or shareholders of the applicant are not of good repute and moral character. Any evidence concerning an officer's, director's, partners or shareholders current or past conduct, dealings, habits, or associations which is otherwise relevant to that individual's character and reputation may be considered. The commission may consider all relevant facts surrounding alleged criminal or wrongful conduct resulting in the filing of criminal charges, a conviction, nolo contendere, no contest or Alford pleas entered by the applicant or operator in any court or administrative proceedings. A criminal conviction of an individual will be conclusive evidence that the individual committed the offense for which the individual was convicted, but this does not preclude the commission from considering evidence that the individual committed additional offenses. The commission will decide what weight and effect evidence about an officer, director, partner or shareholders should have in the determination of whether there is substantial evidence that the individual is not of good reputation and character. Officers, directors, partners and shareholders who have a significant interest in the management, ownership, operation, or success of an application may be held to a more stringent standard of conduct and reputation than others with a less significant interest or role in such matters.

**491-5.8(99D) Commission approval of contracts.** No applicant shall enter into any contract in which the term exceeds three years or the consideration exceeds 5 percent of the net income of the applicant for the year immediately preceding the date of the contract without first submitting advance written notice thereof to the commission and obtaining commission approval therefor.

**491-5.9(99D) Availability of minutes.** Minutes of the meetings of stockholders and directors of the applicant shall be made available to the commissioners, but copies thereof need not be filed as a matter of record in the office of the commission.

**491-5.10(99D) Leased facilities.** If any applicant for a license will lease a racing facility from another entity, the lessor shall be required to provide the same information required by these rules to the commission including copies of all leases, agreements, and contracts of any nature between the lessor entity and the applicant.

**491-5.11(99D) Additional information.** The commission may require any additional information it deems necessary from the applicant for the purpose of ruling on the license application.

**491-5.12(99D) Fair racing applications.** Some of the foregoing

requirements contained in this chapter may be waived or modified at the discretion of the commission on an application for a track license to conduct fair racing by a "society" as defined in Iowa Code section 174.1(2) which reads as follows:

174.1 Terms defined. For the purposes of this chapter:

1. "Fair" shall mean a bona fide exhibition of agricultural, dairy, and kindred products, livestock, and farm implements.

2. "Society" shall mean a county or district fair or agricultural society incorporated under the laws of this state for the purpose of holding such fair, and which owns or leases at least ten acres of ground and owns buildings and improvements situated on said ground of a value of at least eight thousand dollars, or any incorporated farm organization authorized to hold an agricultural fair which owns or leases buildings and grounds especially constructed for fair purposes of the value of one hundred and fifty thousand dollars in a county where no other agricultural fair receiving state aid is held.

**491-5.13(99D) Distribution of applications.** The original and six copies of all applications, notices and other matters required by these rules, shall be filed with the Commission Office, Lucas State Office Building, Des Moines, Iowa 50319. One additional copy shall be submitted to each commissioner at the address of record on file in the office of the commission. All applications, notices, and other matters shall be verified, under oath, and all copies shall be manually signed in ink.

**491-5.14(99D) Annual audit.** Licensees shall submit to the commission audits as required by Iowa Code section 99D.20. All audits shall be conducted by certified public accountants registered in the state of Iowa. The audit of financial transactions and condition of licensee's operation conducted under Iowa Code section 99D.20 shall include the following information: admission sales, concession sales, program/publication sales and parking sales. The report will also indicate as much as possible the direct costs associated with each of these sales categories. Additionally, the audit report shall include a statement of original financing with an indication of principal paid, interest paid, fund reserved for future payment of that debt and due dates for future payments.

**5.15(99D) License renewal.** Licenses to conduct pari-mutuel horse or dog racing must be renewed annually after the original term of the license expires. The application for renewal must be received at the commission office no later than 30 days prior to the opening day of the first meeting of the calendar year.

**5.15(1) Minimum purse.**

a. For dog racing only, each licensee shall submit to the commission

the purse schedule for the upcoming race meeting. This schedule shall include the percent of the pari-mutuel commission, or takeout, dedicated to purses.

b. For horse racing only, each licensee shall present to the commission for approval the proposed purse structure for the race meeting including the minimum purse to be offered. Any contract with an organization representing the horsemen shall also be presented for commission approval at this time.

**5.15(2)** Purse supplements for Iowa-breds. A proposed plan for the payment of purse supplements for the owners of Iowa-bred animals shall be submitted. The plan is subject to commission approval and funded by the breakage as provided in Iowa Code section 99D.12.

**5.15(3)** Approval of steward. There shall be three stewards for each race meeting, two of whom shall be appointed by the commission and one nominated by the association for approval by the commission. Names of association nominees for steward shall be submitted no later than 30 days before commencement of a race meeting and be accompanied by biographical data setting up the experience and qualifications of the nominees. The commission may consider for appointment or approval:

a. Persons who have engaged in pari-mutuel racing in a capacity and for a period satisfactory to the commission.

b. Persons who have satisfactorily passed an optical examination within one year prior to approval as a steward evidencing corrected 20/20 vision and ability to distinguish colors correctly.

c. Persons who have satisfied the commission that income, other than salary as a steward, is independent of and unrelated to patronage of or employment by any occupational licensee under the supervision of the steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of an occupational licensee.

**5.15(4)** Racing officials and department heads. Each association shall submit to the commission at least 30 days prior to the opening day of a meeting a complete list of department heads and association officials appointed for the meeting. Unless specifically prohibited by these rules, one person may serve in more than one official position if that person can do so without detriment to any of the other positions, if that person has the consent and approval of the commission, provided that neither the racing secretary nor the director of racing may serve as a steward except in temporary emergency situations. The list of officials and department heads shall be accompanied by biographical data specifically listing the experience and qualifications of the nominees.

**5.15(5)** Grading system. For greyhound licensees only, the association shall submit the proposed grading system and purse

structure to be in effect at the race meeting 30 days prior to the opening of the meeting.

**5.15(6)** Schedule and wagering format. Each association shall submit for approval a complete racing schedule and wagering format containing at least the following information:

- a. Date and post time of performances
- b. Number of races in each performance
- c. Type of wagers accepted in each race
- d. Simulcasting plan for sending and receiving
- e. Designation of separate seasons within the racing year.

**5.15(7)** Equipment. The following equipment must be approved by the commission. The make, model, age and a description shall be provided.

- a. Totalizator
- b. Photo/finish camera/timer
- c. Starting gates

**5.15(8)** Security plan. Security plans are subject to commission approval and shall be updated annually. Under a separate cover marked confidential, provide detailed security plan with the following information:

- a. Location of central security office.
- b. Describe security coverage of restricted areas including but not limited to money room, stable/kennel area, paddock, testing barn, mutuel lines and all entrances (during racing and during off hours). Describe the size and stationing of security staff.
- c. Describe arrangement made for transporting cash through public areas.
- d. Describe arrangements for liaison with local law enforcement agencies, expected response time and provisions for on-site police officers with arrest powers.
- e. Provide after hour telephone numbers for key personnel.
- f. Describe security procedures for transporting start-up cash to the track, transporting deposits to financial institutions and storage of cash at the track.
- g. Describe fencing and gates around the stable/kennel area.

**5.15(9)** Certification. A certification will be provided by both the president of the association and the general manager that all contracts and financial documents described in rule 491-5.8(99D) have been submitted to the commission for approval.

**5.15(10)** Other information. The association shall submit all other information specifically requested in writing by the commission or administrator.

**5.15(11)** Conditional license. The commission may approve a license renewal request based upon specific performance or condition that the commission may deem appropriate and falls within the authority granted to the commission under Iowa Code chapter 99D.



5.15(12) Changes in approval requests. Once a license has been renewed, any changes to the items approved by the commission shall be requested in writing and subject to the written approval of the administrator.

## CHAPTER 6 CRITERIA FOR GRANTING LICENSES AND DETERMINING RACE DATES

**491-6.1(99D) In general.** This chapter of the rules of the commission sets forth criteria which the commission will consider when deciding whether to issue a license to conduct racing in Iowa. The various criteria may not have the same importance in each instance and other factors may present themselves in the consideration of an application or applications for a license. The criteria are not listed in order of priority.

**6.1(1)** The commission will consider whether or not the applicant is and has been in compliance with the terms and conditions specified in Iowa Code section 99D.9.

**6.1(2)** The commission will consider the amount of revenue to be provided by the proposed facility to the state and local communities through direct taxation on its operation and indirect revenues from tourism, ancillary businesses, creation of new industry, and taxes on employees and patrons.

**6.1(3)** The commission will consider whether the proposed track is viable and properly financed.

**6.1(4)** The commission will consider whether the proposed track is planned in a manner which provides adequate security for all aspects of its operation and for the people working at and visiting the track.

**6.1(5)** The commission will consider whether the proposed track is planned in a manner which promotes efficient and safe operation of all aspects of its facility including, but not limited to, barn and kennel areas, the racing surface, concession areas, and pari-mutuel management areas.

**6.1(6)** The commission will consider whether the proposed track is planned in a manner which promotes efficient, safe, and enjoyable use by patrons including but not limited to parking facilities, concessions, the grandstand, access to pari-mutuel windows, and restrooms.

**6.1(7)** The commission will consider whether the proposed track is in compliance with applicable state and local laws regarding fire, health, construction, zoning, and other similar matters.

**6.1(8)** The commission will consider whether the applicant will employ the persons necessary to operate the track in a manner consistent with the needs, safety, and interests of all persons who will be at the track.

**6.1(9)** The commission will consider the population of the area to be served by a track together with location of other tracks within and without the state of whatever nature.

**6.1(10)** The commission will consider support within the community in which a proposed track is to be located for the promotion and continuation of racing.

**6.1(11)** The commission will consider the character and reputation for honesty of all persons identified with the ownership and operation of the track or licensed business, and their capability to comply with the regulations of the commission and Iowa Code.

**6.1(12)** The commission will consider whether the proposed operation would serve to nurture, promote, develop, and improve the racing industry in Iowa, and provide high quality racing in Iowa.

**6.1(13)** The commission will consider whether the proposed operation will maximize purses.

**6.1(14)** The commission will consider whether the proposed operation is beneficial to Iowa breeders.

**6.1(15)** The commission will consider the number and quality of employment opportunities for Iowans created and promoted by the proposed operation.

**6.1(16)** The commission will consider such other factors as may arise in the circumstances presented by a particular application.

**491-6.2(99D) Limited number of licenses.** If the commission receives applications for racetracks, all of which cannot be granted in the best interests in the state of Iowa, it will consider which of the applications best promotes the considerations set forth in rule 491-6.1(99D) and 491-6.3(99D).

**491-6.3(99D) Determining race dates.** When determining race dates to be allotted to licensees, the commission will consider the economic and practical feasibility of racing at the various tracks. Factors to be considered include, but are not limited to, the competing markets within and without the state, the effects that various types of racing have on one another, the quality of racing provided at various tracks, past dates, past performance at tracks, and past compliance by licensees with the requirements of the laws, stability of dates, and stability of racing circuit. The general policy of the commission is that overlapping racing dates are undesirable unless in different geographic market areas and unless both tracks agree to such dates. The commission shall also consider the licensee's compliance with those considerations in subrules 6.1(1) to 6.1(16).

## CHAPTER 7 GREYHOUND RACING

**491-7.1(99D) Terms defined.** As used in these rules, unless the context otherwise requires, the following definitions apply:

“Added money” means a sum by which the established purse is increased.

“Age” is the age of a greyhound, determined from the day it was whelped.

“Association” means a nonprofit corporation or other legal entity licensed, or required to be licensed, to conduct a recognized race meeting in Iowa.

“Authorized agent” means a person appointed pursuant to subrule 7.3(21).

“Breeder” of a greyhound is the owner or lessee of his dam at the time of whelping.

“Breeding place” means the location of whelping.

“Commission” means the Iowa racing and gaming commission.

“Day” means 24 hours ending at midnight.

“Declaration” means the act of withdrawing an entered greyhound from a race at least one-half hour before the time for the drawing of post positions for the race in which it is entered.

“Double entry” means the entry of two or more greyhounds in the same race that have either common ownership or the same trainer and are separate betting entities.

“Entrance fee” means a fee set by the association which must be paid in order to make a greyhound eligible for a stakes race.

“Equipment” as applied to a greyhound, means muzzles and number blankets.

“Established weight” means the racing weight established by the owner or trainer as the greyhound’s best racing weight.

“Foreign substance” means any drug, medicine or any other substance foreign to the greyhound’s body, which does or could affect the racing condition of a greyhound, or which does or could affect sampling or testing procedures. Foreign substances include but are not limited to stimulants, depressants, local anesthetics, narcotics, and analgesics.

“Forfeit” means money due but lost because of an error, fault, neglect of duty, breach of contract or a penalty.

“General manager” means the individual or company with responsibility for day-to-day operation of a racetrack.

“Greyhound” means a greyhound registered with the National Greyhound Association.

“Kennel name” means any type of name other than the legal name or names of the owners.

“Kennel owner” means the owner of one of the contract kennels

housed at the racing enclosures.

"Lawful authority" means any court of competent jurisdiction.

"Law or laws" means Iowa Code chapter 99D together with any and all amendments thereto.

"Lead-Out" is the attendant that handles the greyhounds while en route to the starting box.

"Lessee" or "lessor" means a person who has leased a greyhound for racing or breeding purposes.

"Licensee" means any person or association that has been duly issued a currently valid license to participate in racing in this state.

"Lure" means a mechanical apparatus consisting of the following component parts: A stationary rail installed around the track, a motorized mechanism which travels on the rail, a pole which is attached to the mechanism and extends out over the track, and to which a decoy approved by the commission is attached.

"Maiden" is a greyhound which has never, in any country, won an official race. Conditions referring to a maiden shall mean maidens at the time of starting. A maiden which has been disqualified after finishing first is still to be considered a maiden.

"Matinee" means a schedule of races conducted upon a racetrack in daylight hours.

"Meeting" is an entire consecutive period for which license to conduct greyhound racing has been granted by the commission to any one association.

"Month" means a calendar month.

"Night performance" means a schedule of races conducted upon a racetrack during night hours.

"Owner" means any person possessing all or part of the legal title of a greyhound including lessee.

"Place" means the position in which a greyhound finishes in a race, and, more specifically, win-first, place-second, and show-third.

"Post position" means the position assigned to a greyhound for the start of the race.

"Post time" is the time set for the arrival of the greyhounds at the starting box for a race.

"Program" is a schedule of races of either a matinee or night performance conducted in any racing day.

"Race" is a contest for purse, stakes or entry fees on any course and in the presence of duly appointed racing officials.

1. "Hurdle race" is a race over a course in which jumps or hurdles are used.

2. "Overnight race" means a race for which entries close 72 hours, or less, before the time to set for the first race of the day on which such race is to be run.

3. "Purse race" is a race for money or other prizes for which the entrance money, if any, must be paid and every other condition

complied with at the time of closing entries.

4. "Race on the flat" is a race over a course in which no jumps or other obstacles are placed.

5. "Sweepstakes" or "stakes" is a race publicly declared open to all complying with its conditions to be fulfilled wholly or in part subsequent to its closing and in which required fees are to be paid for each greyhound engaged. No overnight event, whatever may be its conditions, shall be considered a sweepstakes within the meaning of this rule.

"Race track" means the entire area licensed to the permittee.

"Recognized meeting" means any racing meeting given by an association in good standing within the enclosure of any racetrack licensed and conducted under the sanction of law and the rules and regulations of the duly appointed commission.

"Rule off" means the act of barring from the grounds of an association and denying all racing privileges.

"Rules" means the rules herein prescribed and any amendments or additions to them.

"Scratch" means the act of withdrawing an entered greyhound from a race after the program is printed.

"Starter," a greyhound is a starter for the race when the starting box opens.

"Subscription" means the act of nominating to a stake race.

"Suspended" means that any privilege granted by the officials of a racing meeting or by the commission has been temporarily withdrawn.

"Tote/totalizator" means the machines which sell mutuel tickets and the board on which the approximate odds are posted.

"Trainer" means a person employed by an owner to condition greyhounds for racing.

"Weighing in" means the weight of the greyhound taken at first weighing in, in accordance with the rules.

"Weighing out" means the weight of the greyhound previous to post time or time of the race in which it is entered.

"Weight loser" means a greyhound recognized by the officials known to be a consistent weight loser while in the lockout kennel.

"Whelped," a greyhound is whelped at the time of its birth.

"Year" means a calendar year.

#### **491-7.2(99D) Track licensees' and general manager's responsibilities.**

7.2(1) Maintenance of grounds, facilities and uniform track. Each licensee shall at all times maintain its grounds and facilities so as to be neat and clean, well-landscaped, painted and in good repair, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance; with special consideration for the health and safety of the greyhounds; and shall have available adequate and proper

implements to maintain a uniform track, weather conditions permitting.

7.2(2) Results boards, totalizators required. Each licensee shall provide and maintain mechanically operated totalizators and electronic boards showing odds, results, and other racing information located in plain view of patrons.

7.2(3) Lighting. Each association shall provide and maintain adequate illumination in the kennel area, parking area, and racetrack area.

7.2(4) Facilities for commission. Each association shall provide adequate furnished office space, including utilities and necessary office equipment, for the exclusive use of the commission employees and officials. The licensee also shall make available to the commission box seats and appropriate parking places for use throughout each racing day.

7.2(5) Sanitary facilities for patrons. Each licensee shall, on every racing day, provide adequate and sanitary toilets and washrooms, and furnish free drinking water for patrons and persons having business on the association's grounds.

7.2(6) First-aid room. Each licensee shall equip and maintain adequate first-aid facilities and have in attendance a competent physician, a registered nurse, a licensed practical nurse, a paramedic, or an emergency medical technician during racing hours.

7.2(7) Communications system. Each licensee shall install and maintain in good working service communications systems between the stewards, pari-mutuel department, starting box, public address announcer, paddock, and testing area.

7.2(8) Security. Each licensee shall provide and maintain competent police and watchpersons services night and day, in and about the grounds to secure such restricted areas as the kennel area, the paddock, the testing area, the pari-mutuel area and elsewhere where needed. They shall furnish daily to the commission and to the division of criminal investigation office a report on any disturbances, drunkenness or disorderly conduct committed by any person on the grounds.

7.2(9) Ejection or exclusion. A licensee may eject or exclude any persons, licensed or unlicensed, from the grounds or a part thereof, solely of its own volition and without any reason or excuse given therefor, provided, however, such ejection or exclusion is not founded on race, creed, color, or national origin.

The licensee shall eject or exclude from the grounds all persons believed to be engaged in a bookmaking activity or solicitation of bets or touting, and a report shall be submitted promptly to the commission, to the stewards, and to the division of criminal investigation.

Licensees shall eject or exclude from the grounds all persons who

as a business or for any compensation, shall directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise or participate in any such transmission (Iowa Code section 725.7(1)).

Licenses shall eject or exclude from the kennel areas all persons except those whose presence is authorized as:

a. Persons licensed to conduct an activity, the conduct of which requires the presence of the licensee in the kennel area;

b. Guests of licensed kennel owners or trainers physically in the company of such kennel owners or trainers;

c. Persons physically in the company of and under the control and supervision of a racing official, security guard, or association public relations department representative.

Reports of all ejections or exclusions from association grounds for any reason shall be made immediately to the commission, stewards, and the division of criminal investigation, such reports stating the names of all persons and circumstances (Iowa code section 725.7(1)).

**7.2(10) Admissions.** In addition to the requirements of Iowa Code sections 99D.14 and 99D.19, tax-exempt admission credentials shall not be transferable and licensees shall exclude or eject from the grounds any person attempting to use tax-exempt admission credentials not issued to that person by the association. Tax-exempt passes shall be limited to holders of current valid occupational licenses.

All gates used for admission of patrons must have turnstiles of a type approved by the commission, equipped with meters. Turnstiles must be numbered consecutively or have other means of individual identification.

All licensees must give a ticket good for one admission to each person having paid an admission charge on a day when races are discontinued due to weather, malfunction of equipment, or other unforeseen circumstances which might prevent the patron from participating in a major portion of any racing program conducted by the licensee.

a. A supply of tickets shall be prepared and available for distribution prior to the opening of any race meeting. The holder of a ticket shall be admitted without further charge on any race day of the meeting.

b. The number of tickets distributed shall be reported to a representative of the racing commission immediately after distribution.

c. All tickets presented for admission must be filed with the racing commission upon request.

**7.2(11)** Every license to hold a race meeting in Iowa is granted upon the condition that the licensee shall accept, observe, and enforce

the rules of the commission. Furthermore, it shall be the duty of each and every officer, director and every official and employee to observe and enforce the rules. Failure to comply with the rules of the commission may result in such penalties as the commission deems proper, including fine, suspension or revocation of the license.

**7.2(12) Commission approval of plans.** Any licensee contemplating any change of any kind pertaining to the racetrack itself, or the erection of any buildings, stands or other structures, or the remodeling of any of these which are to be used as a part of the facilities for conducting a race meeting, on the grounds of the licensee, shall first submit plans to and receive the approval of the commission.

**7.2(13) Photo finish camera.** Each licensee shall provide photo finish equipment, to assist the stewards in determining the order of finish. Whenever the stewards post the "photo" sign on the tote board, at least one photograph or television picture of that "photo" shall be posted conspicuously and promptly after each race. The licensee shall retain and secure all photo finish prints and negatives until the first day of the following racing season.

**7.2(14) Patrol films or videotapes.** Each licensee shall at all times during a race meeting provide and maintain personnel and equipment necessary to produce adequate motion pictures or videotapes and record with same each race from start to finish. Films and videotapes shall be retained and secured by the licensee until the first day of the following racing season.

**7.2(15) Financial report.** Each licensee shall file with the commission an annual balance sheet and profit and loss statement pertaining to the licensee's racing activities in the state, together with a list of all directors, officers or members of the licensee or other persons, including concession and management companies, having any beneficial interest in the racing activities of each licensee.

**7.2(16)** The racing association shall provide commission stewards, with copies of all track payroll so that it may be determined whether all track employees have been licensed.

**7.2(17)** Failure for the track licensee or general manager, or both, to comply with provisions of this rule shall be prima-facie evidence that a violation of these rules has occurred.

#### **491-7.3(99D) Licensing.**

**7.3(1)** All persons participating in any capacity in a racing meeting, including all persons who perform services in connection with the conduct of the racing meeting, shall be required to obtain a license from the commission. The licensing requirements of this rule are applicable, but not limited to, trainers, assistant trainers, greyhound owners, lessors, lessees, leadouts, kennel masters, kennel helpers, veterinarians, watchpersons, starters, timers, stewards, and other persons acting as participants or officials at any race meeting, including all employees of the track's pari-mutuel department, and



all individuals, corporations or other entities holding concession, management or consultant contracts with the licensed association, and the officers and directors of such corporations and of licensed associations.

a. Misuse of license. No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission. The commission shall exercise the power to regulate the conduct of all persons holding licenses or who are participating in racing by the use or exercise of any rights, powers, privileges, or prerogatives of a license.

b. Knowledge of rules. Every licensee, in order to maintain qualifications for any license held, shall be familiar with and knowledgeable of the rules including all amendments. Every licensee is presumed to know the rules.

c. Identification badges. Employees are required to wear identification badges at all times while on duty, or in a restricted area, unless it is determined by the board of stewards to be impractical.

7.3(2) Applicants for licenses may be called upon to submit satisfactory evidence of financial responsibility and, after a license has been issued, must maintain a record of financial responsibility during the period for which a license is issued.

7.3(3) An application for a license shall be made on a form prescribed by the commission and all licensees are obligated to know the provisions of the rules of the commission and the statutes of the Iowa Code governing racing in the state of Iowa. In compliance with Iowa Code section 99D.8A, each applicant must complete and sign an application on the form prescribed and published by the commission. The application shall state the full name, social security number, residence, date of birth, and other personal identifying information of the applicant that the commission deems necessary. The application shall state whether the applicant has any of the following:

- a. A record of conviction of a felony;
- b. An addiction to alcohol or a controlled substance;
- c. A history of mental illness or repeated acts of violence.

7.3(4) Each applicant shall submit to being fingerprinted and supply descriptions of physical characteristics to the commission in the manner prescribed on the application forms.

7.3(5) Licensing fees - commission. The following fees shall be charged by the Iowa racing commission for licenses issued:

For manager, assistant manager, concession operator, kennel owner, owner/trainer/driver, racing secretary, corporation and mutuel manager: \$20.

For announcer, corporate director/officer, assistant racing

secretary, chart writer, official, outrider, driver/jockey, exercise rider, owner, kennel name, track superintendent, trainer, veterinarian, authorized agent, film patrol, partnership, photofinish operator and all other officials: \$10.

For concession employee, groom, kennel helper, lead out, mutuel employee, totalizator employee, maintenance, security, administration and parking/admission: \$5.

Duplicate licenses shall be for \$5.

7.3(6) The commission shall charge the applicant a fee set by the federal bureau of investigation to cover the cost associated with the search and classification of fingerprints. This fee is in addition to any other license fee charged by the commission.

7.3(7) A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

7.3(8) The holder of an occupational license shall consent to agents of the Iowa division of criminal investigation or commission employees designated by the administrator of the commission to the search without a warrant of the licensee's person, personal property and effects, and premises which are located within the racetrack enclosure or adjacent facilities under control of the licensed association to inspect or investigate for criminal violations of Iowa Code chapter 99D or violations of the rules and regulations adopted by the commission.

7.3(9) Denials. A license shall be denied and, if already issued, shall be subject to fine, suspension or revocation if the applicant:

a. Owns, operates, or has an interest in any bookmaking or other illegal enterprise, or who is connected with or associated with any illegal enterprise.

b. Is unqualified, by experience or otherwise, to perform the duties required.

c. Has not demonstrated financial responsibility or has failed to meet any monetary obligation in connection with a race meeting held in this state.

(1) Issuance or passing of bad checks. No person shall write, issue, make, or present any check in payment for any of the following: license fee, nomination fee, entry fee, starting fee, or purse payment; when that person knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which it is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account.

(2) Judgments. Whenever a licensed owner or trainer or any of their licensed employees or any other person licensed to engage in racing, shall suffer a final judgment entered against that person in any court of competent jurisdiction within the United States, when that judgment is based wholly upon an indebtedness incurred by

that person for supplies, equipment or services furnished in connection with racing; then the stewards shall advise the licensee that a hearing will be scheduled at which time that licensee will be required to show cause as to why the license should not be suspended.

d. Whose conduct in Iowa or elsewhere in connection with greyhound racing has been objectionable, obnoxious or detrimental to the best interests of racing.

e. Has engaged in any activity or practice which in the opinion of the commission is undesirable or detrimental to the best interests of racing in the state of Iowa by reflection on the honesty and integrity of the spirit of racing.

f. Is not of good repute and moral character as defined in subrule 5.7(4).

g. Does not qualify under the following screening policy:

(1) Use of alias. A license shall be denied if alias was used in connection with a fraud within the last five years.

(2) Conviction of a felony or drug related offense. If conviction occurred within the last five years, the license shall be denied. If conviction occurred within the last ten years, a license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exists.

(3) The conviction of a serious or aggravated misdemeanor or the equivalent. If conviction occurred within the last ten years, a license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exists.

(4) Conviction of simple misdemeanors or alcohol related offenses. A license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exist. In making that determination the number of violations shall be considered.

(5) Existence of pending charges. A license shall be temporarily denied until the outcome is known of any pending charges if conviction of those charges would disqualify the applicant upon conviction.

(6) A license shall be denied if an applicant has a current addiction to alcohol or controlled substance; has a history of mental illness, without sufficient evidence of rehabilitation; or has a history of repeated acts of violence, without sufficient evidence of rehabilitation.

(7) A license shall be denied if the applicant has had two rulings related to attempts to affect a race result or odds (ie. buzzers, serious positives) in a lifetime or one ruling within the last three years. A license may be issued if one ruling has occurred outside of three years if sufficient evidence of rehabilitation exists. A license may be denied if a lengthy record of rulings from other jurisdictions exists.

(8) If the applicant falsifies the application and would be ineligible

for licensure in (1) thru (7) above, the license shall be denied and evidence shall be forwarded to the county attorney for prosecution under 99D.8A(4). In the case of other falsifications, a license may be issued and the applicant shall be subject to a fine.

(9) A license may be denied if the applicant has been guilty of multiple offenses. The stewards or the administrator's designee shall use their judgment in making such a determination.

(10) The provisions of (1) thru (9) above may be waived with written approval from the administrator after receipt of a written request for waiver with justification from the stewards or administrator's designee.

**7.3(10) Duration of license.**

a. Occupational licenses issued by the commission shall be good for one calendar year or other period of time greater than one year as permitted by the administrator.

b. The commission may also issue a license good for one racing season at a pari-mutuel facility.

c. The stewards or administrator may grant a probationary license. Any licensee who by an overt act of commission or omission violates any of the rules of the commission while holding a probationary license shall be subject to fine, suspension or denial.

**7.3(11)** In considering each application for a license, the stewards may require the applicant, as well as endorsers of the applicant, 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 a license.

**7.3(12)** Greyhound racing and participation therein in the state of Iowa is a privilege, and not a right, granted only by the commission by license subject to compliance with the rules of the commission and Iowa Code chapter 99D. Acceptance of a license shall be construed as consent and agreement to the rules and failure to comply, shall be grounds for fine, suspension or revocation of this license.

**7.3(13) Reserved.**

**7.3(14)** All licenses are temporary until completion of necessary background investigation, including fingerprinting processing through the division of criminal investigation and the FBI, and research and review of records on file with the National Association of State Racing Commissioners, courts, law enforcement agencies and the commission. Any licensed person who allows another person use of the license badge for the purpose of transferring any of the benefits may be suspended, fined, or have the license revoked, or both. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee.

**7.3(15)** Unlicensed employees. The employment at any association premises of any unlicensed person by an association, owner, trainer

or other licensee is prohibited. The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without notifying the commission's track office may be cause for suspension or fine or both. Upon discharge of any licensed employee by any licensed employer or association, the employer must report that fact, in writing, to the stewards, including the name and occupation of the discharged licensee and the reasons for the discharge. A licensed employer or association shall make every attempt to obtain the license of employees no longer employed by them for whatever reason and deliver the license to the commission or stewards.

7.3(16) Fraudulent and corrupt practices—grounds for denial, suspension, or revocation of a license. In addition to the criteria in subrule 7.3(9), the commission in its discretion may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, on the following grounds:

a. Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failure to report knowledge of same immediately to the stewards. See also Iowa Code section 99D.24, subsections 1“c” and 4.

b. Causing or attempting to cause, or participation in any way in any attempt to cause the prearrangement of a race result, or failure to report knowledge of same immediately to the stewards. See also Iowa Code section 99D.24, subsections 1“c” and 4.

c. Making false or misleading statements to the commission or the stewards, in the course of an investigation.

d. Failure to comply with any order or ruling of the commission, stewards, or a racing official pertaining to a racing matter.

e. Use of profane, abusive, or insulting language to, or interference with a commissioner, a member of the commission staff or racing official, while they are discharging their duties.

f. Illegal sale, possession, receipt or use of a controlled substance; intoxication; use of profanity; fighting or any conduct of a disorderly nature on association grounds.

g. Employment or harboring of unlicensed persons required by these rules to be licensed.

h. Discontinuance of or ineligibility for activity for which the license was issued.

i. Failure to disclose the true ownership or interest in any greyhound.

j. Possession, on association grounds without written permission from the commission or stewards, of:

(1) Firearms.

(2) Battery or buzzer, or electrical device, or other appliance which could be used to alter the speed of a greyhound in a race or a

workout. See also Iowa Code section 99D.24(6).

k. Possessing any equipment for hypodermic injection, any substance for hypodermic administration, by anyone other than a veterinarian licensed by the commission. Narcotics or medication, or drug, or substance which could be used to alter the speed of a greyhound. Notwithstanding the provisions of this subrule, any person may have in possession within a racetrack enclosure any chemical or biological substance for use in the person's own self, provided that, if the chemical substance is prohibited from being dispensed by any federal law or law of this state without a prescription, the person is in possession of documentary evidence that a valid prescription has been issued to the person. Notwithstanding the provisions of this subrule, any person may have in possession within any racetrack enclosure any hypodermic syringe or needle for the purpose of administering to the person's own self a chemical or biological substance, provided that the person has notified the state stewards of the following:

- (1) The possession of the device,
- (2) The size of the device, and
- (3) The chemical substance to be administered, and has obtained written permission for possession and use from the steward.

l. Cruelty to or neglect of a greyhound entrusted to the licensee's care.

m. Rescinded.

n. Conviction of a crime in any state or jurisdiction. Consideration shall be given to the seriousness of the crime (felony, serious misdemeanor, misdemeanor, etc.), the date of the conviction and the nature of the crime.

o. The applicant or licensee is or has been suspended or ruled off a recognized race course in another jurisdiction by a board of stewards or the commission of that jurisdiction.

p. Violation of any rule of the commission, or aiding or a betting any person in the violation of any such rule.

#### 7.3(17) Owners and trainers.

a. Each owner must obtain a current owner's license from the commission to enter or race greyhounds at racetracks in Iowa.

b. All owners and trainers of greyhounds and their kennel employees are subject to the laws of Iowa and the rules promulgated by the commission immediately upon acceptance and occupancy of kennel accommodations from or approved by an association or upon making entry to run on its track. Owners, trainers and kennel employees shall abide by laws and rules and accept the decision of the stewards on any and all questions subject to their right of appeal to the commission.

c. No greyhound may be raced in this state unless the trainer has been granted a current license.

d. Requirements for trainer's license. In addition to other rules applicable to licensees, a holder of a trainer's license:

(1) Must be an individual person 18 years or older.

(2) Must be qualified by experience or competence to care for and train greyhounds as determined by the stewards.

(3) Must be in charge of a greyhound eligible to race.

e. A licensed trainer shall bear primary responsibility for the proper care, health, training condition, safety, and protection against administration of prohibited drugs or medication of greyhounds in the charge of said trainer. The licensed trainer of a greyhound found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, shall have the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding the greyhound from tampering; and, failing to prove freedom from negligence, shall be subject to disciplinary action.

f. The assistant trainer, kennel helper or any other person having the immediate care and custody of a greyhound found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, if found negligent in guarding or protecting the greyhound from tampering, shall be subject to disciplinary action.

g. When a trainer is to be absent from the kennel or grounds where greyhounds are racing, they shall provide a licensed trainer or assistant trainer to assume complete responsibility for all greyhounds under their care, and they shall both sign a "trainer's responsibility" form which must be approved by the stewards.

h. No owner, trainer, assistant trainer, racetrack employee or other person shall accept directly or indirectly, any bribe, gift or gratuity in any form which intends to or might influence the results of any race.

i. Any trainer who does not have the greyhound at the weighing-in room promptly at the time appointed may have the greyhound scratched and, in addition, the trainer may be liable for a fine.

j. No medicine, antiseptic, fluid or any matter containing any color causing the marring of identification marks shall be used on any part of a greyhound.

k. Any owner, trainer or other person interested in any greyhound or greyhounds at a meeting licensed by the commission, who shall bet with or through any handbook, shall be ejected from the grounds of the association and shall be refused admission to the grounds of all other licensed associations in Iowa. In the case of the owner of any greyhound, the entries of that owner shall be refused for all Iowa tracks.

l. Licensed trainers shall maintain the kennel area assigned to them in a clean, neat and sanitary condition at all times, and ensure

hat fire prevention rules are strictly observed in those areas.

m. Workers' compensation. Every owner or trainer, who hires anybody as an employee, must carry workers' compensation insurance covering all employees in accordance with Iowa law.

n. Licensed trainers shall ensure that greyhounds under their care have not been trained using a live lure or live bait.

o. Trainers shall register with track security, on a form provided by track security, the names of all employees. This form must be presented to track security not later than 24 hours after the arrival of any personnel. All changes must be made not later than 24 hours after taking place.

### 7.3(18) Kennels.

a. A licensed owner wishing to race under a kennel name may do so by registering for the racing season with the commission and by paying the prescribed fee.

b. In applying to race under a kennel name the applicant must disclose the identities behind a kennel name and comply with partnership and corporation rules, if applicable.

c. Changes in identities involved in a kennel name must be reported immediately to and require approval from the commission.

d. A licensed kennel owner cannot be a party to more than one kennel name at the same time, nor can the real name of the licensed kennel owner be used for racing purposes, so long as the owner has a registered name.

e. A licensed owner who has registered under a kennel name may at any time abandon it, after having given written notice to the commission.

f. A kennel name may be changed at any time by registering a new kennel name and by paying the prescribed fee.

g. A licensed owner may not register as a kennel name one which the commission determines to be either misleading to the public or unbecoming to the sport.

h. All persons represented by a kennel name must be noted on the application form provided by the commission which appoints one person to act as the agent for the kennel name.

i. If a corporation is involved in the identity behind a kennel name, the applicant must comply with the licensing rules covering corporations.

j. Housing facilities and primary enclosures shall be cleaned and sanitized as may be necessary to reduce disease hazards and odors. Runs and exercise areas having gravel or other nonpermanent surface materials shall be sanitized by periodic removal of soiled materials, application of suitable disinfectants, and replacement with clean surface materials.

### 7.3(19) Partnerships.

a. All partnerships, excluding husband and wife, must be registered



with the commission on forms furnished by the commission, at which time a license may be issued allowing the partnership to participate at Iowa racetracks. Each of the partners must be licensed as an owner when the partnership consists of five partners or less, and the rules covering partnerships must be complied with. If the partnership consists of more than five partners, one partner will be designated the responsible party and licensed as an owner.

b. Partnership papers shall, among other things, set forth the following:

(1) The name and address of each person having any interest in the greyhound involved.

(2) The relative proportions of the interest.

(3) To whom the winnings are payable.

(4) In whose name the greyhound shall run.

(5) With whom the power of entry and declaration rests.

(6) The terms of any contingency, lease or any other arrangement.

c. In case of emergency, authority to sign declarations of partnership may be given to the racing secretary by a telegram promptly confirmed in writing.

d. The share or any part of the share of a part owner of any greyhound cannot be assigned without the written consent of the other partners; and filed with the racing secretary and the racing commission.

e. Rescinded and Reserved.

f. All parties to a partnership and each of them shall be jointly and severally liable for all stakes, forfeits, and other obligations.

#### 7.3(20) Corporations.

a. All corporations must be duly licensed and must register to do business according to the laws of the state of Iowa. The corporation must submit a complete list of stockholders and the number of shares owned by each stockholder whose ownership exceeds 5 percent of the corporation.

b. The corporation shall notify the commission immediately if any change of stock ownership occurs which exceeds 10 percent.

c. The corporate name under which the corporation does business in Iowa shall be considered a kennel name for purposes of these rules.

#### 7.3(21) Authorized agents.

a. All persons represented by a kennel name, corporation, partnership, or single person entity must sign an authorized agent's application which appoints one person, if different than principal, to act as the agent for the kennel name, corporation, partnership, or single person entity respectively.

b. The application for a license as an authorized agent must be signed by the principal and clearly set forth the powers of the agent, including whether the agent is empowered to collect money from

the track licensee. Applications must be notarized and a copy filed with the track bookkeeper.

c. Changes in an agent's powers or revocation of an agent's authority must be in writing, notarized and filed with the commission and the track bookkeeper.

7.3(22) Reserved.

#### **491-7.4(99D) Disciplinary actions.**

7.4(1) Disciplinary measures by stewards. Upon the finding of a violation of these rules, or an attempted violation, on the grounds of a licensed facility, the stewards may suspend the license of any person for no greater period than one calendar year or racing season, whichever is greater, or they may impose a fine not to exceed \$1000 or both. In addition, the stewards may order a redistribution of purse. They may also suspend the license of any person currently under suspension or in bad standing in any other state or jurisdiction by the state racing commission or a board of stewards of any recognized meeting. All suspensions and fines must be reported to the commission. If the punishment so imposed is not, in the opinion of the stewards, sufficient, they shall so report to the commission. All fines and suspensions imposed by the stewards shall be promptly reported to the racing secretary and racing commission in writing. See subrule 4.3(6).

a. Fines must be paid within 48 hours and delinquents may be suspended. All moneys imposed as fines shall be paid directly at the commission office at the track where the infraction occurred.

b. When a greyhound or the holder of an occupational license is suspended by the stewards at one track, the suspension shall immediately become effective on all other tracks under the jurisdiction of the commission until the case in question is decided by the commission.

c. Rules pertaining to and rulings against licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee, unless there is a showing on the part of an affected spouse, or affected member of the immediate family or household of the licensee, and the stewards in their discretion so find, that the continuation of participation in racing by such affected person will in no way circumvent the intent of the rule, or effect of the ruling, by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or person ineligible to participate in a particular activity.

7.4(2) Disciplinary measures by commission. Upon the finding of a violation of these rules, or an attempted violation, on the grounds of any licensed racetrack, during the conduct of a race meeting in the state, the commission may:

a. Deny, suspend, revoke or declare void any license applied for

or issued by the commission, or fine a holder of an occupational license not to exceed \$1000 or both. The commission may revoke a license for a period of years. See Iowa Code section 99D.7(18).

b. Upon a hearing de novo of the matter determined by the stewards, the commission may affirm, reverse, or revise the stewards' ruling in all respects.

c. Cause any person, licensed or unlicensed, found to have interfered with, or contributed toward the interference of, the orderly conduct of a race or race meeting or any person whose presence is found by the commission to be inconsistent with maintaining the honesty and integrity of the sport of racing, to be excluded or ejected from the entire grounds or any portion of a licensed racetrack for any length of time the commission may deem the presence of that person remains inconsistent with maintaining the honesty and integrity of the sport of racing in the state of Iowa. This rule should not be construed to limit in any way the right of the track licensee to eject or exclude any person for any reason other than race, color, creed, sex, or national origin.

d. When the holder of an occupational license has that license suspended or revoked for any fraudulent practice in relation to a particular greyhound wholly or partly owned by that licensee, the licensee shall return all money or prizes which their greyhound has fraudulently won.

#### **491-7.5(99D) Registration.**

7.5(1) No greyhound shall be entered or permitted to race or to be schooled at any racetrack licensed by the commission unless properly registered by the National Greyhound Association of Abilene, Kansas. The National Greyhound Association (NGA) shall be recognized as the official breeding registry of all greyhounds. The Iowa racing commission may certify any greyhound whose lack of registration with the approved registry is attributable to arbitrary, discriminatory or other unreasonable action or inaction.

7.5(2) A greyhound shall not be entered for racing or schooling at any official track unless it has been tattooed and registered in the NGA stud book and the last four pastperformance lines are made available to the racing secretary.

7.5(3) The Iowa racing and gaming commission shall have access at all times to the NGA Breeding Registry and transfer files.

7.5(4) A certificate of registration for each greyhound shall be filed with the racing secretary at the racetrack where the greyhound is to be schooled, entered, or raced. All certificates of registration must be available at all times for inspection by the stewards.

7.5(5) All transfers of any title to a leasehold or other interest in greyhounds schooled, entered, or racing at any track under the jurisdiction of the commission shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.

**7.5(6)** No title or other interest in any greyhound will be recognized by the commission until the title or other interest shall be evidenced by written instrument duly filed with and recorded by the National Greyhound Association of Abilene, Kansas, and certified copies filed with the commission upon request and the racing secretary at the track where the greyhound is to be schooled, entered, or raced. When a greyhound is leased, the lessee of the greyhound shall file a copy of the lease agreement with the racing secretary and, upon request, to the commission. The lease agreement shall include:

- a. The name of the greyhound.
- b. The name and address of the owner.
- c. The name and address of the lessee.
- d. The kennel name, if any, of each party.
- e. The terms of the lease.

**7.5(7)** Whenever a greyhound is sold or transferred, or any interest in a greyhound is sold or transferred, during a meeting and after the greyhound has been registered in for the meeting, a copy of the NGA transfer of ownership documents must be filed with the racing secretary, who must forward it to the commission upon request.

**7.5(8)** When a greyhound is sold with its engagements, or any part of them, the seller cannot strike it out of the engagements. In all cases of sale by private treaty, the written acknowledgment of both parties that the greyhound was sold with the engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those are sold with the greyhound. When the greyhound is sold by public auction, the advertised conditions of the sale are sufficient evidence, and if certain engagements are specified, only those are sold with the greyhound.

#### **491-7.6(99D) Entries.**

**7.6(1)** Every entry in a race must be in the name of the registered owner, lessee, or a kennel name and may be made in person, in writing, by telephone or telegraph. The full name of every person having an ownership in a greyhound or accepting the trainer's percentage, or having any interest in its winnings, must be registered with the racing secretary before it starts at any meeting, as must every change in ownership or interest made during that meeting. See rule 7.5(99D).

**7.6(20)** A greyhound shall not be qualified to run in any race unless it has been and continues duly entered for the same; and unless otherwise specified by the conditions of a race, or disqualified by violation of racing rules, any greyhound eligible at the time of entry shall continue to be qualified, except in an overnight event, in which it must be eligible at the time of the start.

**7.6(3)** The entrance to a race shall be free unless otherwise stipulated in its conditions. If the conditions require an entrance fee, it must

accompany the entry.

7.6(4) Any person having an interest in a greyhound less than the interest or property of any other person is not entitled to assume any of the rights or duties of an owner as provided by these rules including, but not limited to, the right of entry and declaration.

7.6(5) Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and severally liable for all fees and forfeits.

7.6(6) The racing officials shall have the right to call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not the property either wholly or in part of any person who is disqualified, or to produce proof of the extent of interest or property in the greyhound and failing of such proof shall declare the greyhound out of the race.

7.6(7) No greyhound shall be permitted to start that has not been fully identified.

7.6(8) Any person who knowingly attempts to establish the identity of a greyhound or its ownership shall be held to account the same as the owner and shall be subject to the same penalty in case of fraud or attempted fraud.

7.6(9) No disqualified greyhound shall be allowed to enter or to start in any race.

7.6(10) A greyhound shall not be qualified to be entered or to start in any race if owned in whole or in part or is under the control, directly or indirectly, of a disqualified person.

7.6(11) No greyhound shall be permitted to enter or to start unless conditioned by a licensed trainer.

7.6(12) No greyhound on the schooling list or the veterinarian's list shall be qualified to enter or to start.

7.6(13) A female greyhound in season shall not be permitted on the track; nor shall a lactating female greyhound be eligible to school officially or to race.

7.6(14) Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.

7.6(15) No alteration shall be made in any entry after closing of entries, but an error may be corrected.

7.6(16) No trainer or owner shall have more than two greyhounds in any race excepting in stakes or sweepstake races. No double entries shall be allowed until all single interests eligible for the performance are used and double entries shall be uncoupled for wagering purposes. Double entries shall be prohibited in all twin trifecta and tri-super races.

7.6(17) No greyhound under the age of 14 months shall be eligible to enter or race.

7.6(18) The post position of greyhounds in starting shall be assigned by lot or drawing, supervised by one of the state stewards or their representative.

7.6(19) The association shall have the right to withdraw or change any unclosed race.

a. Entries for stakes races, the conditions of which have previously been published, shall close at the time advertised and no entry shall be received after that time.

b. In the absence of notice to the contrary, entrance and declarations for sweepstakes which close during or on the eve of a race meeting, close at the office of the racing secretary who shall make provisions therefor. Closing at all other times for sweepstakes shall be at the office of the association.

c. In the event the number of entries to any stake race is in excess of the number of greyhounds that may, because of track limitations, be permitted to start, the starters for the race shall be determined by the racing secretary, according to the conditions of the race.

d. The person entering a greyhound is liable for nominating, sustaining and starting fees. Neither the subscriber nor the subscriber's transferee will receive any refund of fees because of the death or withdrawal of a greyhound, or because of a mistake in its entry if the greyhound is ineligible.

e. Entrance money is not refunded on the death of a greyhound or its failure to start.

f. The entrance money, starting and subscription fees in every race shall be distributed as provided in the conditions of the race. If a race is not run, all stakes or entrance money shall be refunded.

g. No entry, subscription, or right of entry under it shall become void upon the death of the nominator or subscriber.

h. A greyhound shall not become a starter for a race unless there has been duly paid any stake or entrance money payable in respect to that race.

i. A person entering a greyhound becomes liable for the entrance money or stake.

j. An entry of a greyhound in a sweepstakes is a subscription to the sweepstakes and the subscriber is liable for stake and forfeit, but should the subscriber transfer the entry, the subscriber is liable only in case of default to the transferee. Similarly, the seller of a greyhound with engagements is liable for stake or forfeit if the engagement is not kept.

k. When a person is prevented by these rules from entering or starting a greyhound for any race without pay arrears for which the person would not otherwise be liable, and pays said arrears, the greyhound may be entered or started and the arrears placed

on the forfeit list as due the person who paid them.

(1) If the seller of a greyhound with engagements is compelled to pay arrears through the purchaser's default, the amount may be placed on the forfeit list as due from the purchaser to the one who paid. This rule shall also apply in the transfer of entries when the transferee defaults.

(2) The racing secretary, with the approval of the stewards, shall have full authority to waive the obligations incurred by this rule according to the circumstances of the case.

(3) If the racing secretary should allow a greyhound to start in a race without its entrance money or stake having been paid, the racing secretary shall be liable for it.

l. Any person not having money to credit with the association must, before the person's greyhound can start, pay (in cash, if required) to the association, all entrance money, stakes and arrears then due it or on the greyhound intended to start.

m. If a greyhound is sold to a disqualified person, said greyhound's racing engagements shall be void as of the date of sale.

n. The racing secretary is the person authorized to receive entries and declarations.

7.6(20) No greyhound that has been trained using a live lure or live bait shall be entered to race at any track in the state of Iowa.

#### **491-7.7 (99D) Declarations and scratches.**

7.7(1) The declaration of a greyhound out of an engagement is irrevocable.

7.7(2) Declarations in sweepstakes shall be made in the same manner as is provided for making entries to the racing secretary who shall record the day and hour of receipt and give early publicity thereto.

7.7(3) Declarations in purse races must be made by the owner, trainer, or authorized agent to the racing secretary or assistant to the racing secretary at least one-half hour before the time designated for the drawing of post positions on the day previous to the day on which the greyhound is to race, or at the time the racing secretary may appoint.

7.7(4) Any greyhound which is withdrawn from a race after the overnight entries are finally closed shall be deemed a scratch. Such a greyhound shall lose all preference accrued up to that date unless excused by the stewards.

a. To scratch a greyhound entered in a race, sufficient cause must be given to satisfy the stewards, and the cause must be reported immediately.

b. Any scratches that occur that are the result of a violation of a racing rule must carry a penalty or a suspension, or both, of the greyhound for a period of six racing days. Scratches for other causes must be disciplined at the discretion of the stewards.

c. However, if any owner or trainer fails to have the greyhound entered at the track at the appointed time for weighing in and as a result the greyhound is scratched, the stewards shall impose a fine or suspension, or both, on the person or persons responsible.

d. If three or more greyhounds are withdrawn or scratched in any one race, the stewards may cancel the race.

e. The stewards may scratch a greyhound entered in a race for sufficient cause.

7.7(5) All greyhounds scratched from a race because of overweight or underweight shall receive a suspension of six racing days and must school back before starting in an official race. Greyhounds so scratched may school during their suspension.

7.7(6) The post position of greyhounds in starting shall be assigned by lot or drawing, supervised by the state steward and racing secretary, at a time and place properly posted in the paddock, at least one day previous to the running of the races, so that any and all owners, trainers or authorized agents interested may be present if they so desire.

#### **491-7.8(99D) Racing officials.**

##### **7.8(1) Duties of racing officials—general.**

a. The officials of a race meeting shall include the board of stewards (track steward and state stewards); director of racing; racing secretary; assistant racing secretary; paddock judge; kennel master; clerk of scales; timer; chart writer; lure operator; starter; mutuel manager; mutuels supervisor; veterinarian; and veterinarian assistants.

b. All designated racing officials shall be appointed by the association holding the meeting except the state stewards, mutuels supervisor, veterinarian, and veterinarian assistants which shall be appointed by the administrator. Appointments by the associations are subject to the approval of the commission which reserves the right to demand a change of personnel for what it deems good and sufficient reason, the successor to officials so replaced to be subject to the approval of the commission.

c. No one interested in the result of a race, either because of ownership of any greyhound entered, or of its sire or dam, or because of wagers or otherwise, shall act as a racing official.

d. If any owner, trainer, attendant or any other person licensed by the commission uses profane or indecent language to a racing official or otherwise disturbs the peace of any track enclosure, that person shall be liable for a fine, suspension or both, or maybe ruled off, and the action shall be immediately reported to the stewards.

e. No one interested in the result of a race because of ownership interest in any entered greyhound, wagers or in any other manner may act as an official at the meeting.

f. Racing officials shall report to the stewards all observed violation of the rules.



g. Any grievance or complaint against a track official, an employee of the permittee, or a licensee shall be made in writing within five days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the stewards, who shall consider the matter, take whatever action is deemed to be appropriate, and make a full report of their action to the commission.

h. Any grievance or complaint against an official or employee of the commission shall be reported in writing within five days of the alleged objectionable act or behavior. The grievance or complaint shall be made to the administrator of the commission, who shall refer the matter to the commission.

#### 7.8(2) Duties of chart writer.

a. The chart writer shall compile the information necessary for a program which shall be printed for each racing day and shall contain the names of the greyhounds that are to run in each of the races for that day. These names shall appear in the order of their post positions to be designated by numerals placed at the left and in lines with the names of the greyhounds in each race, which numerals shall also be prominently displayed on each greyhound.

b. The program or form sheet must carry at least two past performances of each greyhound scheduled to race. The program or form sheet must also contain name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races and number of times finishing first, second and third, name of owner, lessee, (if applicable) name of trainer, distance of race, track record and other information to enable the public to properly judge the greyhound's ability.

c. In case the name of a greyhound is changed, the new name, together with the former name, shall be published in the official entries and program until after the greyhound has started six times.

#### 7.8(3) Duties of clerk of scales.

a. The duties of the clerk of the scales shall include:

(1) Weighing all greyhounds in and out.

(2) Posting of scale sheet of weights promptly after weighing.

(3) Preventing any greyhound from passing the scales or running with an overweight or an underweight of more than one and one-half pounds. The clerk of scales shall promptly notify the paddock judge, who will report to the stewards any infraction of the rules as to weight or weighing.

(4) Reporting all late scratches and weights for display on the tote board or on a bulletin board located in a place conspicuous to the wagering public.

b. The clerk of the scales shall report to the stewards any violations of weight rules or any attempt to alter specified weights.

c. All greyhounds must be weighed in and weighed out with the muzzle, collar and lead strap.

d. The clerk of the scales shall keep a list of all greyhounds known as "weight losers" and shall notify the stewards as to the weight loss before each race.

#### 7.8(4) Duties of stewards.

a. There shall be three stewards for each race meeting, two of whom shall be appointed by the commission and one of whom shall be nominated by the association for approval by the commission. The names of the association nominees for stewards shall be submitted no later than 30 days before commencement of a race meeting and be accompanied by biographical data setting up the experience and qualifications of the nominees. The commission may consider for appointment or approval:

(1) Persons who have engaged in greyhound racing in a capacity and for a period satisfactory to the commission.

(2) Persons who have satisfactorily passed an optical examination within one year prior to approval as a steward evidencing corrected 20/20 vision and ability to distinguish colors correctly.

(3) Persons who have satisfied the commission that income, other than salary as a steward, is independent of and unrelated to patronage of or employment by any occupational licensee under the supervision of such steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of an occupational licensee.

b. The laws of Iowa and the rules of racing supersede the conditions of a race and the regulations of a race meeting, and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the association.

c. The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by them.

d. All questions pertaining to which their authority extends shall be determined by a majority of the stewards.

e. The stewards shall have the power to regulate and control owners, trainers, grooms and other persons attendant on greyhounds and also over all officials and licensed personnel of the meeting.

f. The stewards shall have control over and free access to all stands, weighing rooms, and all other places within the racetrack enclosure.

g. The stewards shall have the power to determine all questions arising with reference to entries and racing.

h. Persons entering greyhounds to run on licensed Iowa tracks agree in so doing to accept the decision of the stewards on any questions relating to a race or racing.

i. The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions or both for infractions.

j. The stewards shall have the power to order the exclusion or ejection from all premises and enclosures of the association any

person who is disqualified for corrupt practices on any race course in any country.

k. The stewards shall have the power to call for proof that a greyhound is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person, and in default of proof being given to their satisfaction, they may declare the greyhound disqualified.

l. The stewards shall have the power at any time, to order an examination by person or persons they think fit of any greyhound entered for a race or which has run in a race.

m. The stewards shall take notice of any questionable conduct with or without complaint and shall investigate promptly and render a decision on every objection and on every complaint made to them.

n. The stewards shall report all objections and complaints to the commission as soon as received by them and shall make prompt report of their investigation and decision to the commission office.

o. The stewards, in order to maintain necessary safety and health conditions and to protect the public confidence in greyhound racing as a sport, shall have the right to authorize a person or persons in their behalf to enter into or upon the buildings, kennels, rooms, motor vehicles, trailers or other places within the grounds of a licensed racetrack, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any illegal articles or any items as evidence found.

p. During each racing day a majority of the stewards of the meeting shall be at the office building on the grounds of the association where the racing meeting is being held, not later than weighing-in time, to exercise the authority and perform the duties imposed on the stewards by the rules of racing.

q. If only one steward is present in the stand, the association shall name one or more persons to serve with the steward. If none of the stewards are present, the association shall name at least two persons to serve during the absence of the stewards, immediately filing a written report with the commission office.

r. 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 has notified the stewards of its action not less than one hour before post time of the first race of the day. Appointments shall be reported immediately to the commission office by the stewards.

s. A greyhound, after leaving the paddock for the post, may be excused by the stewards, but only in cases where they consider the greyhound injured, disabled or unfit to run. All money on the

greyhound shall be refunded.

(1) After a greyhound has been placed in the starting box, no refund shall be made and all wagers stand. In case of mechanical failure to the starting box when a greyhound or greyhounds are prevented from starting, a full and complete refund shall be made on said greyhound or greyhounds.

(2) The decision as to whether the greyhound or greyhounds were prevented from starting by a mechanical failure shall be made by the stewards after consultation with the starter.

t. The stewards shall determine the finish of a race by the relative position of the muzzles, or noses, if the muzzle is lost or hanging, of each greyhound. They shall immediately notify the mutual department of the numbers of the first three greyhounds.

(1) The stewards shall promptly display the numbers of the first three greyhounds in each race in order of their finishes. If the stewards differ in their placing, the majority shall prevail.

(2) On all tracks, a photo finish camera shall be installed as an aid to the stewards; however, in all cases, the camera is merely an aid and the decision of the stewards shall be final.

(3) Whenever it is considered advisable to consult a picture from the photo finish camera, the stewards may post without waiting for a picture, such placements as are in their opinion unquestionable and after consulting the picture, make other placements. However, in no case shall the race be declared official until the stewards have determined the greyhounds finishing first, second and third.

(4) Nothing in these rules shall be construed to prevent the stewards from correcting an error before the display of the sign "Official" or from recalling the sign "Official" in case it has been displayed through error.

u. Any greyhound may be placed on the schooling list by the stewards at any time, for any reason which, in their opinion, warrants such action.

v. The stewards shall each day keep a log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the meeting.

w. During the term of suspension of any owner, trainer, or other person on any track under the jurisdiction of the commission, it shall be the duty of the stewards, all other officials and of the association to see that the ruling against the offender is enforced.

x. The stewards shall make every effort to insure that everyone within their jurisdiction involved in racing is in compliance with the rules of racing and Iowa Code chapter 99D.

#### 7.8(5) Duties of lead-outs.

a. Owners, trainers, or attendants will not be allowed to lead their own greyhounds from the paddock to the starting box, except by permission of the board of stewards in schooling races. The

greyhounds shall be led from the paddock to the starting box by leadouts, provided by each association for that purpose and licensed by the commission. There shall be one lead-out for each greyhound in the race.

b. Lead-outs will be required to present a neat appearance and conduct themselves in an orderly manner and must be attired in clean uniforms provided by the association.

c. The lead-out must handle the greyhound in a humane manner, put the greyhound in its proper box before the race and then retire to an assigned place.

d. No lead-out will be permitted to wager on any race or to have any interest in any greyhound racing at the track where the lead-out is employed.

e. Lead-outs shall be assigned to by lot to post positions by paddock judge or designee before each race and a record of assignment shall be maintained.

f. Lead-outs are prohibited from holding any conversation with the public or with one another, either in the paddock, en route to the starting post, or while returning to the paddock.

g. Smoking while in uniform and on duty is prohibited.

#### 7.8(6) Duties of paddock judge.

a. No greyhound shall be permitted to start in a schooling or purse race that has not been fully identified and checked against the card index system of identification maintained by each association. The identification cards shall be filled in and completed by the paddock judge before greyhounds are entered for schooling or for a purse race.

b. The paddock judge shall fully identify and check against the card index system of identification maintained by the association all greyhounds starting in schooling and purse races. The paddock judge shall report to the stewards any greyhound or greyhounds who do not conform to the card index identification.

c. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to see that the kennels are in perfect repair and that nothing has been deposited in any of the kennels for the greyhounds' consumption. The kennel master shall see that the kennels are sprayed, disinfected and kept in proper sanitary condition. The kennel master or assistant kennel master must receive the greyhounds from the trainer, one at a time, and see that each greyhound is placed in its kennel; and remain on guard from that time until the greyhounds are removed for the last race.

d. As each greyhound is weighed in there shall be an identification tag attached to its collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out and blanketed.

e. The paddock judge shall not allow anyone to weigh in a greyhound for racing, unless the person has a valid kennel owner's, trainer's, or assistant trainer's license issued by the commission.

f. The paddock judge shall carefully compare the identification card with the greyhound while in the paddock before post time.

g. Before leaving the paddock for the starting box, every greyhound must be equipped with a regulation muzzle and blanket. The muzzles and blankets used shall be approved by the paddock judge, who shall carefully examine them in the paddock before the greyhound leaves for the post.

h. The paddock judge shall keep on hand, ready for use, extra muzzles of all sizes, lead straps, and collars.

i. The paddock judge shall report all infractions of the rules and any irregularities to the board of stewards.

#### 7.8(7) Duties of racing secretary.

a. The racing secretary shall discharge all duties whether expressed or required by the rules of greyhound racing; report to the stewards as the case may demand, all violations of these rules and shall keep a complete record of all races.

b. The racing secretary is responsible for maintaining a file of all National Greyhound Association lease (or appropriate substitute) and ownership papers on greyhounds racing at the meeting. The racing secretary shall inspect all papers and documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of kennel names to be sure they are accurate, complete and up to date. The racing secretary has the authority to demand the production of any documents or other evidence in order to be satisfied as to their validity and authenticity to ensure compliance with the rules.

c. The racing secretary shall receive all entries and declarations. Conditions of races shall not conflict with these rules and the racing secretary shall each day as soon as the entries have closed, have been compiled, and the declarations have been made, post in a conspicuous place an overnight listing of the greyhounds in each race. The racing secretary shall make every effort to ensure fairness and equal opportunity for all greyhound owners and kennel owners in the forming of all races.

d. The racing secretary shall not allow any greyhound to start in a race unless the greyhound is entered in the name of the legal owner and unless the owner's name appears on the registration papers or on a legal lease or bill of sale attached to the registration papers.

e. Assistant racing secretary. The association may employ an assistant racing secretary, who shall assist the racing secretary in the performance of duties and serve under the supervision of the racing secretary.

#### 7.8(8) Duties of starter.

a. The starter shall give orders and take measures, not in conflict with the rules of greyhound racing necessary to secure a fair start.

b. The greyhounds shall be started from a type of starting box approved by the commission and there shall be no start until, and no recall after, the doors of the starting box have opened.

c. The starter shall report causes of delay, if any should occur, to the stewards.

d. A false start, due to any faulty action of the starting box, break in the machinery or other cause, is void, and the greyhounds may be started again as soon as practicable, or the race may be cancelled at the discretion of the stewards.

#### **7.8(9) Duties of photo finish operator/timer.**

a. The photo finish operator/timer shall maintain the photo finish and timing equipment in proper working order and shall photograph each race.

b. The photo finish operator/timer shall be responsible for and declare the official time of each race. The time of the race shall be taken from the opening of the doors of the starting box.

c. Each association shall be required to install an automatic timing device approved by the commission. The timer shall use the time shown on the timing device as the official time of the race if the timer is satisfied that the timing device is functioning properly; otherwise, the timer shall use the time shown on the stop watch.

#### **491-7.9(99D) Medication and administration, sample collection, chemists and veterinarians.**

##### **7.9(1) Medication and administration.**

a. No greyhound, while participating in a race, shall carry in its body any medication, or drug, or foreign substance, or metabolic derivative thereof.

b. Also prohibited are any drugs or foreign substances which might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures.

c. Proof of detection by the commission chemist of the presence of a medication, or drug, or foreign substance, or metabolic derivative thereof, prohibited by 7.9(1)“a” or “b” in a saliva, urine or blood specimen duly taken under the supervision of the commission veterinarian from a greyhound immediately prior to or promptly after running in a race, shall be prima facie evidence that the greyhound was administered with the intent that it would carry or that it did carry prohibited medication, drug, or foreign substance, in its body while running in a race in violation of this rule.

d. No person other than a licensed veterinarian shall administer, or cause to be administered, or participate, or attempt to participate, in any way in the administration to a greyhound registered for racing, of any medication, drug, or foreign substance on the day of the race for which a greyhound is entered prior to a race.

e. Any such person found to have administered a medication, drug, or foreign substance which caused or could have caused a violation of this rule, or caused or participated or attempted to participate in any way in the administration, shall be subject to disciplinary action.

f. The owner, trainer, kennel helper or any other person having charge, custody or care of the greyhound is obligated to protect the greyhound properly and guard it against the administration or attempted administration, and if the stewards shall find that any person has failed to show proper protection and guarding of the greyhound, or if the stewards find that any owner, lessee or trainer is guilty of negligence, they shall impose punishment and take other action they deem proper under any of the rules including reference to the commission.

#### 7.9(2) Sample collection.

a. Urine, blood, and other specimens shall be taken and tested from any greyhounds the stewards of the meeting, commission veterinarian, or the commission's representatives may designate. Tests are to be under the supervision of the commission. The specimens shall be collected by the commission veterinarian or other person or persons the commission may designate.

b. An area located within a reasonable proximity of the paddock must be set aside and be under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the commission.

c. No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of greyhound pending the obtaining of body fluid samples.

d. During the taking of specimens from a greyhound, the owner or responsible trainer, or a kennel representative designated by the owner or trainer, may be present and witness the taking of the specimen and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the trainer or kennel representative of any objections to the source and documentation of the sample.

e. A security guard, must be in attendance during the hours designated by the commission.

f. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or the authorized representatives of the commission may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a greyhound in a race which may be found in kennels or elsewhere



on racetracks or in the possession of any person connected with racing, and the same shall be delivered to the official chemist for analysis.

g. Nothing in these rules shall be construed to prevent:

(1) Any greyhound in any race from being subjected by the order of a steward or the commission veterinarian to tests of body fluid samples for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission veterinarian from requiring body fluid samples to be stored in a frozen state for future analysis.

#### 7.9(3) Chemist.

a. The commission shall employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of body fluid samples whether a foreign substance, medication, drug, or metabolic derivative thereof is present.

b. All body fluid samples taken by or under direction of the commission veterinarian or authorized representative of the commission shall be delivered to the laboratory of the official chemist for analysis. Each sample shall be marked or numbered and bear information essential to its proper analysis; but the identity of the greyhound from which the specimen was taken or the identity of its owners, trainer, or kennel shall not be revealed to the official chemist or the staff of the chemist. The container of each sample shall be sealed as soon as the sample is placed therein.

c. The commission chemist shall be responsible for safeguarding and testing each specimen delivered to the laboratory by the commission veterinarian.

d. The commission chemist shall conduct individual tests on each specimen, screening same for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative thereof with specificity. Pooling of specimens shall be permitted only with the knowledge and approval of the administrator.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the specimen may be discarded. Upon the finding of tests suspicious or positive for prohibited substances, the tests shall be reconfirmed, and the remaining portion, if available, of the specimen preserved and protected until the stewards rule it may be discarded.

f. The commission chemist shall submit to the state steward a written report as to each specimen tested, indicating by specimen tag identification number, whether the specimen was tested negative or positive for prohibited substances. The commission chemist shall

report test findings to no person other than the state steward or a designated representative of the state steward.

(1) In the event the commission chemist should find a specimen suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

(2) The racing association shall not make distribution of any purses until given clearance of chemical tests by the state steward.

g. In reporting to the state steward a finding of a test positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

h. No action shall be taken by the state steward on the report of the official chemist unless and until the medication, drug or other substance has been properly identified as well as the greyhound from which the sample was taken, nor until an official report signed by the chemist has been received by the state steward.

i. The cost of the testing and analysis shall be paid by the commission to the official chemist. The commission shall then be reimbursed by each licensed association on a per sample basis so that each association shall bear only its proportion of the total cost of testing and analysis. The commission may first receive payment from funds provided in Iowa Code chapter 99D, if available.

#### 7.9(4) Commission veterinarian.

a. The commission shall employ a graduate veterinarian licensed to practice in the state of Iowa at each race meeting as provided in Iowa Code section 99D.23. This veterinarian shall advise the commission and the stewards on all veterinary matters.

b. The commission veterinarian shall be on the grounds of the association at weighing-in time and during all racing hours. The veterinarian shall make an examination of the physical condition of each greyhound at weighing-in time.

c. The commission veterinarian shall observe each greyhound as it enters the lock-out kennel, examine it when it enters the paddock prior to the race, and recommend to the board of stewards that any greyhound deemed unsafe to race or physically unfit to produce a satisfactory effort in a race be scratched.

d. The commission veterinarian shall place any greyhound determined to be sick or have a communicable disease, or any greyhound deemed unsafe, unsound or unfit on a veterinarian's list which shall be posted in a conspicuous place available to all owners, trainers and officials.

e. Once a greyhound has been placed on the veterinarian's list it may be allowed to race only after it has been removed from the list by the commission veterinarian. The entry of any greyhound on the veterinarian's list may be accepted only after three calendar

days from the placing of the greyhound on the veterinarian's list have elapsed.

f. The commission veterinarian shall have full access to each and every kennel where greyhounds are kenneled on the licensee's premises. The commission veterinarian shall inspect the general physical condition of the greyhounds, sanitary conditions of the kennels, segregation of female greyhounds in season, segregation of sick greyhounds, the types of medicine found in use, cruel and inhumane treatment, and any other matters or conditions which are brought to the attention of the commission veterinarian.

g. The commission veterinarian shall have supervision and control of the detention area for the collection of samples for the testing of greyhounds for prohibited medication as also provided in Iowa Code section 99D.23. The commission may employ persons to assist the commission veterinarian in maintaining the detention area and collecting specimens.

h. The commission veterinarian shall not buy or sell any greyhound under the veterinarian's supervision; nor shall the commission veterinarian wager on a race under the veterinarian's supervision, nor be licensed to participate in racing in any other capacity. Except in the case of an emergency, a commission veterinarian may not prescribe any medication for or treat any greyhound or racing horse owned by a person licensed by the commission, on or away from any race course in Iowa, with or without compensation. This provision does not apply to a relief veterinarian appointed by the administrator to cover the absence of the commission veterinarian. When emergency treatment is given, a commission veterinarian shall make a complete written report to the stewards. Euthanatization and disposition of greyhounds shall not be considered treatment.

#### 7.9(5) Practicing veterinarian.

a. Every practicing veterinarian licensed by the commission shall keep a written record of their practice on the premises of a licensee relating to greyhounds participating in racing.

(1) This record shall include the name of the greyhound treated, the nature of the greyhound's ailment, the type of treatment prescribed and performed for the greyhound, the date and time of treatment.

(2) This record shall be kept for practice engaged in at all licensed racetracks in the state of Iowa and shall be produced without delay upon the request of the board of stewards or the commission.

b. Practicing veterinarians engaged in private practice on tracks under the jurisdiction of the commission shall be licensed to practice in the state of Iowa.

c. Only practicing veterinarians licensed by the commission may administer to or prescribe for greyhounds on the premises of any licensee except in cases of emergency.

#### **491-7.10(99D) Schooling.**

**7.10(1)** Greyhounds must be properly schooled in the presence of the stewards, or must, in the opinion of the stewards, be sufficiently experienced before they can be entered or started.

**7.10(2)** All schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.

**7.10(3)** Any greyhound that has not raced for a period of ten racing days or more shall be officially schooled at least once at its racing weight before being eligible for entry.

**7.10(4)** Each official schooling race must consist of at least six greyhounds. However, if this condition creates a hardship, less than six may be schooled with the permission of the state steward.

**7.10(5)** No hand schooling will be considered official.

**7.10(6)** All greyhounds in official schooling races must be raced at their established racing weight and started from the box wearing blankets.

**7.10(7)** Any greyhound may be ordered on the schooling list by the stewards at any time for good cause and must be schooled officially and satisfactorily before being allowed to enter a race.

**7.10(8)** Each association shall provide a photo finish camera approved by the commission, to be in operation at all official schooling races.

**7.10(9)** Greyhounds which transfer from one track to another under jurisdiction of the Iowa commission need not school if they have raced within ten racing days.

#### **491-7.11(99D) Qualifying time.**

**7.11(1)** Each association licensed by the commission shall establish qualifying time.

**7.11(2)** Each association shall notify the state steward at least three days before the first day of official racing of the qualifying times established, and such time, while in effect, shall be continuously posted on the notice board at the track. Any change in the qualifying time established, during the course of the meeting, shall be made only with the approval of the board of stewards.

**7.11(3)** Any greyhound that fails to meet the qualifying time as established shall not be permitted to start other than in futurity or stakes races.

**491-7.12(99D) Grading.** Each association licensed by the commission shall establish a grading system and purse structure.

#### **491-7.13(99D) Weights and weighing.**

**7.13(1)** All greyhounds must be weighed not less than one hour before the time of the first race of the day, unless prior permission is granted by the state steward.

**7.13(2)** Before a greyhound is allowed to school or race at any

track, the owner or trainer must establish the racing weight of each greyhound entered with the clerk of scales.

7.13(3) At weighing-in time, should there be a variation of more than one and one-half pounds either way from its established weight, the stewards shall order the greyhound scratched.

7.13(4) At weighing-out time, if a greyhound loses weight in excess of two pounds from its weigh-in weight while in the lock-out kennels, the stewards shall order the greyhound scratched. However, if, in the opinion of the veterinarian, the loss of weight while in the lock-out kennels does not impair the racing condition of the greyhound, the stewards may allow the greyhound to race.

7.13(5) The weight regulations provided in subrules 7.13(1) to 7.13(4) shall be printed in the daily program.

7.13(6) If at weighing-in time, there should be more than two pounds variation between the weight of its present race and the weight at weighing-in time of its last race, the stewards shall order the greyhound scratched.

7.13(7) The established racing weight may be changed from time to time on written request of the owner or trainer and by written consent of the stewards, providing change is made four calendar days before the greyhound is allowed to race at the new weight.

a. All greyhounds having an established weight change of more than one pound must be schooled at least once, or more at the discretion of the stewards, at the new established weight before being eligible for starting.

b. Greyhounds that have not raced or schooled officially for a period of three weeks will be allowed to establish a new racing weight with the consent of the stewards.

7.13(8) The stewards shall have the privilege of weighing a greyhound entered in a race at any period from the time it enters the lock-out kennel until post time.

7.13(9) Immediately after being weighed in, the greyhounds shall be placed in lock-out kennels under the supervision of the paddock judge and no owner or other person excepting the paddock steward, veterinarian, kennel master, clerk of scales, lead-out, stewards, or commission representatives shall be allowed in or near the lock-out kennels.

#### **491-7.14(99D) Rules of the race.**

7.14(1) When two greyhounds run a dead heat for first place, all prizes and moneys to which the first and second greyhounds would have been entitled shall be divided equally between them;

this applies in dividing prizes and moneys whatever the number of greyhounds running a dead heat and whatever places for which the dead heat is run.

**7.14(2)** If a greyhound bolts the course, runs in the opposite direction, or does not run the entire prescribed distance for the race, it shall forfeit all rights in the race and, no matter where it finished, the stewards shall declare the finish of the race the same as if it were not a contender. However, for the purpose of the rule, the greyhound shall be considered a "starter".

**7.14(3)** If a greyhound bolts the course, or runs in the opposite direction during the running of the race, and in so doing, in the opinion of the stewards, interfered with any other greyhound in the race, the stewards shall declare it "No Race" and all moneys wagered shall be refunded; except when, in the opinion of the stewards, the interference clearly did not interfere with the outcome of the race.

**7.14(4)** If it appears that a greyhound may interfere with the running of the race because of failure to leave the box, because of an accident or for any other reason, any person under the supervision of the stewards stationed around the track, may remove the greyhound from the track. However, for the purpose of the rule, that greyhound shall be considered a "starter".

**7.14(5)** All greyhounds must wear the regulation association muzzle and blanket while racing.

**7.14(6)** Muzzles and blankets must be carefully examined in the paddock by the paddock judge before the greyhounds leave for the post and again be examined before the stewards and the public in front of the judges stand.

**7.14(7)** All greyhounds must be exhibited in the show paddock before post time of the race in which they are entered.

**7.14(8)** No race shall be called official unless the lure is in advance of the greyhounds at all times during the race and if at any time during the race, any greyhound or greyhounds catch or pass the lure, the stewards shall declare it "No Race" and all moneys shall be refunded.

**7.14(9)** The stewards shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation.

**7.14(10)** If a greyhound is left in the box when the doors of the starting box open at the start, there shall be no refund.

**7.14(11)** If a race is marred by jams, spills or racing circumstances other than accident to the machinery while a race is being run, and three or more greyhounds finish, the stewards shall declare the race finished; but if less than three greyhounds finish, the stewards shall declare it "No Race" and all moneys shall be refunded.

**7.14(12)** Failure of the lure arm to fully extend or remain fully

extended at all times during the running of the race shall result in the stewards declaring a "No Race" and all moneys shall be refunded.

**7.14(13)** Any act of the owner, trainer or handler of a greyhound which would tend to prevent the greyhound from running its best and winning, if possible, shall mean suspension of all persons found guilty of complicity.

#### **491-7.15(99D) Objections.**

**7.15(1)** Every objection must be made by an owner or the authorized agent of the owner, by a trainer of some other greyhound engaged in the same race, or by an official. Objection must be made to the stewards, who may require that the objection be made in writing with a copy sent immediately to the commission.

**7.15(2)** The stewards may require a cash deposit of \$200 to cover costs and expenses in determining an objection. The deposit posted herein may be forfeited if the objection should prove to be without foundation.

**7.15(3)** Any objection, unless otherwise provided, must be made within 72 hours after the race is run, and shall be determined by the stewards.

**7.15(4)** Any objection involving a greyhound pertaining to any matter occurring in a race, must be made before the official numbers of the greyhounds' place in the race are posted on the odds board.

**7.15(5)** The stewards must decide every objection pertaining to the race. From every decision an appeal in writing may be made to the commission within 48 hours of the time the objector has been officially informed of the decision.

**7.15(6)** Objection to any decision of the clerk of scales shall be made before the greyhounds leave the paddock for the start of the race.

**7.15(7)** Pending a decision on an objection, any money or prize to which the greyhound against which the objection is lodged would be entitled, shall be withheld until the objection is determined.

#### **491-7.16(99D) Rescinded**

## **CHAPTER 8 MUTUEL DEPARTMENT**

#### **491-8.1(99D) Definitions.**

"Association" means anyone conducting a licensed meet in Iowa.

"Betting interest" means a number assigned to a single runner, an entry or a field for wagering purposes.

"Board" means the board of judges or the board of stewards.

"Breakage" means the odd cents by which the amount payable

on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents.

“Commission” means the Iowa racing and gaming commission.

“Commission representative” means an employee of the commission designated to represent them in matters pertaining to the operation of the mutuel department. In the absence of a specifically appointed representative, the board of stewards will perform the functions and duties of the commission representative.

“Daily double” means a wager to select the winners of two consecutive races and is not a parlay and has no connection with or relation to any other pool conducted by the association and shall not be construed as a “quiniela double”.

“Daily triple” means a wager to select the winners of three consecutive races and is not a parlay and has no connection with or relation to any other pool conducted by the association.

“Dead heat” means that two or more runners have tied at the finish line for the same position in the order of finish.

“Entry” means two or more runners are coupled in a race because of common ties and a wager on one of them shall be a wager on all of them.

“Exacta” (may also be known as “perfecta” or “correcta”) means a wager selecting the exact order of finish for first and second in that race and is not a parlay and has no connection with or relation to any other pool conducted by the association.

“Field” is when the individual runners competing in a race exceed the numbering capacity of the totalizator and all runners of the higher number shall be grouped together. A wager on one in the field shall be a wager on all. (No “fields” shall be allowed in greyhound racing).

“Law or laws” means the Iowa Code.

“Minus pool” is when the total amount of money to be returned to the public exceeds what is in the pool because of commission being deducted and the rule stipulation that no mutuel tickets shall be paid at less than \$1.10 for each \$1.00 wagered.

“Mutuel department” means that area of a racetrack where wagers are made and winning tickets are cashed; where the totalizator is installed and any area used directly in the operation of pari-mutuel wagering.

“Mutuel manager” means an employee of the association who manages the mutuel department.

“Net pool” means the amount remaining in each separate pari-mutuel pool after the take-out percentage, as provided for by Iowa Code section 99D.11, has been deducted.

“No race” means that a specific race has been declared “no race” by the stewards in accordance with the pari-mutuel rules and rules of racing for that breed and that certain pools shall be refunded.



"Odds" means the approximate pay-offs per dollar based on win pool wagering only on each betting interest for finishing first without a dead heat with another betting interest.

"Official" means that the order of finish for the race is "official" and that pay-off prices based upon the "official" order of finish shall be posted.

"Order of finish" means the finishing order of each runner from first place to last place in each race. For horse racing only, the order of finish may be changed by the stewards for a rule infraction prior to posting the "official order of finish."

"Overpayment" is when the payoff to the public resulting from errors in calculating pools and errors occurring in the communication of payoffs results in more money returned to the public than is actually due.

"Pari-mutuel pool" means the total amount wagered on each separate pari-mutuel pool. Each pool is separate and has no relation to any other pool for pay-off purposes.

"Pay-off" means the amount distributed to holders of valid winning pari-mutuel tickets in each pool as determined by the official order of finish and includes the amount wagered and profit.

"Pic-nine" means a betting transaction in which you select the (x) place finisher of nine races designated by the association during one racing card.

"Pic-six" means a betting transaction in which a purchaser of a ticket undertakes to select the winner of six races designated by the association, during one racing card on which that feature is operated. The pic-six is an entirely separate pool from all other pools.

"Place" means a runner finishing second.

"Place pool" means the total amount of money wagered on all betting interests in each race to finish first or second.

"Quiniela" means a wager selecting two runners to finish first and second, regardless of the order of finish and is not a parlay and has no connection with or relation to any other pool conducted by the association.

"Quiniela double" means a wager which consists of selecting the quiniela in each of two designated races and is an entirely separate pool from all other pools and has no connection with or relation to any other pool conducted by the association.

"Runner" means each entrant in a race, designated by a number as a betting interest.

"Show" means a runner finishing third.

"Show pool" is the total amount of money wagered on all betting interests in each race to finish either first, second or third.

"State" means the state of Iowa.

"Stewards" means the board of stewards or board of judges.

“Superfecta” means a wager selecting the exact order of finish for first, second, third and fourth in that race and is not a parlay and has no connection with or relation to any other pool conducted by the association.

“Take-out percentage” means the amount authorized by Iowa Code section 99D.11 to be deducted from each separate pari-mutuel pool.

“Totalizator” is a machine for registering wagers, computing odds and payoffs based upon data supplied by each pari-mutuel ticket issuing machine.

“Tote board” means the board that is used to display to the public the winning approximate odds or approximate payoffs on runner, payoffs and other pertinent information directly related to a race.

“Trifecta” means a wager selecting the exact order of finish for first, second, and third in that race and is not a parlay and has no connection with or relation to any other pool conducted by the association.

“Tri-super” means a wager selecting the exact order of finish for first, second and third in the first designated tri-super race combined with selecting the exact order of finish for first, second, third and fourth in the second designated tri-super race.

“Twin trifecta” means a wager in which the bettor selects the three runners that will finish first, second, and third in the exact order as officially posted in each of the two designated twin trifecta races.

“Underpayment” is when the payoff to the public resulting from errors in calculating pools and errors occurring in the communication in payoffs results in less money returned to the public than is actually due.

“Win” means a runner finishing first.

“Win pool” means the total amount wagered on all betting interests in each race to finish first.

#### **491-8.2(99D) Pari-mutuel wagering.**

**8.2(1)** Pari-mutuel system of wagering required. All permitted wagering shall be under the pari-mutuel system, employing an electric totalizator approved by the commission. All systems of wagering other than pari-mutuel, such as bookmaking and auction-pool selling, are prohibited and any person attempting to participate in prohibited wagering shall be ejected or excluded from association grounds.

**8.2(2)** Totalizator required. Each association shall install and operate during its race meeting an electric totalizator. The totalizator shall be tested daily under the supervision of the mutuel manager to insure its proper working order.

**8.2(3)** Records to be maintained. The pari-mutuel manager shall maintain complete records of all wagering so the commission may upon review ascertain for any race: The opening line and subsequent odds fluctuations, the amount, and at which window wagers were placed on any betting interest, and other information the commission

may from time to time require. A copy of wagering records shall be retained by each association and safeguarded for a period not less than one year and may not be destroyed without permission of the commission.

**8.2(4) Calculation and distribution of pools.** The pari-mutuel wagering pools permitted in this state shall be for win, place, show, daily double, and exacta, trifecta, tri-super, daily triple, twin trifecta, superfecta, quiniela, quiniela double, pic-six and pic-nine, each with separate and independent calculation and distribution. From each pool there shall be deducted by each association the take-out percentage as provided by Iowa Code section 99D.11, with the remainder being the net pool for distribution as payoffs to ticket holders as follows:

a. Win pool. The amount wagered on the betting interest which finished first is deducted from the net win pool, the balance remaining being the profit, the profit is divided by the amount wagered on the betting interest finishing first, the quotient being the profit per dollar wagered to win; payoff includes return of amount wagered and profit thereon.

(1) In the event of a dead heat for first involving runners of two different betting interests, the win pool is distributed as if a place pool; if involving runners of three different betting interests, the win pool is distributed as if a show pool.

(2) In the event no win ticket is sold on the betting interest which finishes first, the net win pool is distributed to holders of win tickets on the runner finishing second, if any; otherwise among holders of win tickets on the runner finishing third.

(3) If no win ticket is sold on any of the first three finishers, including a dead heat to third, the entire win pool shall be refunded upon presentation and surrender of those win tickets.

b. Place pool. The amounts wagered to place on the first two runners to finish are deducted from the net place pool to determine the profit; the profit is divided into two equal amounts; one half of the profit is divided by the amount wagered to place on the first finisher, the quotient being the profit per dollar wagered to place on the first finisher; and one half of the profit is divided by the amount wagered to place on the second finisher, the quotient being the profit per dollar wagered to place on the second finisher; payoffs include return of amount wagered and profit thereon as to each of the first two finishers.

(1) In the event of a dead heat for first: Between runners representing the same betting interests, the place pool is distributed as if a win pool; if between runners representing two different betting interests, the place pool is distributed as if one betting interest finished first and the other finished second; if between runners representing three different betting interests, the place pool is distributed as if

a show pool. In the event one or more of the different betting interests finishing in a dead heat for first had no place tickets sold on it, the place pool shall be calculated accordingly, either as a win or place pool.

(2) In the event of a dead heat for second; between runners representing the same betting interest, the place pool is distributed as if no dead heat occurred; if between runners representing two or more different betting interests, the profit is divided in half, with one half allocated for wagers to place on the runner which finished first, and the other half divided equally so as to allocate one fourth of the profit on the net place pool for wagers to place on each of two runners finishing in a dead heat for second, or one sixth of the profit for wagers to place on each of three runners finishing in a dead heat for second. In the event one of the three different betting interests finishing in a dead heat for second had no place tickets sold on it, each of the other two betting interests shall be allocated one-fourth of the profit in the net place pool. In the event two of three different betting interests finishing in a dead heat for second had no place tickets sold on them, the net place pool shall be calculated as if no dead heat had occurred.

(3) In the event the first and second finishers comprise a single betting interest, the place pool is distributed as if a win pool.

(4) In the event place tickets are sold on only one of the betting interests which finishes either first or second, then the place pool is calculated as a win pool and distributed to holders of place tickets on the betting interest finishing first or second.

(5) In the event no place tickets are sold on the betting interests which finish first or second, the net place pool is distributed to holders of place tickets on the betting interest finishing third. If there are no place tickets sold on the betting interests that finish first, second or third, including a dead heat to third, the entire place pool shall be refundable.

c. Show pool. The amounts wagered to show on the first three runners to finish are deducted from the net show pool to determine the profit; the profit is divided into three equal amounts; one third of the profit is divided by the amount wagered to show on the first finisher, the quotient being the profit divided by the amount wagered to show on the first finisher; one third of the profit is divided by the amount wagered to show on the second finisher, the quotient being the profit per dollar wagered to show on the second finisher; and one third of the profit is divided by the amount wagered to show on the third finisher, the quotient being profit per dollar wagered to show on the third finisher; payoffs include return of amount wagered and profit thereon as to each of the first three finishers.

(1) In the event of a dead heat for first: Between two runners involving different betting interests, or three runners involving three

different betting interests, the show pool is distributed as if no dead heat occurred; if between two runners involving the same betting interest, two thirds of the profit is allocated to wagers to show on the coupled betting interest, and one third allocated to wagers to show on the other runner among the first three finishers; if between three runners involving one betting interest, the show pool is distributed as if a win pool.

(2) In the event of a dead heat for second: Between two runners involving two different betting interests, the show pool is distributed as if no dead heat occurred; if between runners involving the same betting interest, two thirds of the profit shall be allocated to wagers to show on the coupled betting interest, and one third allocated to wagers to show on the runner finishing first; if between three runners involving two or three betting interests, one third of the profit is allocated to wagers to show on the runner finishing first, and the remaining two thirds of the profit is divided equally by the number of betting interests finishing in a dead heat for second for proportionate distribution on wagers to show for each betting interest finishing in a dead heat for second.

(3) In the event of a dead heat for third: Between runners involving the same betting interests, the show pool is distributed as if no dead heat occurred; if between runners involving two or more betting interests, two thirds of the profit shall be allocated to wagers to show on the first two finishers, and the remaining one third is divided annually by the number of betting interests finishing in a dead heat for third for proportionate distribution on wagers to show for each betting interest finishing in a dead heat for third.

(4) In the event the first three runners to finish comprise one betting interest, the show pool shall be distributed as a win pool. In the event two runners coupled as a single betting interest finish first and second, first and third, or second and third, the coupled betting interest shall be allocated two-thirds of the profit in the show pool, and one-third of the show pool profit shall be allocated to the betting interest finishing either first, second or third.

(5) In the event one runner coupled in the betting by reason of being in the mutuel field or part of a mutuel entry finishes first or second, and another runner included in the same betting interest finishes in a dead heat for third: One half of the profit in the show pool shall be allocated to wagers on such field or entry, one third of the profit in the show pool shall be allocated to wagers on the runner finishing first or second, and the remaining one sixth of the profit shall be allocated to wagers on the runner finishing in a dead heat for third with such field or entry.

(6) If a dead heat occurs in the show pool pursuant to subparagraphs (1), (2), (3) and (5) involving a dead heat and no show tickets are sold on one or more of the betting interests involved

n the dead heat, the net show pool will be calculated accordingly and distributed to holders of show tickets on any betting interest that finished first, second or third. Example: In subparagraph (3), only one of the two betting interests involved in dead heat for third had any show tickets wagered on it. Therefore, the show pool will be calculated as if no dead heat occurred.

(7) In the event no show ticket is sold on a runner which finishes first or second or third, then the net show pool shall be distributed as a place pool to holders of show tickets on the betting interest finishing first and second, first and third or second and third. Likewise, if no show tickets are sold on runners finishing first and second, first and third or second and third, then the net show pool shall be distributed as a win pool to holders of show tickets on the betting interest finishing either first, second or third.

(8) If no show tickets are sold on any of the betting interest which finish first, second, or third, including a dead heat for third, the entire show pool shall be refunded upon presentation and surrender of all show tickets.

d. Daily double pool. The amount wagered on the winning daily double combination, such being the runner or betting interest which finishes first in the first daily double race combined with the runner or betting interest which finishes first in the second daily double race, is deducted from the net daily double pool to determine the profit; the profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning daily double combination; payoff includes the amount wagered and profit thereon.

(1) In the event of a dead heat for first involving two different betting interests, in one of the two daily double races, the daily double pool is distributed as if a place pool, with half the profit allocated to wagers combining the single winner of one daily double race and one of the betting interests involved in the dead heat in the other daily double race, with the other half of the profit allocated to wagers combining the single winner of one daily double race and the other betting interest involved in the dead heat in the other daily double race.

(2) In the event of dead heats for first involving different betting interests in each of the daily double races, resulting in four, six, or nine winning combinations; profits will be divided into a corresponding number of parts and calculated and distributed in the same manner as the show pool using the appropriate number of winning combinations in lieu thereof.

(3) If no daily double ticket is sold combining both winners of the daily double, the net daily double pool shall be apportioned between those having daily double tickets including the winner of the first race of the daily double and those having daily double

tickets including the winner of the last race of the daily double, and shall be calculated and distributed as a place pool.

(4) If no ticket is sold including the winner of the first race of the daily double, the entire net daily double pool will be paid to the holders of daily double tickets which include the winner of the last race of the daily double.

(5) If no daily double ticket is sold including the winner of the last race of the daily double, the entire net daily double pool will be paid to the holders of daily double tickets which include the winner of the first race of the daily double.

(6) If, after daily double wagering has commenced and a runner not coupled with another as a betting interest in the daily double is excused by the stewards or is prevented from racing because of failure of the starting gate/box to open properly on the first race of the daily double, then daily double wagers combining the runners shall be deducted from the daily double pool and refunded upon presentation and surrender of these daily double tickets.

(7) If, after the first race of the daily double has been run, and a runner not coupled with another as a betting interest in the second race of the daily double is excused by the stewards or prevented from racing because of failure of the starting gate/box to open properly, then daily double wagers combining the winner of the first daily double race with any runner prevented from racing in the second daily double race shall be allocated a consolation payoff.

A consolation daily double payoffs shall be determined by dividing the net daily double pool by the amount wagered combining the winner of the first daily double race with every runner or betting interest scheduled to start in the second daily double race, the quotient being the consolation payoff per dollar wagered combining the winner of the first daily double race with each runner prevented from racing in the second daily double race.

Consolation payoffs shall be deducted from the net daily double pool before calculation and allocation of wagers on the winning daily double combination.

(8) If for any reason either daily double race is cancelled or declared "no race" by the stewards, then the net daily double pool shall be distributed to wagering combinations which include the runner or betting interest which finished first in the daily double race that is run. In the event the first race of the daily double is declared "no race" by the stewards and the stewards then excuse a runner in the second daily double race that is not coupled with another as a betting interest or a runner in the second daily double race is prevented from racing because of failure of the starting gate/box to open properly, then all daily double wagers with that runner shall be deducted from the daily double pool and refunded upon presentation and surrender of these daily double tickets.

(9) If no daily double ticket is sold requiring distribution or both daily double races are canceled or declared "no race", then the entire daily double pool shall be refunded upon presentation and surrender of daily double tickets.

e. Quiniela pool. The amount wagered on the winning quiniela combinations, being the first two finishers representing different betting interests irrespective of which runner finishes first and which runner finishes second, is deducted from the net quiniela pool to determine the profit; the profit is divided by the amount wagered on the winning quiniela combination, the quotient being the profit per dollar wagered on the winning quiniela combination; payoff includes the amount wagered and profit.

(1) In the event of a dead heat for first: Between runners involving two different betting interests, the net quiniela pool is distributed as if no dead heat occurred; if between runners involving three different betting interests, the net quiniela pool is distributed as if a show pool and is allocated to wagers combining any of the three runners finishing in a dead heat for first.

(2) In the event of a dead heat for second: Between runners involving two different betting interests, the net quiniela pool is distributed as if a place pool and is allocated to wagers combining the first finisher with either runner finishing in a dead heat for second; if between runners involving three different betting interests, the net quiniela pool is distributed as if a show pool, and allocated to wagers combining the first runner with each of the three runners finishing in a dead heat for second.

(3) In the event runners representing a single betting interest either finish in a dead heat for first or finish first and second, the net quiniela pool shall be allocated to wagers combining the single betting interest with the runner or betting interest which finishes third.

(4) In the event a quiniela ticket is sold combining the first finisher with only one of the runners finishing in a dead heat for second, then the net quiniela pool is allocated to wagers combining the first finisher with the other runner finishing in a dead heat for second, then the quiniela pool is calculated and distributed as a win pool.

(5) In the event no quiniela ticket is sold combining the first finisher with either of the runners finishing in a dead heat for second, then the net quiniela pool is allocated to wagers combining the two runners finishing in the dead heat for second.

(6) In the event no quiniela ticket is sold combining the first finisher with either of the runners finishing in a dead heat for second, or combining the two runners which finished in a dead heat for second, then the net quiniela pool is distributed as if a show pool is allocated to wagers combining any of the first three finishers with any other runners.

(7) In the event no quiniela ticket is sold combining the first two



finishers, then the net quiniela pool shall be distributed as if a place pool and is allocated to wagers combining the first finisher with any other runners and wagers combining the second finisher with any other runner.

(8) In the event no quiniela ticket is sold combining runners or betting interest as would require distribution, then the entire quiniela pool shall be refunded upon presentation and surrender of quiniela tickets thereon.

f. **Exacta pool.** The amount wagered on the winning exacta combination, being the first two finishers in exact order as officially posted, is deducted from the net exacta pool to determine the profit; the profit is divided by the amount wagered on the winning exacta combination, the quotient being the profit per dollar wagered on the winning exacta combination; payoff includes the amount wagered and profit thereon.

(1) In the event an entry finishes first and second, the net exacta pool shall be distributed to holders of exacta tickets selecting the entry to win combined with the runner, or runners in the event of a dead heat, finishing third.

(2) If no ticket is sold on the winning exacta combination, the net exacta pool shall be distributed equally between holders of exacta tickets selecting the winning runner to finish first and holders of exacta tickets selecting the second place runner to finish second.

(3) In case of a dead heat between two runners for first place representing different betting interests, the net exacta pool shall be calculated and distributed as a place pool to holders of exacta tickets on the winning exacta combinations. In case of a dead heat between two runners for second place representing different betting interests, the exacta pool shall be calculated and distributed as a place pool to the holders of exacta tickets combining the winning runner and the two runners finishing second.

(4) In the event of a dead heat for second place, if no exacta ticket is sold on one of the two winning exacta combinations, the entire net exacta pool shall be calculated as a win pool and distributed to those holding exacta tickets on the other winning exacta combination.

(5) If no exacta tickets combine the winning runner with either of the runners in the dead heat for second place, the exacta pool shall be calculated and distributed as a place pool to holders of exacta tickets representing any interest in the net exacta pool.

(6) If no exacta ticket is sold that would require distribution of an exacta pool as defined above, the association shall make a complete and full refund of the exacta pool upon presentation and surrender of those exacta tickets.

g. **Quiniela double pool.** The amount wagered on the winning quiniela double combination, being the quiniela winner in the first

quiniela double race combined with the quiniela winner of the second quiniela double race, is deducted from the net quiniela double pool to determine the profit; the profit is divided by the amount wagered on the winning combinations, the quotient being the profit per dollar wagered on the winning quiniela double combinations; payoff includes the amount wagered and profit thereon.

(1) Each bettor purchasing quiniela double tickets designates a quiniela selection in both of the two quiniela double races for which quiniela double tickets are sold at the time the quiniela double tickets are purchased. Quiniela double tickets must be purchased for both of the two quiniela double races prior to the first of the two quiniela double races, without any exchange between the first and second races.

(2) If the purchaser of a quiniela double ticket fails to select the quiniela of the first half of the quiniela double, no refund or return shall be made, except as provided elsewhere in this rule and the circumstances or outcome of the second half of the quiniela double cannot change this result.

(3) If a runner in either quiniela double race is officially announced as scratched before wagering has closed on the first quiniela double race or a runner is prevented from racing because of failure of the starting gate/box to open properly on the first quiniela double race, then all quiniela double tickets combining that runner shall be deducted from the quiniela double pool and refunded upon presentation and surrender of their quiniela double tickets.

(4) If, after the first race of the quiniela double has been run and a runner not coupled with another as a betting interest is scratched or is prevented from racing because of failure of the starting gate/box to open properly in the second quiniela double race, the total amount of the winning combinations in the first quiniela double race shall be divided into the net quiniela double pool and this amount per dollar shall be multiplied times the amount wagered that included the scratched runner or runners prevented from racing in the second quiniela double race. The quiniela double tickets that include a scratched runner or a runner prevented from racing in the second quiniela double race shall become known as a consolation quiniela double ticket. The total of these consolation tickets shall be deducted from the net quiniela double pool and shall be used to pay those consolation quiniela double tickets combining the winner only of the second quiniela double race with the scratched runner or runner prevented from racing in the second quiniela double race. The balance of the net pool, including any consolation breakage, shall be paid to the holders of quiniela double tickets combining the runners that finished first and second in each of the quiniela double races.

(5) If no quiniela double ticket is sold on the winning combination in the first quiniela double race, the quiniela double pool shall be

divided between those quiniela double tickets that have the winning quiniela double combination in the second quiniela double race and include one of the runners finishing first or second in the first quiniela double race and distribution shall be calculated and made as a place pool.

(6) If no quiniela double ticket is sold as winning quiniela double combination in the second quiniela double race the quiniela double pool shall be divided between those quiniela double tickets that have the winning quiniela double combination in the first quiniela double race and include one of the runners finishing first or second in the second quiniela double race and distribution shall be calculated and made as a place pool.

(7) If a quiniela double ticket is sold with the winning quiniela double combination in the first quiniela double race and combines only one of the two winners in the second quiniela double race and no quiniela double ticket with the correct quiniela double combination in the first quiniela double race includes the other winner, the entire quiniela double pool shall be distributed as a win pool to the holders of those quiniela double tickets.

(8) If a quiniela double ticket is sold with the winning quiniela double combination in the first quiniela double race and none of those quiniela double tickets include either the first or second runner in the second quiniela double race, the entire net quiniela double pool shall be distributed as a win pool to holders of those quiniela double tickets that were sold with the winning quiniela double combination in the first quiniela double race.

(9) In the event of a dead heat for place in the first quiniela double race, the net quiniela double pool shall be divided, calculated and distributed as a place pool to holders of quiniela double tickets with the winning quiniela double combination in the second quiniela double race and a combination in the first quiniela double race combining the first runner and any of the place runners.

(10) In the event of a dead heat for place in the second quiniela double race, the net quiniela double pool shall be divided, calculated and distributed as a place pool to the holders of quiniela double tickets with the winning quiniela double combination in the first quiniela double race and a combination in the second quiniela double race combining the first runner and any of the place runners.

(11) In the event of a dead heat by two runners for the place position in the second quiniela double race where no quiniela double ticket combines the first runner with either of the place entries, the quiniela double pool shall be awarded to those quiniela double tickets combining the winning quiniela double combination in the first quiniela double race and combining any of the first three finishers in the second quiniela double race with any other runners and distribution shall be calculated and made as a show pool.

(12) If for any reason either quiniela double race is canceled or declared "no race" by the stewards, then the net quiniela double pool shall be distributed to wagering combinations which include the runners or betting interests which finished first and second in the quiniela double race that is run.

(13) If no quiniela double ticket is sold requiring distribution, then the entire quiniela double pool shall be refunded upon presentation and surrender of quiniela double tickets.

h. Pic-six. A betting transaction in which you select the winner of six races designated by the association during one racing card.

(1) The pic-six pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, or show pool shown on the totalizator, nor to the rules governing the distribution of other pools.

(2) The pic-six pool consists of amounts contributed for a selection for win only in each of six consecutive races designated by the association. Each person purchasing a pic-six ticket shall designate a runner to win in each of the six races comprising the pic-six.

(3) Those runners constituting an entry of coupled runners or those runners coupled to constitute the mutuel field in a race comprising the pic-six shall race as a single wagering interest for the purpose of the pic-six pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry or the field selection shall remain as the designated selection to win in that race for the pic-six calculation and the selection shall not be deemed a scratch.

(4) The pic-six pool shall be calculated as follows:

One hundred percent of the net amount in the pic-six pool subject to distribution shall be distributed among the holders of pic-six tickets which correctly designate the official winner in each of the six races comprising the pic-six.

In the event there is no pic-six ticket properly issued which correctly designates the official winner in each of the six races comprising the pic-six, 75 percent of the pic-six pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pic-six pool for the next succeeding racing program as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pic-six tickets which correctly designate the most official winners of the six races comprising the pic-six.

Should no distribution be made pursuant to this subrule on the last program of the association's race meeting, then the entire distributable pic-six pool and all moneys accumulated therein shall be distributed to the holders of pic-six tickets correctly designating the most winning selections of the pic-six for that program. In the

event that the pic-six is canceled or the stewards cancel or declare as "no race" three or more of the races comprising the pic-six on the last program of that race meeting, any carry-over from previous cumulative pic-six pools shall be carried over to the pic-six pool on the first program of the association's next race meeting.

(5) In the event a pic-six pari-mutuel ticket designates a selection in any one or more of the six races comprising the pic-six and that selection is scratched, excused or determined by the stewards to be a non-starter in that race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of that race, will be substituted for the non-starting selection for all purposes, including pic-six pool calculation and payoffs. In cases where there is more than one actual favorite in that race, the lower number runner/betting interest shall be selected and substituted.

(6) In the event of a dead heat for win between two or more runners representing different betting interest in any pic-six race, all runners in the dead heat for win shall be considered as winning runners in the race for the purpose of calculating the pic-six pool.

(7) In the event no more than two of the six races comprising the pic six races on the program are either canceled for any reason or are declared as no race by the stewards, the distribution of the entire net amount wagered on the pic-six pool that program shall be distributed among the holders of pic-six tickets which correctly designate the most official winning selections in all of the remaining pic-six races comprising the pic-six on that program. Any retained distributable amounts carried over from any prior pic-six cumulative pool pursuant to 8.2(4)"h"(4) shall be carried over to the next succeeding racing program of that meeting. However, if this instance should occur on the final program of that association's race meeting, holders of pic-six tickets which correctly designate the most official winners in all of the remaining pic-six races shall share equally the entire net pic-six pool from that program plus any cumulative pic-six pool carried over from previous program.

In the event the stewards cancel or declare as no race three or more of the six races comprising the pic-six, the pic-six shall be cancelled in its entirety and the pic-six pool on that program shall be refunded to purchasers of all pic-six tickets upon presentation and surrender of those pic-six tickets, and any retained distributable amounts carried over from any prior cumulative pic-six pool pursuant to 8.2(4)"h"(4) shall be carried over to the next succeeding racing program at that meeting or if applicable, to the first day's pic-six program of the next race meeting or if applicable, to the first day's pic-six program of the next race meeting should this instance occur on the final program of the association's race meeting.

(8) No pic-six ticket for the pic-six pool shall be sold, exchanged, or cancelled after the time of the closing of wagering in the first

of the six races comprising the pic-six, except for refunds on pic-six tickets as required by this rule, and no person shall disclose the number of pic-six tickets sold in the pic-six pool or the number or amount of tickets selecting winners of pic-six races until the stewards have determined the last pic-six race comprising the pic-six on each program to be official.

i. Trifecta pool. The amount wagered on the winning combination, being the first three finishers in exact order as officially posted, is deducted from the net trifecta pool to determine the profit; the profit is divided by the amount wagered on the winning combination, the quotient being the profit per dollar wagered on the winning trifecta combination. The payoff includes both the amount wagered and the profit.

(1) If no trifecta ticket is sold on the winning combination, the profit shall be apportioned equally among the holders of trifecta tickets selecting the first and second place runners in their exact order.

(2) If no trifecta ticket selecting the first and second runners is sold, the profit shall be apportioned equally among the holders of trifecta tickets selecting the first and third runners in their exact order.

(3) If no trifecta ticket selecting the winning combination, the first and second runner, or the first and third runner is sold, the profit shall be apportioned equally among the holders of trifecta tickets selecting the second and third runners with any other runner in their exact order.

(4) If no trifecta ticket requiring distribution of the net trifecta pool pursuant to this rule is sold, the profit shall be apportioned equally among the holders of trifecta tickets selecting the runner finishing first.

(5) If no trifecta ticket requiring distribution of the net trifecta pool pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph is sold, the profit shall be apportioned equally among the holders of trifecta tickets selecting the runner finishing second.

(6) If no trifecta ticket requiring distribution of the net trifecta pool pursuant to paragraphs 1, 2, 3, 4, and 5 of this subrule is sold, the profit shall be apportioned equally among the holders of trifecta tickets selecting the runner finishing third.

(7) If a race, on which there is trifecta wagering, results in a dead heat for first place, the winning combinations shall include the first two runners as finishing in either first or second and the runner finishing third.

(8) If a race, on which there is trifecta wagering, results in a dead heat for second place, the winning combinations shall include the runner finishing first and the two runners finishing in a dead heat as finishing in either second or third.

(9) If a race, on which there is trifecta wagering, results in a dead heat for third place, the winning combinations shall include the runner finishing first, the runner finishing second, and either of the runners finishing in a dead heat for third as finishing third.

(10) In all combinations described in subparagraphs (7), (8) and (9) of this subrule, the profit shall be divided in separate trifecta pools, calculated as a place pool and paid off accordingly.

(11) If a race on which there is trifecta wagering results in a triple dead heat or double dead heat, the net trifecta pool will be divided by the number of all win, place, and show combinations thus formed, calculated as separate trifecta pools and paid off accordingly.

(12) If no trifecta ticket requiring distribution pursuant to subparagraphs 8.2(4)"i"(1) to (6) is sold, a complete refund will be made of entire trifecta pool on that program upon presentation and surrender of all trifecta tickets.

(13) The stewards shall cancel trifecta wagering anytime there are fewer than eight runners in a race except in greyhound racing.

j. Twin Trifecta. Wager selecting the three runners that will finish first, second and third in exact order as officially posted in each of two designated races.

(1) Twin trifecta tickets shall be sold and exchanged by the association in multiples of \$2 and only from authorized ticket issuing machines, except as provided in 491-8.6(99D).

(2) Each bettor purchasing twin trifecta tickets shall designate the three selections as the first three runners to finish in that order in the first race of the two designated twin trifecta races.

(3) After wagering closes for the first designate race of the twin trifecta, the mutuel department will divide the net distributable twin trifecta pool into two separate twin trifecta pools of equal amount.

(4) The monies in the first part of the divided twin trifecta pool will be distributed to the holders of twin trifecta tickets selecting the first three runners, in order, on the first designated twin trifecta race, in accordance with the established pari-mutuel practice.

(5) The term "first part of divided twin trifecta pool" shall mean one half of the net distributable twin trifecta pool of the total monies wagered in the twin trifecta pool on the current program only and, specifically excluding any carry over of any special cumulative second race twin trifecta pool from any previous program.

(6) The second part of the divided twin trifecta pool will be placed in a special separate twin trifecta pool to be distributed to holders of twin trifecta "exchange" tickets selecting the first three runners, in order as officially posted by the stewards, on the second designated twin trifecta race, in accordance with the established pari-mutuel practice.

(7) In the first designated race only, if there is a failure to select, in exact official order, the first three runners, payoffs and exchanges

shall be made on twin trifecta tickets selecting in the following order of priority:

1. Tickets selecting the first and second finishers in that order, for example 1-2-All. If no ticket is sold combining the first and second finishers, then

2. Tickets selecting the first and second finishers in that order, for example 1-All-3. If no ticket is sold combining the first and third finishers, then

3. Tickets selecting the second and third finishers in that order, for example All-2-3. If no ticket is sold combining the second and third finishers, then

4. Tickets selecting the runner to finish first, for example 1-All-All. If no ticket is sold selecting the runner finishing first, then

5. Tickets selecting the runner to finish second, for example, All-2-All. If no ticket is sold selecting the runner to finish second, then

6. Tickets selecting the runner to finish third, for example, All-All-3.

7. If no ticket requiring distribution pursuant to 8.2(4)“j”(7)“1” to “6” is sold, a complete refund will be made of the entire twin trifecta pool on that program upon presentation and surrender of all twin trifecta tickets.

(8) In the first designated twin trifecta race, if less than three runners finish or if the board of stewards declares the race a “no race” or cancel this race then the entire twin trifecta pool on that program shall be refunded upon presentation and surrender of twin trifecta tickets.

(9) After the official declaration of the first three runners to finish in the first designated race of the twin trifecta, each bettor holding a winning twin trifecta ticket must, prior to the running of the second designated twin trifecta race, exchange the winning twin trifecta ticket for both the monetary value established by the mutuel department and a twin trifecta exchange ticket, and at that time shall select on the twin trifecta exchange ticket three runners to finish in the designated second twin trifecta race in the exact order as officially posted. No further money shall be required of holders of the winning twin trifecta tickets in order to secure the twin trifecta exchange ticket.

No person shall disclose the number of the winning twin trifecta tickets on the first designated twin trifecta race eligible for a twin trifecta exchange ticket on the second designated twin trifecta race, nor shall any person disclose any information regarding those twin trifecta tickets during the exchange process until the race terminating the twin trifecta has been declared official.

(10) No twin trifecta exchange ticket upon the second designated twin trifecta race shall be issued except upon surrender of the winning twin trifecta tickets from the first designated twin trifecta race as



described in these rules. Mutuel windows shall be open for the purpose of cashing and exchanging winning twin trifecta tickets only after the first designated twin trifecta race has been declared official.

(11) If a winning twin trifecta ticket from the first designated twin trifecta race is not presented for cashing and for exchange within the time provided, the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution from the second race twin trifecta pool except as provided elsewhere in this rule.

(12) If a runner is scratched or declared a non-starter by the stewards in the first designated twin trifecta race, all twin trifecta tickets on the scratched or non-starter runner will be refunded from the twin trifecta pool. If a runner is scratched in the second designated twin trifecta race, public address announcements will be made and a reasonable amount of time will be given for exchange of twin trifecta tickets combining the scratched runner.

In the event of a dead heat or dead heats in the first designated twin trifecta, all twin trifecta tickets selecting the correct order of finish counting a runner in a dead heat as finishing in any position dead heated, shall be winning twin trifecta tickets. The payoff will be calculated as a place pool (or as a show pool if multiple dead heats).

In the event of a dead heat or dead heats in the second designated twin trifecta race, all twin trifecta tickets selecting the correct order of finish counting a runner in a dead heat as finishing in any position dead heated, shall be winning twin trifecta tickets. The licensee may calculate the payoff as a win pool or a place pool. Whichever method of calculation is used by the licensee, it must be prominently displayed in a conspicuous area of the grandstand or published in the program.

(13) In the event there is no exchange twin trifecta ticket issued accurately selecting the officially declared first three finishers of the designated second twin trifecta race, in the exact order, the second part of the divided twin trifecta pool, shall be held for the next consecutive racing program and combined with that program's designated second race twin trifecta pool. Distribution of this special cumulative second twin trifecta race pool will be made only upon accurate selection, in the exact order, of the first three officially declared finishers of the designated second twin trifecta race.

(14) On the final program of any official race meeting, the entire accumulated second race special cumulative twin trifecta pool must be distributed except as provided in this rule. In the event, on that final racing program, no second race twin trifecta exchange ticket accurately selects the officially declared first three finishers, in exact order, the payoffs on the designated second twin trifecta race shall be made in the same order of priority as 8.2(4)"j"(7).

If in the first twin trifecta race on the final program of any race

meeting, less than three runners finish, or if the board of stewards declares the race "no race," or if racing is canceled prior to the first twin trifecta race, any cumulative twin trifecta pool shall be carried over to the first program of the next race meeting.

(15) In the second twin trifecta race, if less than three runners finish or if the board of stewards declares the race a "no race" then the winning twin trifecta ticket holders who have cashed their twin trifecta tickets on the first twin trifecta race and have received a twin trifecta race exchange ticket will be entitled to share in the second part of the divided twin trifecta pool on that program. Any special cumulative second twin trifecta race pool from previous programs will remain undistributed and will be carried over to the next program unless the above circumstances occur on the final program of the association's race meeting. In that instance, on the final program of the race meeting, those holders of second race twin trifecta exchange ticket and winning first race twin trifecta tickets if not exchanged will be entitled to share in the special cumulative second race twin trifecta pool.

(16) In the event that racing is cancelled for any program after the first designated twin trifecta race has been declared official, but prior to the running of the second designated twin trifecta, the second part of that program's divided twin trifecta pool will be evenly distributed to all holders of second twin trifecta exchange tickets and winning first race twin trifecta tickets if not exchanged. Any special cumulative twin trifecta pool will remain undistributed and will be carried over to the next program unless the above circumstances occur on the final program of the race meeting. In that instance, all holders of second race twin trifecta exchange tickets and winning first race twin trifecta tickets if not exchanged will be entitled to share in the special cumulative second race twin trifecta pool.

(17) The twin trifecta pool is not a parlay and has no connection to any other pari-mutuel pool conducted by the association, nor to the rules governing the distribution of other pools.

k. Superfecta pool. The amount wagered on the winning superfecta combination, being the first four finishers in exact order as officially posted, is deducted from the net superfecta pool to determine the profit; the profit is divided by the amount wagered on the winning superfecta combination, the quotient being the profit per dollar wagered on the winning superfecta combination. The payoff includes both the amount wagered and the profit.

(1) This rule shall be prominently displayed in the mutuel area of the track conducting the superfecta or in the official track program.

(2) If a runner is declared a nonstarter by the stewards, all superfecta tickets that included the nonstarter runner or runners shall be deducted from the superfecta pool and refunded upon presentation

and surrender of those superfecta tickets.

(3) If there is a failure to select, in order, the first four runners, the superfecta pool shall be divided among holders of superfecta tickets selecting the first three runners, in order; failure to select the first three runners, the superfecta pool shall be divided among holders of superfecta tickets selecting the first two runners, in order; failure to select the first two runners, the superfecta pool shall be divided among holders of superfecta tickets selecting the winner to win; failure to select the winner to win the superfecta pool shall be divided among holders of superfecta tickets selecting the runner finishing second to place; failure to select the runner finishing second to place, the superfecta pool shall be divided among holders of superfecta tickets selecting the runner finishing third to show; failure to select the runner finishing third to show, the pool shall be divided among holders of superfecta tickets correctly selecting the runner finishing fourth.

(4) In the event of a dead heat or dead heats, all superfecta tickets selecting the correct order of finish, counting a runner in a dead heat as finishing in either position dead heated, shall be winning superfecta tickets, and distribution shall be made in accordance with the rules in this chapter relative to dead heats.

(5) If only three runners finish the race, the superfecta pool shall be divided among the holders of superfecta tickets selecting the first three runners, in order, ignoring the runner selected to finish fourth. If less than three runners finish the race, a complete refund of the superfecta pool shall be made (see subrule 7.14(11)).

1. Daily triple wagering. The amount wagered on the winning daily triple combinations, being the runner or betting interest finishing first in each of the three races comprising the daily triple, is deducted from the net daily triple pool to determine the profit; the profit is divided by the amount wagered on the winning daily triple combination, the quotient being the profit per dollar wagered on the winning daily triple combination; the payoff includes the amount wagered and the profit.

(1) The daily triple pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place and show pool shown on the tote board, nor to the rules governing the distribution of these other pools.

(2) A valid daily triple ticket shall be evidence of a binding contract between the holder of the ticket and the racing association, and the daily triple ticket shall constitute an acceptance of daily triple provisions and rules of the Iowa racing and gaming commission.

(3) A daily triple may be given a distinctive name to be selected by the association conducting the races, such as "PICK 3".

(4) The daily triple pool consists of amounts contributed for a

selection for win only in each of three consecutive races designated by the association. Each person purchasing a daily triple ticket shall designate a betting interest to win in each of the three races comprising the daily triple.

(5) The net amount in the daily triple pool subject to distribution shall be distributed among the holders of daily triple tickets which correctly designate the official winner in each of the three races comprising the daily triple.

(6) If no ticket is sold combining the three winners of the daily triple, the net amount in the daily triple pool shall be distributed among the holders of tickets which include the official winners of at least two of the three races comprising the daily triple.

(7) If no ticket is sold combining at least two winners of the daily triple, the net amount in the daily triple pool shall be distributed among holders of tickets which include the winner of any one of the three races comprising the daily triple.

(8) If no daily triple ticket is sold that would require distribution of the daily triple pool to a winner under this rule, the association shall make a complete and full refund of the daily triple pool.

(9) If for any reason one of the three races comprising the daily triple is canceled or declared a "no race", the net amount of the daily triple pool shall be distributed as provided above in 8.2(4)"1"(6) to 8.2(4)"1"(8).

(10) If for any reason two or more of the races comprising the daily triple are canceled, a full and complete refund of the daily triple pool will be made by the association.

(11) In the event a daily triple ticket designates a selection in any of the three races comprising the daily triple which is scratched, excused or determined by the stewards to be a nonstarter in that race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs. In cases where there is more than one actual favorite in that race, the lower number runner/betting interest shall be selected and substituted.

(12) In the event of a dead heat for win between two or more separate betting interests in any daily triple race, all runners representing separate betting interests in the dead heat for win shall be considered as winning runners in that race for the purpose of calculating the daily triple pool.

(13) No daily triple ticket for the daily triple pool shall be sold, exchanged or canceled after the time of the closing of wagering in the first of the three races comprising the daily triple, except for refunds on daily triple tickets as required by this paragraph "1," and no person shall disclose the number or amount of daily triple tickets selecting winners of daily triple races until the stewards have

determined the last race comprising the daily triple to be official. At the conclusion of the second of the three races comprising the daily triple, an association may display potential distributions to daily triple ticket holders depending upon the outcome of the third race of the daily triple.

m. Tri-super wagering. Wager selecting the exact order of finish for first, second and third in the first designated race combined with selecting the exact order of finish for first, second, third and fourth in second designated race.

(1) Tri-super tickets shall be sold and exchanged by the association in multiples of \$2 and only from authorized ticket issuing machines, except as provided in 491-8.6(99D).

(2) Each bettor purchasing tri-super tickets shall designate the three selections as the first three runners to finish in that order in the first race of the two designated tri-super races.

(3) After wagering closes for the first designated race of the tri-super, the mutuel department will divide the net distributable tri-super pool into two separate tri-super pools of equal amount.

(4) The monies in the first part of the divided tri-super pool will be distributed to the holders of tri-super tickets selecting the first three runners, in order, on the first designated tri-super race, in accordance with the established pari-mutuel practice.

(5) The term "first part of the divided tri-super pool" shall mean one half of the net distributable tri-super pool of the total monies wagered in the tri-super pool on the current program only and, specifically excluding any carry over of any special cumulative second race tri-super pool, from any previous program.

(6) The second part of the divided tri-super pool will be placed in a special separate tri-super pool to be distributed to the holders of tri-super exchange tickets selecting in order the first four runners as officially declared by the stewards, on the second designated tri-super race, in accordance with the established pari-mutuel practice.

(7) In the first designated tri-super race only, if there is a failure to select in the exact official order, the first three runners, payoffs on the "first part of the divided tri-super pool" and exchanges shall be made on tri-super tickets selecting in the following order of priority:

1. If no ticket is sold on the winning combination, the profit shall be apportioned equally among the holders of tickets selecting the first and second place runners in their exact order.

2. If no ticket selecting the first and second runners is sold, the profit shall be apportioned equally among the holders of tickets selecting the first and third runners in their exact order.

3. If no ticket selecting the winning combination, the first and second runners, or the first and third runner is sold, the profit shall

be apportioned equally among the holders of tickets selecting the second and third runners with any other runner in their exact order.

4. If no ticket is sold requiring distribution of the first part of the divided tri-super pool pursuant to this subrule, the profit shall be apportioned equally among the holders of tri-super tickets selecting the runner finishing first.

5. If no ticket is sold requiring distribution of the first part of the divided tri-super pool pursuant to paragraphs 1 to 4 of this subrule, the profit shall be apportioned equally among the holders of tri-super tickets selecting the runner finishing second.

6. If no ticket is sold requiring distribution of the first part of the divided tri-super pool pursuant to paragraphs 1 to 5 of this subrule, the profit shall be apportioned equally among the holders of tri-super tickets selecting the runner finishing third.

(8) In the first designated tri-super race, if less than three runners finish or if the board of stewards declares the race a "no race", then the entire tri-super pool on that daily program shall be refunded upon presentation and surrender of those tri-super tickets.

(9) After the official declaration of the first three runners to finish in the first designated race of the tri-super, each bettor holding a winning tri-super ticket must, prior to the running of the second designated tri-super race, exchange the winning tri-super ticket for the monetary value established by the mutuel department and at that time for tri-super exchange ticket, shall select four runners to finish in that exact order as officially posted, in the second designated tri-super race. No further money shall be required of holders of the winning tri-super tickets in order to secure the tri-super exchange ticket.

No person shall disclose the number of winning tri-super tickets on the first designated tri-super race eligible for a tri-super exchange ticket in the second designated tri-super race, nor shall any person disclose any information regarding those tri-super tickets during the exchange process until the race terminating the tri-super has been declared official.

(10) No tri-super exchange ticket upon the second designated tri-super race shall be issued except upon surrender of the tri-super tickets from the first designated tri-super race as described in these rules. Mutuel windows shall be open for the purpose of cashing and exchanging winning tri-super tickets only after the first designated tri-super race has been declared official.

(11) If a winning tri-super ticket from the first designated tri-super race is not presented for cashing and for exchange within the time provided, the bettor may still collect the monetary value attached to the ticket, but forfeits all rights to any distribution from the second race tri-super pool except as provided elsewhere in this rule.

(12) If a runner is scratched or declared a non-starter by the stewards in the first designated tri-super race, all tri-super tickets on the scratched or non-starter runner will be refunded from the tri-super pool. The value of those refunded tri-super tickets shall be deducted from the gross tri-super pool before it is divided into two equal parts. If a runner is scratched in the second designated tri-super race by the stewards, public address announcements will be made and reasonable time will be given for exchange of tri-super tickets combining the scratched runner.

In the event of a dead heat or dead heats in either of the two designated tri-super races, all tri-super tickets selecting a runner as finishing in any of the dead heated positions, shall be winning tri-super tickets. The payoff will be calculated as a place pool (or as a show pool if multiple dead heats).

(13) The association may set a maximum special cumulative second race tri-super pool amount. This amount shall be requested in writing to the administrator for approval. When the cumulative second race tri-super pool maximum amount is equaled or exceeded, the pool will be distributed on the next program's tri-super races as if it were the final program of the race meeting.

(14) In the event there is no tri-super ticket issued accurately selecting the officially declared first four finishers of the second tri-super race, in the exact order, the second race tri-super pool as divided earlier, shall be held for the next consecutive racing program and combined with that program's second race tri-super pool. Distribution of this special cumulative second race tri-super pool will be made only upon accurate selection, in the exact order, of the first four declared finishers of the second tri-super race.

(15) On the final program of any racing meeting, the entire accumulated second race tri-super pool must be distributed except as provided in this rule. In the event, on that final racing program, no second half tri-super ticket accurately selects the officially declared first four finishers, in exact order, the payoffs on the tri-super shall be made in the following order of priority:

If there is a failure to select, in order, the first four runners, the tri-super pool shall be divided among holders of tri-super exchange tickets selecting the first three runners, in order; failure to select the first three runners, the tri-super pool shall be divided among holders of tri-super exchange tickets selecting the first two runners, in order; failure to select the first two runners, the tri-super pool shall be divided among holders of tri-super exchange tickets selecting the winner to win; failure to select the winner to win, the tri-super pool shall be divided among holders of tri-super exchange tickets selecting the runner finishing second to place; failure to select the runner finishing second to place, the tri-super pool shall be divided among holders of tri-super exchange tickets selecting the runner

finishing third to show; failure to select the runner finishing third to show, the pool shall be divided among holders of tri-super exchange tickets correctly selecting the runner finishing fourth; failure to select the runner finishing fourth, the tri-super pool shall be divided among holder of all second half tri-super exchange tickets.

If in the first tri-super race on the final program of race meeting, less than three runners finish, or if the board of stewards declares the first tri-super race a "no race", or if racing is cancelled prior to the first tri-super race, any cumulative tri-super pool shall be carried over to the first program of the next race meeting.

(16) In the second tri-super race, if only three runners finish the race, the second part of the divided tri-super pool shall be divided among the holders of tri-super exchange tickets selecting the first three runners, in the highest order of priority stated in 8.2(4)"m"(7), ignoring the runner selected to finish fourth. Any cumulative second race tri-super pool from previous programs will remain undistributed and will be carried over to the next program unless the above circumstances occur on the final program of the association's race meeting. In this instance, if only three runners finish in the second tri-super race on the final program of the association's race meeting, only holders of tri-super exchange tickets selecting the first three runners in the highest order of priority stated in 8.2(4)"m"(7) are entitled to share in the special cumulative second race tri-super pool.

(17) In the event that racing is cancelled for any program after the first tri-super, but prior to the running of the second tri-super race, or if the board of stewards declare the second tri-super race a "no race" or if less than three finish in the second tri-super race, the second part of that program's divided tri-super pool will be evenly distributed to all holders of second race tri-super exchange tickets and winning first race tri-super tickets if not exchanged. Any cumulative tri-super pool shall remain undistributed and shall be carried over to the tri-super pool on the next program unless the above circumstances occur on the final program of the association's race meeting. In that instance, all holders of second race tri-super exchange tickets and winning first race tri-super tickets if not exchanged will be entitled to share in the cumulative second race tri-super pool.

(18) Sale of tri-super tickets other than from pari-mutuel machines or from one individual to another shall be deemed illegal or prohibited.

(19) The tri-super pool is not a parlay and has no connection to any pari-mutuel pool conducted by the association, nor to the rules governing the distribution of other pools.

n. Pic-nine. A betting transaction in which you select the (x) place finisher of nine races designated by the association during one racing card. For purposes of these rules, "(x) place" shall be defined as



the designated place of finish approved by the commission upon request by the association. Such designated place of finish must remain unchanged until the program immediately following the distribution of the entire net pic-nine pool added to the cumulative pic-nine pool carried over from previous programs and commission approval has been received.

(1) The pic-nine pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place or show pool shown on the totalizer, nor to the rules governing the distribution of other pools.

(2) The pic-nine pool consists of amounts contributed for a selection for (x) place finish only in each of nine consecutive races designated by the association. Each person purchasing a pic-nine ticket shall designate the (x) place finisher in each of the nine races comprising the pic-nine.

(3) Those runners constituting an entry of coupled runners or those runners coupled to constitute the mutuel field in a race comprising the pic-nine shall race as a single wagering interest for the purpose of the pic-nine pool calculations and payoffs to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to finish in (x) place in that race for the pic-nine calculation and payoff and the selection shall not be deemed a scratch.

(4) Except as provided in 8.2(4)"n"(7) and 8.2(4)"n"(8), the pic-nine pool shall be calculated as follows: One hundred percent of the net amount in the pic-nine pool subject to distribution shall be distributed among the holders of properly issued pic-nine tickets which correctly designate the official (x) place finisher in each of the nine races comprising the pic-nine.

In the event there is no pic-nine ticket properly issued which correctly designated the official (x) place finisher in each of the nine races comprising the pic-nine, 50 percent of the net amount wagered on the pic-nine pool for that program shall be distributed among the holders of pic-nine tickets which correctly designate the most official (x) place finishers of the nine races comprising the pic-nine. The remaining 50 percent of the net amount wagered on the pic-nine pool for that program shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pic-nine pool for the next succeeding racing program as an additional net amount to be distributed.

Should no pic-nine ticket which correctly designates the official (x) place finisher in each of the nine races comprising the pic-nine be properly issued on the last program of the association's race meeting, then the entire distributable pic-nine pool and all moneys accumulated therein shall be distributed to the holders of pic-nine

tickets correctly designating the most (x) place selections of the pic-nine for that program.

In the event there is no pic-nine ticket properly issued correctly designating any official (x) place finisher, the pic-nine for that program shall be canceled in its entirety and the total amount wagered on the pic-nine pool for that program shall be refunded to purchasers of all pic-nine tickets upon presentation and surrender of those pic-nine tickets. Any retained distributable amounts carried over from any prior cumulative pic-nine pool pursuant to this subrule shall be carried over to the next succeeding racing program at that meeting, or if applicable, to the first day's pic-nine program of the next race meeting should this instance occur on the final program of the association's race meeting.

For purposes of the pic-nine pool, the distributable amount to be distributed to the holders of properly issued pic-nine tickets which correctly designate the official (x) place finisher in each of the nine races comprising the pic-nine shall be the greater of the amount calculated pursuant to this subrule or an amount to be guaranteed at the association's option. The association must disclose the amount of any guaranteed pic-nine payoff to the Iowa racing and gaming commission in all advertising mentioning the pic-nine and at the designated location for official notices at the association's facility.

(5) In the event a pic-nine pari-mutuel ticket designates a selection in any one or more of the nine races comprising the pic-nine and that selection is scratched, excused or determined by the stewards to be a nonstarter in that race, the (x) place favorite, as evidenced by the amounts wagered in the win pool at the time of the start of that race, will be substituted for the nonstarting selection for all purposes, including pic-nine pool calculation and payoffs. In cases where there is more than one (x) place favorite in that race, the lower number runner/betting interest shall be selected and substituted.

(6) In the event of a dead heat for (x) place finish between two or more runners representing different betting interests in any pic-nine race, all runners in the dead heat for (x) place shall be considered as (x) place finishers in the race for the purpose of calculating the pic-nine pool.

(7) Should three or more of the nine races comprising the pic-nine races on the program have seven or fewer betting interests, or should any of the nine races comprising the pic-nine races on the program have six or less betting interests, the distribution of the entire net amount wagered on the pic-nine pool that program shall be distributed among the holders of pic-nine tickets which correctly designate the most official (x) place selections in all of the pic-nine races comprising the pic-nine on that program. Any retained distributable amounts carried over from any prior pic-nine

cumulative pool pursuant to 8.2(4)"n"(4) shall be carried over to the next succeeding racing program of that meeting. However, if this instance should occur on the final program of that association's race meeting, holders of pic-nine tickets which correctly designate the most official (x) place finishers in all of the pic-nine races shall share equally the entire net pic-nine pool from that program plus any cumulative pic-nine pool carried over from previous programs.

Should two or fewer of the nine races comprising the pic-nine races on the program be canceled for any reason or are declared as "no race" by the stewards, the distribution of the entire net amount wagered on the pic-nine pool that program shall be distributed among the holders of pic-nine tickets which correctly designate the most official (x) place selections in all of the remaining pic-nine races comprising the pic-nine on that program. Any retained distributable amounts carried over from any prior pic-nine cumulative pool pursuant to 8.2(4)"n"(4) shall be carried over to the next succeeding racing program of that meeting. However, if this instance should occur on the final program of that association's race meeting, holders of pic-nine tickets which correctly designate the most official (x) place finishers in all of the remaining pic-nine races shall share equally the entire net pic-nine pool from that program plus any cumulative pic-nine pool carried over from previous programs.

In the event the stewards cancel or declare as "no race" three or more of the nine races comprising the pic-nine, the pic-nine shall be canceled in its entirety and the pic-nine pool on that program shall be refunded to purchasers of all pic-nine tickets upon presentation and surrender of those pic-nine tickets, and any retained distributable amounts carried over from any prior cumulative pic-nine pool pursuant to 8.2(4)"n"(4) shall be carried over to the next succeeding racing program at that meeting or, if applicable, to the first day's pic-nine program of the next race meeting should this instance occur on the final program of the association's race meeting.

In the event that any race comprising the pic-nine races on any program is marred by jams, spills or other circumstances while the race is being run and fewer than four runners finish the race, the stewards shall declare the race a "no race" for purposes of the pic-nine pool.

(8) In the event that on the final program of the association's race meeting any retained distributable amount carried over from prior cumulative pic-nine pools is carried over to the first program of the next race meeting, the entire net pic-nine pool from that program plus any cumulative pic-nine pool carried over from previous programs shall be distributed to the holders of pic-nine tickets correctly designating the most official (x) place selections of the nine races comprising the pic-nine for that program. Provided, however, if on the first program of the next race meeting, the stewards

cancel or declare as "no race" three or more of the nine races comprising the pic-nine or in the event there is no pic-nine ticket properly issued correctly designating any official (x) place finisher and the pic-nine pool carried over from previous program shall continue to be carried over to the next program of that race meeting at which the pic-nine is not canceled and the entire net pic-nine pool from that program plus the cumulative pic-nine pool carried over from previous programs shall be distributed to the holders of the pic-nine tickets correctly designating the most official (x) place selections of the nine races comprising the pic-nine for that program.

(9) No pic-nine ticket for the pic-nine pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the nine races comprising the pic-nine, except for refunds on pic-nine tickets as required by this rule, and no person shall disclose the number of pic-nine tickets sold in the pic-nine pool or the number or amount of tickets selecting (x) place finishers of pic-nine races until the stewards have determined the last pic-nine race comprising the pic-nine on each program to be official.

#### **491-8.3(99D) Refunds.**

**8.3(1)** If after win, place, or show wagering has commenced, a runner not coupled with another as a betting interest is excused by the stewards or is prevented from racing because of failure of the starting gate/box to open properly, the wagers on the runner shall be deducted from the win, place, and show pools, as the case may be, and refunded upon presentation and surrender thereof. If more than one runner represents a single betting interest by reason of coupling as a mutuel entry or mutuel field, such single betting interest being the sole subject of a wager or part of a combination in a daily double, exacta, quiniela, quiniela double, or pic-six wager, then there shall be no refund unless all of the runners representing the single betting interest are excused by the stewards or are prevented from racing runners because of failure of the starting gate/box to open properly.

**8.3(2)** If after exacta, trifecta, quiniela, and quiniela double wagering has commenced, a runner not coupled with another as a betting interest is excused by the stewards or is prevented from racing because of failure of the starting gate/box to open properly, then exacta, trifecta, quiniela, and quiniela double wagers combining the runner with any other runner or betting interest shall be deducted from the exacta, trifecta, quiniela, and quiniela double pool and refunded upon presentation and surrender of exacta, trifecta, quiniela, and quiniela double tickets thereon.

**491-8.4(99D) Race canceled.** If for any reason a race is canceled or declared "no race" by the stewards after wagering has commenced on that race, then all wagering shall be refunded upon presentation

and surrender of pari-mutuel tickets; except as otherwise provided for in these rules.

**491-8.5(99D) Totalizator breakdown.** In the event of an irreparable breakdown of the totalizator during the wagering on a race, the wagering on that race shall be declared closed and the payoff shall be computed on the sums wagered in each pool up to the time of the breakdown.

**491-8.6(99D) Minimum wager and payoff.** For all wagers except the trifecta, superfecta, tri-super, and twin trifecta, the minimum wager to be accepted by any licensed association shall be \$2. The minimum payoff on a \$2 wager shall be \$2.20. The licensed association may set the minimum wager for the trifecta, superfecta, tri-super, and twin trifecta or combinations thereof at \$1. The minimum payoff for a \$1 wager shall be \$1.10. In cases where a minus pool occurs, the association is responsible for the payment of the minimum payoff and no breakage shall be incurred from that pari-mutuel pool.

**491-8.7(99D) Minors prohibited from wagering.** No minor shall be permitted by any licensed association to purchase or cash a pari-mutuel ticket.

**491-8.8(99D) Odds or payoffs posted.** Approximate odds, based on win pool betting for finishing first for each betting interest, shall be posted on one or more boards or television screens within view of the wagering public, at intervals of not more than 90 seconds. If daily double wagering is conducted, before off-time of the second daily double race, the possible payoff for each \$2 daily double wager combining the winner of the first daily double race with every runner or betting interest in the second daily double race shall be posted or announced; excepting that, in the event of a dead heat for first in the first daily double race, or a scheduled starter in the second daily double race is excused so as to cause a consolation daily double pool, then posting of all possible payoffs shall not be mandatory, but the association shall make every effort to compute daily double prices and advise the public of them by posting or public address announcement as soon as possible and prior to the running of the second daily double race.

**491-8.9(99D) Betting explanation.** Each association shall cause to be published in the daily race program a general explanation of pari-mutuel betting and an explanation of each type of betting pool offered and an explanation of the track policy on collecting unclaimed winnings at the close of the season; the explanations shall be posted in conspicuous places about the association grounds so as to adequately inform the public. The explanations shall be submitted

to the state steward prior to publication so as to ensure an absence of conflict with these rules.

The association shall post a copy of the commission rules regarding the calculation and distribution of the wagering pools in a conspicuous place.

**491-8.10(99D) Prior approval required for betting pools.** Each association desiring to offer daily double, exacta, trifecta, quiniela, or quiniela double wagering, shall first apply in writing to the commission and obtain specific approval as to number of betting races and type of wagering to be offered on a single day.

**491-8.11(99D) Pools dependent upon entries.**

**8.11(1)** Unless the administrator approves a prior written request from the association to alter wagering opportunities for a specific race, each association shall offer win, place, and show wagering on all programmed races involving six or more betting interests.

**8.11(2)** If runners representing five or fewer betting interests qualify to start in a race, then the association may prohibit show wagering on that race; if runners representing four or fewer betting interests qualify to start in a race, then the association may prohibit multiple and both place and show wagering on that race.

**8.11(3)** If, by reason of a runner being excused by the stewards after wagering has commenced or a runner is prevented from racing because of failure of a starting gate/box to open properly, the number of actual starters representing different betting interests is:

a. Reduced to five, then the association may cancel show wagering on that race and that entire show pool shall be refunded upon presentation and surrender of show tickets;

b. Reduced to four or fewer, then the association may cancel both place and show wagering on that race and the entire place pool and show pool shall be refunded upon presentation and surrender of such place and show tickets.

**491-8.12(99D) Pari-mutuel ticket sales.**

**8.12(1)** No pari-mutuel tickets shall be sold except by the association conducting the races on which wagers are made, and tickets shall be sold only at regular "seller" windows properly designated by signs showing the type and denomination of tickets to be sold at such windows. No pari-mutuel ticket may be sold after the totalizator has been locked and no association shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator has been locked.

**8.12(2)** Any claim by a person that the person has been issued a ticket other than that requested, must be made before that person leaves the seller window and before the totalizator is locked. However, an association may develop a cancellation policy consistent with

the capabilities of the electronic totalizator that permits the cancellation of tickets before the totalizator is locked.

**8.12(3)** After purchasing a ticket and after leaving a ticket window, a person shall not be entitled to enter for issuance an incorrect ticket, or claim refund or payment for tickets discarded, or lost, or destroyed, or mutilated beyond identification.

**8.12(4)** Payment on valid pari-mutuel tickets shall be made only upon presentation and surrender to the association where the wager was made within 60 days following the close of the meet during which the wager was made. Failure to present any such ticket within 60 days shall constitute a waiver of the right to receive payment.

**8.12(5)** Payment of valid pari-mutuel tickets shall be made on the basis of the order of finish as purposely posted on the infield results board and declared "official" by the stewards; and subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the steward or commission, shall in no way affect the pari-mutuel payoff.

**8.12(6)** The association shall be responsible for the correctness of all payoff prices posted as "official" on the infield results board. If an error is made in posting the payoff figures on the public board, and ascertained before any tickets are cashed, then the posting error may be corrected accompanied by a public address announcement, and only the correct amounts shall be used in the payoff, irrespective of the initial error on the public board.

**8.12(7)** Prior to posting payoffs, the pari-mutuel manager shall require each of the computer printout sheets (calculating sheets) of the race to be proven by the computer (calculator) and the winners verified. This proof shall show the amounts for commission, breakage, and payoffs, which added together shall equal the total pool. All pay slips are to be checked with computer printout sheets (calculating sheets) as to winners and prices before being issued to cashiers, and all board prices are to be rechecked with the computer printout sheet (calculator) before released to the public.

**8.12(8)** Whenever the recapitulation of the sales registered by each ticket issuing machine subsequently proves that the actual amount in the pool, or pools, is less than the amount used in calculating the payoff, the deficiency shall be deposited in the pool or pools by the association. Should the recapitulation of sales prove that the actual amount in the pool or pools is greater than the amount used in calculating the pay-off due to a mechanical error of the totalizator, resulting in underpayment to the public, then the aggregate or the underpayments shall be paid into the corresponding pool of the next race or races, in amounts determined by the state steward and the pari-mutuel manager. If any error should occur in computing the daily double, quiniela double or pic-six pool, the underpayment shall be added to the daily double, quiniela double

or pic-six pool of the following day. Overpayments and underpayments subsequently discovered upon recapitulation after the close of a meeting may be adjusted, and any underpayment resulting from the final adjustment shall be paid to the state as provided in Iowa Code chapter 556.

**8.12(9)** All wagering shall stop and all pari-mutuel machines shall be locked at post time or at the actual start of all races, whichever first occurs. Machines shall be automatically locked by the stewards, unless unusual circumstances dictate the stewards to act differently.

**491-8.13(99D) Betting interests involving more than one runner.** When two or more runners entered for the same race are determined by the stewards to have common ties through ownership or training and are joined by the stewards as a "mutuel entry," the mutuel entry shall become a single betting interest and a wager on one runner in a mutuel entry shall be a wager on all runners in the same entry. When the number of runners competing in a race exceeds the numbering capacity of the totalizator, the racing secretary shall assign the highest parimutuel numbers to runners so that the highest numbered runner within the numbering capacity of the totalizator, together with runners of higher numbers, shall be grouped in the "mutuel field" as a single betting interest, and a wager on one runner in the mutuel field shall be a wager on all runners in the same field.

**491-8.14(99D) Emergency situation.** In the event any emergency arises in connection with the operation of the pari-mutuel department not provided for by these rules, then the pari-mutuel manager, after consultation with the mutuels supervisor, shall make a decision and render a full report to the commission office.

**491-8.15(99D) Commission mutuels supervisor.** The commission may employ a mutuels supervisor with accounting experience to serve as the commission's designated representative at each race meeting as provided in Iowa Code section 99D.19. In the absence of a specifically appointed commission mutuel supervisor, the board of stewards will perform the functions and duties of the commission mutuel supervisor.

**8.15(1)** The mutuels supervisor shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the appropriate levels of government, by checking, auditing, and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and the final report at the conclusion of each race meeting.

a. Daily reports to the commission office shall show for each race the number of starters, number of betting interests, total money



wagered in each betting pool, refunds, purses, distance, conditions, or grade, and any minus pools resulting, with an explanation.

b. Daily reports shall also show the sum of all betting pool, total refunds, total pari-mutuel handle for the comparable racing day for the preceding year, cumulative total and daily average pari-mutuel handle for the race meeting, amount of pari-mutuel tax due the state, county and city, taxable admissions and total admissions, temperature, weather, track conditions, and post time of first race.

**8.15(2)** The commission mutuels supervisor shall submit to the commission office on or before seven days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and other information the commission may require.

**8.15(3)** The commission mutuels supervisor shall have full access to all the books, records, papers and pari-mutuel equipment of the licensee and to all places within the enclosure of the meeting at all times. The officers and employees of the licensee shall promptly give the commission mutuels supervisor information requested, and shall cooperate with the supervisor in the performance of the supervisor's duties.

**8.15(4)** A licensee shall keep its books and records so as to clearly show the following:

a. The total number of admissions to races conducted by it on each racing day, including the number of admissions upon free passes or complimentary tickets.

b. The amount received daily from admission fees.

c. The total amount of money wagered during the race meet.

The commission mutuels supervisor shall supervise and check the admissions to determine if the licensee is complying with the provisions of Iowa Code section 99D.19.

## CHAPTER 10 THOROUGHBRED RACING

**491-10.1(99D) Terms defined.** As used in the rules, unless the context otherwise requires, the following definitions apply:

“Age” means the age of a horse reckoned from the first day of January of the year of foaling.

“Arrears” means all moneys owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

“Association” means a nonprofit corporation defined in Iowa Code section 99D.8 holding a license from the commission to conduct thoroughbred racing and pari-mutuel wagering, and an annual license authorizing the specific dates of the annual racing meet.

“Association grounds” means all real property utilized by the association in the conduct of its race meeting, including the track, concessions, stands, offices, barns, stables, employee housing, and parking.

“Authorized agent” means a person licensed by the commission as an agent for a horse owner or principal by virtue of a notarized appointment. The agent shall be designated on a form approved by the commission, filed by the owner or principal with the commission, authorizing the agent to handle matters pertaining to racing and stabling, including authorization to claim and to withdraw money from the horsemen’s bookkeeper.

“Bleeder” means a horse which hemorrhages from within the respiratory tract during a race or within one and one-half hours post-race, or during exercise or within one and one-half hours of exercise.

“Bleeder list” means a tabulation of all bleeders to be maintained by the commission.

“Chemist” means any official racing chemist designated by the commission.

“Claiming race” means one which includes a condition that any horse starting the race may be claimed and purchased by any licensed owner, or person(s) approved by the commission for an owner’s license, for an amount specified in the conditions for that race by the racing secretary.

“Commission” means the Iowa racing and gaming commission.

“Contractual concessionaire” means any business or individual dealing in the furnishing, sale or distribution of materials, supplies or services to an association.

“Day” means a 24 hour period beginning at 12:01 a.m. and ending at midnight, also referred to as a race day.

“Dead heats” means the finish of a race by two horses or more at the same time.

“Declaration” means the act of withdrawing an entered horse from

a race.

“Detention barn” means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian; also the barn assigned by the commission to a horse on the bleeder list, for occupancy as a prerequisite for receiving bleeder medication.

“Entry” means a horse entered for a race, or two or more horses entered and joined for the same race for pari-mutuel wagering purposes because of common ties of ownership, lease or training.

“Field or mutuel field” means a group of two or more horses upon which a single bet may be placed. A mutuel field is required when the number of horses starting in a race exceeds the capacity of the track totalizator. The highest numbered horse within the totalizator capacity and all the highernumbered horses following are then grouped together in the mutuel field.

“Foreign substances” means all substances except those which exist naturally in the untreated horse at normal physiological concentration.

“Forfeit” means money due by a licensee because of an error, fault, neglect of duty, breach of contract or penalty imposed by order of the stewards or the commission.

“Furosemide” means 4 Chloro-N- (2 furylmethyl)-5-sulfamoylanthanilic acid.

“General manager” means the individual or company with responsibility for day-to-day operation of a racetrack

“Handicap” means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

“Horse” means any horse (including and designated as a mare, filly, stallion, colt, ridgling or gelding) registered for racing under the jurisdiction of the commission and which requires a jockey to race.

“Hypodermic injection” means any injection into or under the skin or mucosa, including intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, intraocular (intraconjunctival) injection.

“Inclement weather” means a wind chill factor below the wind chill comfort level set by the stewards, after consultation with the jockeys, at the beginning of the meet. The wind chill factor at the Des Moines Airport shall be used to determine inclement weather.

“Jockey” means a rider licensed to ride in races as a jockey.

“Licensee” means any person or entity holding a license from the commission to engage in racing or related regulated activity.

“Maiden” means a horse which at the time of starting has never

won a race on the flat at a legally permitted and recognized thoroughbred meeting.

“Match race” means a race between two horses, the property of two owners, on terms agreed upon by them. The match is void if either of the horses or if either owner dies prior to the running of the race. It remains a match even if money or other award is added to the stakes.

“Meeting” means the specified period and dates each year during which an association is authorized to conduct racing by approval of the commission.

“Minor” means any person under the age of 18.

“Month” means a calendar month.

“Nominator” means the person in whose name a horse is entered for a race.

“Official time” means the period from the time the first horse crosses the timing beam until the first horse crosses the finish line.

“Overnight race” means a race for which entries close 96 hours, or less, before the time set for the first race of the day on which the race is to be run.

“Owner” means a person who holds any title, right or interest, whole or partial in a horse, or a lessee of a horse holding an owner’s license; an interest only in the winnings of a horse does not constitute partial ownership.

“Patron” means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

“Performance” means a schedule of 9 to 11 races per day unless otherwise authorized by the commission.

“Place” means, in general, to finish a race in either first, second, or third place; in particular, to finish second in a race. Examples:

Win-to place first in the finish;

Place-to place second in the finish;

Show-to place third in the finish.

“Post position” means the position assigned to the horse in the starting gate of the race.

“Post time” means the time set for the arrival of all horses in a race at the starting gate.

“Prize” means the combined total of any cash, premium, trophy and object of value awarded to the owners of horses according to order of finish in a race.

“Purse” means the gross cash portion of the prize for which a race is run.

“Purse race” means a race for money or other prize to which the owners of horses entered do not contribute money toward its purse and for which entries close less than 96 hours prior to its running.

"Race" means a running contest between thoroughbred horses ridden by jockeys for a purse, prize, or other reward run at a licensed association in the presence of the stewards of the meeting. This includes purse races, overnight races and stakes races.

"Recognized meeting" means any meeting with regularly scheduled races for thoroughbred horses on the flat in a jurisdiction having reciprocal relations with this state and the commission for the mutual enforcement of rulings relating to thoroughbred racing.

"Rules" means the rules promulgated by the commission to regulate the conduct of thoroughbred horse racing.

"Scratch" means the act of withdrawing an entered horse from the race after the closing of overnight entries.

"Scratch time" means the time set by the association for the closing of applications to withdraw from races of that day.

"Stable name" means a name used by an owner or lessee and registered with the commission.

"Stakes race" means one in which nominators of the entries contribute to a purse for the winners. A stakes race shall close for entries more than 96 hours in advance of its running. A stakes race may include a race for which horses are invited by an association to run for a guaranteed purse without payment of stakes.

"Starter" means a horse in a race when the starting gate doors open in front of it at the moment the official starter dispatches the horses for a race.

"Stewards" means the duly appointed racing officials or their deputies serving at a licensed thoroughbred horse racing meeting.

"Subscription" means moneys paid for nomination, entry, eligibility or starting of a horse in a stakes race.

"Test level" means the concentration of a foreign substance found in the test sample.

"Test sample" means any bodily substance including but not limited to blood or urine taken from a horse under the supervision of the commission veterinarian and as prescribed by the commission for the purpose of analysis.

"Track license" means an authorization by the commission to an association to conduct thoroughbred racing and pari-mutuel wagering, at a specified place.

"Track licensee" means an association holding a commission permit to conduct racing meetings and pari-mutuel wagering.

"Veterinarian" means a veterinarian licensed by the appropriate state regulatory authority and the commission.

"Weigh in" means presentation of a jockey to the clerk of scales for weighing after a race.

"Weigh out" means presentation of a jockey to the clerk of scales for weighing prior to a race.

"Year" means a calendar year.

#### **491-10.2(99D) Racing officials.**

**10.2(1) General description.** Every association conducting a race meeting shall appoint at least the following officials:

- a. One of the members of a three-member board of stewards;
- b. The racing secretary;
- c. The paddock judge;
- d. The horse identifier;
- e. The clerk of the course;
- f. The starter;
- g. The clocker/timer;
- h. Three placing judges;
- i. Jockey room custodian, valets, and attendants.
- j. Chartwriter
- k. Assistant race secretary
- l. Mutuel manager

**10.2(2) Eligibility for officials.** To qualify as a racing official the appointee must be licensed by the commission after a determination that the appointee:

- a. Is of good moral character and reputation;
- b. Is experienced in thoroughbred racing;
- c. Is familiar with the duties to which appointed and for which responsible and with the commission's rules of thoroughbred racing;
- d. Possesses the mental and physical capacity to perform the duties; and
- e. Possesses natural or correctable eyesight sufficient to perform the duties.

**10.2(3) Official's prohibited activities.** No racing official or the racing official's assistant(s) listed in 10.2(1) while serving during any meeting in that capacity may engage in any of the following:

- a. A business or employment which would be a conflict of interest or interfere or conflict with the proper discharge of duties including:
  1. A business which does business with an association.
  2. A business issued a concession operator's license.
- b. Participate in the sale or purchase, or ownership of any horse racing at the meeting;
- c. Be involved in any way in the purchase or sale of any contract on any jockey racing at the meeting;
- d. Sell or solicit horse insurance on any horse racing at the meeting; or any other business sales or solicitation not a part of the official's duties; or
- e. Wager on the outcome of any race, or
- f. Accept or receive money or anything of value for the official's assistance in connection with the official's duties.

**10.2(4) Report of violations.** Every racing official and assistant(s) are responsible to report immediately to the stewards of the meeting every observed violation of these rules and of the laws of this state

which occur within the official's jurisdiction.

**10.2(5) Single official appointment.** No official appointed to any meeting except placing judges, may hold more than one official position listed in 10.2(1) unless in the determination of the stewards or commission, the holding of more than one appointment would not subject the official to a conflict of interests and duties in the two appointments.

**10.2(6) Stewards (For practice and procedure before the stewards and the racing commission, see Chapter 4.)**

a. General authority.

(1) General. The stewards for each racing meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and the rules adopted by the commission. The stewards shall only have authority to resolve conflicts or disputes between all other racing officials or licensees where the disputes are reasonably related to the conduct of a race, or races, and to punish violators of these rules in accordance with the provisions of these rules.

(2) Appointment of substitute. Should any steward be absent at race time, the other two stewards shall agree on the appointment of a deputy for the absent steward or if they are unable to agree on a deputy, then the racing secretary shall appoint a deputy for that race. If any deputy steward is appointed, the commission shall be notified immediately by the stewards.

(3) Attendance. All three stewards shall be present in the stand during the running of each race.

(4) Period of authority. The period of authority shall commence 30 days prior to the beginning of each racing meet and shall terminate 30 days after the end of each racing meet.

(5) Initiate action. Stewards may, from their own observations, take notice of misconduct or rule violations and institute investigations and compliance of possible rule violations.

(6) General enforcement provisions. Stewards shall enforce these rules and the racing laws of this state and have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose fines or suspensions within the limits and procedures of the Iowa racing commission. The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final for purposes of distribution of the pari-mutuel pool.

b. Duties of stewards.

(1) The laws of Iowa and the rules of racing supersede the conditions of a race and the regulations of a race meeting, and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the association.

(2) The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by them.

(3) All questions pertaining to which their authority extends shall be determined by a majority of the stewards.

(4) The stewards shall have the power to regulate and control owners, trainers, grooms and other persons attendant to horses and also over all officials and licensed personnel of the meeting.

(5) The stewards shall have control over and access to all areas of the racetrack grounds.

(6) The stewards shall have the power to determine all questions arising with reference to entries and racing.

(7) Persons entering horses to run on licensed Iowa tracks agree in so doing to accept the decision of the stewards on any questions relating to a race or racing.

(8) The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions, or both, for infractions.

(9) The stewards shall have the power to order the exclusion or ejection from all premises and enclosures of the association any person who is disqualified for corrupt practices on any race course in any country.

(10) The stewards shall have the power to call for proof that a horse is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person, and in default of proof being given to their satisfaction, they may declare the horse disqualified.

(11) The stewards shall have the power at any time, to order an examination by person or persons they think fit of any horse entered for a race or which has run in a race.

(12) The stewards shall take notice of any questionable conduct with or without complaint and shall investigate promptly and render a decision on every objection and on every complaint made to them.

(13) The stewards, in order to maintain necessary safety and health conditions and to protect the public confidence in horse racing as a sport, shall have the right to authorize a person or persons in their behalf to enter into or upon the buildings, barns, motor vehicles, trailers or other places within the grounds of a licensed racetrack, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any illegal articles or any items as evidence found.

(14) Upon the finding of a violation of these rules, or an attempted violation, on the grounds of a licensed facility, the stewards may suspend the license of any person for one calendar year or racing season, whichever is greater, or they may impose a fine not to exceed \$1000 or both. In addition, the stewards may redistribute the purse. They may also suspend the license of any person currently under suspension or in bad standing in any other state or jurisdiction by the state racing commission or a board of stewards of any recognized



meeting. They may also order the redistribution of purse payments where appropriate. All suspensions and fines must be reported to the commission. If the punishment so imposed is not, in the opinion of the stewards, sufficient, they shall so report to the commission. All fines and suspensions imposed by the stewards shall be promptly reported to the racing secretary and racing commission.

c. Emergency authority.

(1) Substitute officials. When in an emergency any official is unable to discharge duties, the stewards may approve the appointment of a substitute and shall report it immediately to the commission.

(2) Substitute jockeys. The stewards have the authority in an emergency to place a substitute jockey on any horse in the event the trainer does not do so. Before using that authority, the stewards shall in good faith attempt to inform the trainer of the emergency and afford the trainer the opportunity to appoint a substitute jockey. If the trainer cannot be contacted, or if the trainer is contacted but fails to appoint a substitute jockey and to inform the stewards by 30 minutes prior to post time, then the stewards may appoint under this rule.

(3) Substitute trainer. The stewards have the authority in an emergency to designate a substitute trainer for any horse.

(4) Excuse horse. In case of accident or injury to a horse or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

(5) Exercise authority. No licensee may exercise a horse on the track between races unless upon the approval of the stewards.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the commission, conduct inquiries and shall recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses and submit a written report of every such inquiry made by them to the commission.

(2) Cancel trifecta. The stewards have the authority to cancel trifecta wagering at any time they determine an irregular pattern of wagering or determine that the conduct of the race would not be in the interest of the regulation of the pari-mutuel wagering industry or in the public confidence in racing. The stewards shall cancel trifecta wagering anytime there are fewer than eight betting interests at the time the horses leave the paddock for the post. The commission may approve smaller fields for trifecta wagering if extraneous circumstances are shown by the licensee.

(3) Form reversal. The stewards shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the horse's owner, trainer or other persons connected with the horse

including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(4) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and shall place any horse found to be disqualified behind others in the race with which it interfered or may place the offending horse last in the race.

2. Coupled entry. When a horse is disqualified under this rule and that horse was a part of a coupled entry and, in the opinion of the stewards, the act which led to the disqualification served to unduly benefit the other part of the coupled entry, the stewards may, at their discretion, disqualify the other part of the entry.

3. Jockey guilty of foul. The stewards may discipline any jockey whose horse has been disqualified as a result of a foul committed during the running of a race.

(5) Protests and complaints. The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and file reports daily with the commission.

1. Involving fraud. Protests involving fraud may be made by any person at any time to the stewards.

2. Not involving fraud. Protests, except those involving fraud, may be filed only by the owner of a horse, authorized agent, the trainer, or the jockey of the horse in the race over which the protest is made. The protest must be made to the clerk of the scales or to the stewards before the race is declared official. If the placement of the starting gate is in error, no protest may be made, unless entered prior to the start of the race.

3. Protest to clerk of scales. A jockey who intends to enter a protest to the clerk of scales following the running of any race, and before the race is declared official, shall notify the clerk of scales of this intention immediately upon the arrival of the jockey at the scales or a person designated by the stewards to be notified.

4. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horsemen's accountant until the protest is decided.

5. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant, and filed with the stewards one hour before post time of the race out of which the protest arises.

6. Frivolous protests. No person or licensee shall make a frivolous protest nor may any person withdraw a protest without the permission

of the stewards.

**10.2(7) Racing secretary.**

a. General authority. The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due, and the recording of racing results. The racing secretary shall permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed, drawn, smoked, etc. Exceptions to this rule must be approved by the stewards.

(1) Minimum purse. Thirty days prior to the opening of a race meeting, the association shall present to the commission for approval the proposed purse structure for the race meeting including the minimum purse to be offered. Any contract with an organization representing the horsemen shall also be presented for commission approval at this time.

(2) Purse supplements for Iowa-bred horses. The commission shall also approve the proposed plan for purse supplements for the owners of Iowa-bred horses to be funded by the breakage as provided in Iowa Code section 99D.12.

b. Conditions. The secretary shall establish the conditions and eligibility for entering the races of the meeting and cause them to be published to owners, trainers and the commission. Unless otherwise provided by the conditions, the winner of a certain sum means the winner of a single race of that sum. Corrections to the conditions must be made within 24 hours of publication.

c. Posting of entries. Upon the closing of entries each day, the secretary shall post a list of entries in a conspicuous location in the office of the secretary and furnish that list to local newspaper, radio and television stations.

d. Stakes and entrance money records. The secretary shall be caretaker of the permanent records of all stakes, entrance moneys and arrears paid or due in a race meeting and shall keep permanent records of the results of each race of the meeting.

e. Record of racing. The secretary shall no later than the day following each race, attach or endorse on the registration certificate of each horse winning in any race the fact of that winning performance and the distance, the date of the race, and the type or conditions of the race.

f. Naming/engaging of riders. Riders must be named at the time of entry or in no case later than scratch time. Before naming any rider, the trainer, owner or other person authorized must first engage the services of the rider and state on the entry or to the clerk of scales whether it is a first or second call. Riders properly engaged must fulfill their requirements as provided in 10.4(19)"g".

g. Handicapping. The secretary, or a handicapper assigned by

the secretary, shall assign the weight to be carried by each horse in a handicap when weights are not stated in the condition of the race:

(1) Scale of weights for age,

(2) Sex allowances. In all races except handicaps and races where the conditions expressly state to the contrary, two year old fillies are allowed three pounds; mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter.

h. Penalties not cumulative. Penalties and weight allowances are not cumulative unless so declared in the conditions of a race by the secretary.

i. Winnings.

(1) All inclusive. For the purpose of the setting of conditions by the secretary, winnings shall be considered to include all moneys and prizes won up to the time of the start of a race, including those races outside the United States. Foreign winnings shall be determined on the basis of the normal rate of exchange prevailing on the day of the win.

(2) Winnings considered from January 1. Winnings during the year shall be reckoned by the secretary from the preceding January 1.

(3) Winner of a certain sum. Winner of a certain sum means the winner of a single race of that sum, unless otherwise expressed in the condition book by the secretary. In determining the net value to the winner of any race, the sums contributed by its owner or nominator shall be deducted from the amount won. In all stakes races, the winnings shall be computed on the value of the gross earnings.

(4) Winner's award. Unless the conditions of a race provide otherwise, the entrance money, starting and subscription fees and other contributions shall go to the winner of the race. If for any reason a race is not run, those entrance, starting and subscription fees shall be returned to the nominators.

j. Cancellation of a race. The secretary has the authority to withdraw, cancel or change any race which has not been closed. In the event the canceled race is a stakes race, all subscriptions and fees paid in connection with the race shall be refunded.

k. Coggins test. The racing secretary shall ensure that all horses have a current negative coggins test. The racing secretary shall report all expired certificates to the board of stewards.

#### **10.2(8) Paddock judge.**

a. General authority. The paddock judge shall:

(1) Be in charge of the paddock and shall have general responsibility for the saddling and mounting of horses and for the equipment used, and

(2) Attempt to maintain consistency in the use of equipment on

individual horses.

b. Duties.

(1) Require that a plater be in the paddock prior to each race to ensure that all horses are properly shod.

(2) Exclude from the paddock all those persons who have no immediate business with the horses entered in a race, and report rule violations in the paddock area to the stewards.

(3) Permit horses competing in a race to be shod in special training shoes only with the express permission of the stewards.

(4) Permit bar plates to be used or discontinued only with the consent of the stewards.

**10.2(9) Horse identifier.**

a. General authority. The horse identifier shall be present for each race and shall inspect each horse prior to its departure from the paddock to the post to confirm the horse's proper identity.

b. Report violations. The horse identifier shall report to the stewards any horse not properly identified or whose foal papers are not in conformity with these rules.

**10.2(10) Clerk of the scales.**

a. General authority. The clerk of the scales (clerk) shall be responsible to weigh out jockeys and their equipment before each race and to weigh in jockeys and equipment after each race. The clerk shall record and publish any weight over or under the weight appearing on the official program.

b. Notice of change. The clerk upon determination that there has been a change in weight, jockey, or racing colors from those given in the official program shall note the change immediately to officials of the association for immediate dissemination to the public.

c. Report of violations. The clerk shall report immediately to the stewards any violation of these rules respecting weight, weighing, or riding equipment.

d. Confirmation. After each race the clerk shall advise the stewards of any underweight or overweight carried by any jockey. The clerk shall report to the stewards any other information they may require.

**10.2(11) Starter.**

a. General authority. The starter is responsible to provide a fair start for each race. The starter may appoint assistants, but assistants may not handle or take charge of a horse in the starting gate except by the express permission of the starter.

b. Report violations. The starter should report the violations of these rules occurring in the starting of a race to the stewards.

c. Horses locked in. When a door of the starting gate fails to open as the starter dispatches the field, it shall be reported immediately to the stewards by the starter. The stewards shall post the inquiry sign and have the announcer alert the public to hold all mutuel tickets. The stewards shall then determine if the gate

or gates failed to open when the starter dispatched the field and rule accordingly.

d. **Schooling list.** The starter shall supervise the schooling of horses for the starting gate. The starter may require schooling for any horse determined to be not sufficiently trained in starting gate procedures to ensure a fair start. The starter shall maintain a schooling list of horses designated for training, a copy of which shall be accessibly posted in the office of the racing secretary.

e. **Starter's list.** The starter shall maintain a list of every horse ineligible to start because of a determination by the starter that the horse is not sufficiently schooled for starting or is otherwise unable or unfit to start a race.

f. **Loading of horses.** The starter shall ensure that the horses take their positions in the starting gate in order of post position from the inside rail out unless permission is granted by the stewards, e.g., horses requiring a flipping halter.

#### **10.2(12) Timer.**

a. **General authority.** Each association shall provide where necessary for each race an official timer who shall occupy the timers' stand or other appropriate place to observe the running of each race.

b. **Recordings of time.** The timer shall record permanently the time elapsed between the start and finish of each race.

#### **10.2(13) Patrol judges.**

a. **General authority.** An association may employ patrol judges who shall observe the running of the race and report information concerning the running of the race to the stewards.

b. **Duty stations.** Each patrol judge shall have a duty station assigned by the stewards.

#### **10.2(14) Placing judges.**

a. **General authority.** It is the duty of the placing judges to determine the winner of each race and the order of finish for each of the remaining horses in the race. In case of a difference of opinion among the judges, the majority opinion shall govern. In determining places at the finish of a race, the placing judges shall consider only the noses of the placing horses.

b. **Corrections.** The placing judges, with approval of the stewards, may correct errors in their determination of the placing of horses at the finish before the display of the official sign, or if the official's sign has been displayed in error, after that display. If the display is in error, no person shall be entitled to any proceeds of the pari-mutuel pool on account of the error.

c. **The stewards' decision on the race shall be final.**

#### **10.2(15) Commission veterinarians.**

a. **The commission shall employ graduate veterinarians licensed to practice in the state of Iowa at each race meeting as provided**

in Iowa Code section 99D.23. The veterinarians shall advise the commission and the stewards on all veterinary matters.

b. The commission veterinarians shall have supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited medication as provided in Iowa Code sections 99D.23 and 99D.25. The commission may employ persons to assist the commission veterinarians in maintaining the detention barn area and collecting test samples.

c. The commission veterinarians shall not buy or sell any horse under their supervision; shall not wager on a race under their supervision; and shall not be licensed to participate in racing in any other capacity.

d. Prerace examination. The stewards or commission veterinarians may request any horse entered in a race to undergo an examination on the day of the race to determine the general fitness of the horse for racing. During the examination all bandages shall be removed by the groom upon request and the horse may be exercised outside the stall to permit the examiner to determine the condition of the horse's legs and feet. The examining veterinarian shall report any unsoundness in a horse to the stewards.

e. Inspection prior to and following a race. A commission veterinarian shall inspect all of the horses in a race at the starting gate and after the finish of a race shall observe the horses upon their leaving the track.

f. The commission veterinarian shall place any horse determined to be sick or too unsafe, unsound or unfit to race on a veterinarian's list which shall be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list may be allowed to enter only after it has been removed from the list by the commission veterinarian. Requests for the removal of any horse from the veterinarian's list will be accepted only after three calendar days from the placing of the horse on the veterinarian's list have elapsed. Removal from the list will be at the discretion of the commission veterinarian who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified.

h. The commission veterinarians shall perform the duties and responsibilities regarding:

- (1) The administration of lasix and phenylbutazone;
- (2) Postmortem examination on all horses which have expired or been euthanized on racetrack grounds; and
- (3) Receipt of veterinary reports as required by Iowa Code section 99D.25.

#### **10.2(16) Jockey room custodian and valet attendants.**

a. General authority. The jockey room custodian shall have the

following duties:

(1) Maintain order, decorum and cleanliness in the jockey and scale rooms.

(2) Assist the clerk of the scales as required.

(3) Ensure that no person other than representatives of the commission, association, news media, jockey's guild and jockey room attendants are admitted to the jockey room on a racing day except by permission of the stewards and ensure that no unauthorized personnel are permitted in the jockey room after the final race on racing days.

(4) Supervise the care and storage of racing colors.

(5) Supervise the jockey attendants and arrange their rotation among jockeys for the weighing out.

(6) Ensure that jockeys are neat in appearance and properly attired when they leave the jockey room to ride in a race.

(7) Report any rule violation within the jockey room to the stewards.

(8) Assign to each jockey a locker capable of being locked for the use of the jockey in storing clothing, equipment and personal effects.

b. Valet attendants.

(1) No person or licensee except a valet-attendant provided by the association shall assist jockeys in weighing out and weighing in.

(2) No jockey room attendant or jockey valet on duty shall make a bet on any race nor place a bet for another person.

(3) No attendant or valet shall mingle with the public or loiter in public areas of the association premises during racing hours.

#### **491-10.3(99D) Track licensees' and general manager's responsibilities.**

**10.3(1) Maintenance of grounds, facilities and uniform track.** Each licensee shall at all times maintain its grounds and facilities so as to be neat and clean, well-landscaped, painted and in good repair, with special consideration for the comfort and safety of patrons, employees, and other persons whose business requires their attendance; with special consideration for the health and safety of the horses.

a. Insect control. When a race meeting is in progress, or scheduled for opening, the association shall provide systematic and effective insect control against flies, mosquitoes and other insects at all times.

b. Stalls. The association shall ensure that horses are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and promptly and properly removed.

c. Paddocks and equipment. Management shall be responsible



that paddocks, starting gates and other equipment subjected to contact by different animals be kept in a clean condition and free of dangerous surfaces.

d. Receiving barn and stalls. Each association shall provide a conveniently located receiving barn or stalls for the use of arriving horses during the meeting. The barn shall have adequate stable room and facilities, hot and cold water, and stall bedding. The association shall employ attendants to operate and maintain in clean and healthy condition the receiving barn or stalls.

**10.3(2) Racing surfaces.** Each racing association shall attempt to provide:

a. Training and racing surfaces whose construction, elevation, and surfaces have received scientific approval as safe and humane;

b. Adequate and proper equipment to maintain surfaces;

c. Sufficient trained personnel to properly operate equipment.

**10.3(3) Rescinded.**

**10.3(4) Horsemen's bookkeeper.**

a. Each association shall maintain a separate bank account, to be known as the "horsemen's account," with at all times sufficient funds in the account to pay all money owing to horsemen in regard to purses, stakes, rewards, claims, and deposits. Withdrawals from this account shall at all times be subject to audit by the commission, and the horsemen's bookkeeper in charge of the account shall be bonded in an amount determined by the commission.

b. All portions of purse money shall be made available to earners within 48 hours (Sundays excluded) after the result of the race in which the money was earned has been declared official; except, however,

(1) When the stewards or commission order money withheld until final adjudication of a dispute determining which persons are entitled to the money in dispute.

(2) Until tests of body fluid samples of earners of purse money have been cleared by the racing chemist through the commission or the stewards.

c. No portion of purse money other than jockey fees shall be deducted by the association for itself or for another, unless so requested in writing by the person to whom purse moneys are payable, or the person's duly authorized representative. Irrespective of whether requested, the horsemen's bookkeeper shall mail to each owner a duplicate of each record of a deposit, withdrawal, or transfer of funds affecting the owner's racing account at the close of each race meeting.

**10.3(5) Results boards, totalizators required.** Each licensee shall provide and maintain computerized totalizators and electronic boards showing odds, results, and other racing information located in plain view of patrons.

**10.3(6) Lighting.** Each association shall provide and maintain adequate illumination in the barn area, parking area, and racetrack area.

**10.3(7) Facilities for commission.** Each association shall provide adequate furnished office space, including utilities direct long distance access, custodial services and necessary office equipment, for the exclusive use of the commission employees and officials. The licensee also shall make available to the commission a table and appropriate parking places for commission and staff for use throughout each racing day.

**10.3(8) Sanitary facilities for patrons.** Each licensee shall, on every racing day, provide adequate and sanitary toilets and washrooms, and furnish free drinking water for patrons and persons having business on the association's grounds.

**10.3(9) First-aid room.** Each licensee shall equip and maintain adequate first-aid facilities and have in attendance a competent physician, a registered nurse, a licensed practical nurse, a paramedic or an emergency medical technician during racing hours.

**10.3(10) Communications system.** Each licensee shall install and maintain in good working service communications systems between the stewards, pari-mutuel department, starting gate, public address announcer, paddock, testing area, and necessary on track officials.

**10.3(11) Security.** Each licensee shall provide and maintain competent police and watchpersons services night and day, in and about the grounds to secure restricted areas such as the barn area, the paddock, the testing area, the pari-mutuel area and elsewhere where needed. They shall furnish daily to the commission and to the division of criminal investigation office a report on any disturbances, drunkenness or disorderly conduct committed by any person on the grounds. The stable area should be properly fenced as defined by the commission and admission to the stables permitted only in accord with rules of the commission. No person shall be admitted to the stable area except:

a. Licensees. Licensees whose duties require them to be in the area and who are wearing a photographic identity badge issued by the commission;

b. Temporary pass holders. The association shall develop a policy for the issuance of temporary passes to be approved by the administrator for entrance to the stable area. A temporary pass shall be available only to guests of the association, commission or guests of the following: trainers, owners, jockeys, veterinarians, or other appropriately licensed individuals. The temporary pass is not an occupational license and does not permit the holder to work in any capacity or in any way confer the benefits of an occupational license to participate in racing.

**10.3(12) Ejection or exclusion.** A licensee may eject or exclude

any persons, licensed or unlicensed, from the grounds or a part thereof, solely of its own volition and without any reason or excuse given, provided ejection or exclusion is not founded on race, creed, color, or national origin.

The licensee shall eject or exclude from the grounds all persons believed to be engaged in a bookmaking activity or solicitation of bets or touting, and a report shall be submitted promptly to the commission, to the stewards, and to the division of criminal investigation.

Licensees shall eject or exclude from the grounds all persons who as a business or for any compensation shall, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager to any pari-mutuel wagering enterprise or participate in any such transmission (Iowa Code section 725.7(1)).

Reports of all ejections or exclusions from association grounds for any reason shall be made immediately to the commission, stewards, and the division of criminal investigation and shall state the names of all persons and circumstances.

The commission may exclude any person ejected from a pari-mutuel facility in this state from any or all pari-mutuel facilities upon a finding that attendance of the person at any or all pari-mutuel facilities would be adverse to the public interest.

**10.3(13) Admissions.** In addition to the requirements of Iowa Code sections 99D.14 and 99D.19, tax-exempt admission credentials shall not be transferable and licensees shall exclude or eject from the grounds any person attempting to use tax-exempt admission credentials not issued to that person by the association. Tax-exempt passes shall be limited to guests of the commission and holders of current valid occupational licenses, except that tax-exempt passes may be issued by the licensee if prior approved by the administrator.

All gates used for admission of patrons must have turnstiles of a type approved by the commission, equipped with meters. Turnstiles must be numbered consecutively or have other means of individual identification.

All licensees must give a ticket good for one admission to each person having paid an admission charge on a day when races are discontinued due to weather, malfunction of equipment, or other unforeseen circumstances which might prevent the patron from participating in a major portion of any racing program conducted by the licensee.

a. A supply of tickets shall be prepared and available for distribution prior to the opening of any race meeting. The holder of a ticket shall be admitted without further charge on any race day of the meeting.

b. The number of tickets distributed shall be reported to the racing commission immediately after distribution.

c. All tickets presented for admission must be filed with the racing commission daily.

**10.3(14) Conditions for license.** Every license to hold a race meeting in Iowa is granted upon the condition that the licensee shall accept, observe, and enforce the rules of the commission. Furthermore, it shall be the duty of each and every officer, director and every official and employee to observe and enforce the rules. Failure to comply with the rules of the commission may result in penalties the commission deems proper, including revocation of the license.

**10.3(15) Plans for changes submitted.** Any licensee contemplating any change of any kind pertaining to the racetrack itself, or the erection of any buildings, stands or other structures, or the remodeling of any of these which are to be used as a part of the facilities for conducting a race meeting, on the grounds of the licensee, must first submit plans to and receive the approval of the commission.

**10.3(16) Photo finish camera.** Each association shall provide photo finish equipment, to assist the placing judges in determining the order of finish. Whenever the placing judges post the "photo" sign on the tote board, at least one photograph or television picture of that "photo" shall be posted conspicuously and promptly after each race. The association shall retain and secure all photo finish prints or negatives until the first day of the following racing season.

**10.3(17) Starting gate.** Each association must maintain at least two operable starting gates during racing hours. The association shall also make at least one starting gate along with adequate personnel available for schooling for two hours each day during training hours, exclusive of nonrace days.

**10.3(18) Distance poles.** Each association shall maintain distance poles as follows:

1/4 poles	red and white
1/8 poles	green and white
1/16 poles	black and white

**10.3(19) Detention enclosure.** Each association shall maintain a detention enclosure for use by the commission in securing from horses who have run in a race, samples of urine, saliva, blood or other bodily substances or tissues for chemical analysis. The enclosure shall include a wash rack, commission veterinarian office, and a walking ring. At least four stalls, a workroom for the sample collectors with hot and cold running water, and glass observation windows for viewing the horses from the above office and workroom. An owner, trainer or designated representative, licensed by the Iowa racing and gaming commission, must be with a horse at all times in the detention barn.

An owner, trainer or designated representative, licensed by the Iowa racing and gaming commission, must be with a horse at all

times in the detention barn.

**10.3(20) Ambulance.** Each association shall maintain on the grounds during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and manned by medical doctors, paramedics or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the track to comply with this rule.

**10.3(21) Helmets.** The association shall not allow any person to exercise any horse on association grounds unless that person is wearing a protective helmet of a type approved by the commission.

**10.3(22) Fire protection.** The association in accordance with applicable state fire codes shall prohibit for the protection of persons and property from fire damage the following:

a. Smoking in horse stalls, feed and tack rooms, and in the alley ways,

b. Sleeping in feed rooms or stalls,

c. Open fires and oil or gasoline burning lanterns or lamps in the stable area,

d. Leaving electrical appliances unattended, or in unsafe proximity to walls, beds or furnishings,

e. Keeping inflammable materials, including cleaning fluids or solvents, in the stable area.

**10.3(23) Electric timing device.** Any electric timing device used by the association shall be approved by the commission.

**10.3(24) Steward's communication.** The association shall provide adequate communication between the stewards and each steward's station and necessary on-track officials.

**10.3(25) The racing association shall provide commission stewards copies of all track payroll so that it may be determined whether all track employees have been licensed.**

**10.3(26) Financial report.** Each licensee shall file with the commission an annual balance sheet and profit and loss statements pertaining to the licensee's racing activities in the state, together with a list of all directors, officers or members of the licensee or other person, including concession and management companies, having any beneficial interest in the racing activities of each licensee.

**10.3(27) Failure to comply.** Failure for the track licensee or general manager, or both, to comply with provisions of this rule shall be prima-facie evidence that a violation of these rules has occurred.

#### **491-10.4(99D) Licensees.**

**10.4(1) Licenses required.** Every person participating in thoroughbred horse racing, whether as association board member or employee; concessionaire/contract holder, owner or general manager, employee; or racing official, and all other persons whose

duties require them to be present on or regularly visit association premises during racing hours, are required to have an occupational license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession or skill. License applicants may be required to furnish to the commission a set of fingerprints and may be required to be reprinted or rephotographed periodically as the commission may require.

a. Licensing fees—commission. The following fees shall be charged by the Iowa racing commission for licenses issued:

For manager, assistant manager, concession operator, owner/trainer/driver, racing secretary, corporation and mutuel manager: \$20

For announcer, corporate director/officer, assistant racing secretary, chart writer, official, outrider, owner, stable name, track superintendent, trainer, veterinarian, driver/jockey, authorized agent, film patrol, partnership, photofinish operator and all other officials: \$10

For concession employee, groom, exercise rider, mutuel employee, totalizer employee, maintenance, security, administration and parking/admissions: \$5

Duplication licenses shall be \$5.

b. The commission shall charge the applicant a fee set by the federal bureau of investigation to cover the cost associated with the search and classification of fingerprints. This fee is in addition to any other license fee charged by the commission.

c. Multiple license restrictions. A person licensed as a jockey, veterinarian, or farrier may not be licensed in another capacity. No racing official may serve or act in another capacity at a race meeting at which that person is licensed as an official. A person may not be licensed as an owner and a jockey agent. No licensee shall act in any capacity other than that for which that person is licensed.

**10.4(2) License acceptance.** Acceptance of the license or permit from the commission by any licensee is deemed a consent to search and inspect by the commission pursuant to this rule and to the seizure of any prohibited medication, drugs, paraphernalia or devices.

a. Misuse of license. No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission. The commission shall exercise the power to regulate the conduct of all persons holding licenses or who are participating in racing by the use or exercise of any rights, powers, privileges, or prerogatives of a license.

b. Knowledge of rules. Every licensee, in order to maintain qualifications for any license held, shall be familiar with and knowledgeable of the rules including all amendments thereto. Every licensee is presumed to know the rules.

c. Identification badges. Employees are required to wear identification badges at all times while on duty, or in restricted areas, unless it is determined by the board of stewards to be impractical.

**10.4(3) Recommendations by stewards.** A license may not be issued to applicants who have not previously been licensed in the following categories except upon prior recommendation by the stewards: trainers, assistant trainers, jockeys, apprentice jockeys, exercise persons and other occupations the commission may designate. The stewards for the purpose of determining a recommendation of this subrule, add to their membership a representative of the association, or the horsemen, or the jockeys. The commission may not issue licenses to applicants previously not licensed in this state for the occupations listed herein, except upon prior recommendation by the stewards at the meeting: owners, trainers, jockeys, jockey agents, blacksmiths, apprentice blacksmiths, veterinarians, veterinarian assistants, horse dentists, exercise persons, and authorized agents. The stewards may for the purpose of determining recommendation under this subrule, add to their membership a representative of the association, or of the horsemen, or of the blacksmiths, or of the jockeys or the commission veterinarian. The stewards may require any applicant to support the application by endorsers who may be called to testify as to the applicant's qualifications for license.

**10.4(4) Unlicensed employees.** The employment at any association premises of any unlicensed person by an association, owner, trainer or other licensee is prohibited. Upon discharge of any licensed employee by any licensed employer or association for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact in writing to the commission, including the name and occupation of the discharged licensee and the reasons for the discharge. A licensed employer or association shall make every attempt to obtain the license of employees no longer employed by them for whatever reason and deliver the license to the commission or stewards.

**10.4(5) Applications endorsed by associations and concessionaires.** The commission may not issue any license to any association employee or to any concessionaire employee unless the application includes the prior endorsement of the employee's department head.

The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without reporting to the stewards and immediately obtaining a license for the employee may be cause for the employee may be cause for suspension or fine or

both.

**10.4(6) Temporary emergency license certificates.**

a. A temporary horse owner's license certificate may be issued at the discretion of the stewards.

b. Upon submission of reasons why a temporary horse owner's license certificate should be issued, the stewards may or may not grant the certificate at their discretion. Any certificate issued will only be valid for a maximum of 30 calendar days from the date of issue.

c. Failure to obtain a permanent license within the designated time may result in the automatic revocation of the owner's license eligibility, and may result in a fine or suspension for the affiant that has failed to comply.

d. Purses shall not be paid to the owner of any horse holding a temporary emergency license certificate pursuant to the provisions of this subrule. Payments shall only be permitted after the individual has obtained a permanent license.

e. Before a horse leaves the paddock, its trainer and owners must be licensed. In the case of absentee owners, the trainer must submit a properly executed temporary application on behalf of the absentee owner(s). Failure on the part of owners to fully comply with the 30 day requirements will result in fine, suspension, or both.

**10.4(7) Background investigations.** All licenses are temporary until completion of necessary background investigation, including fingerprinting processing through the division of criminal investigation and the FBI, and research and review of records on file with the Racing Commissioners International, courts, law enforcement agencies and the commission. Any licensed person who allows another person use of the license badge for the purpose of transferring any of the benefits may be suspended and fined, or have the license revoked, or both. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee.

**10.4(8) Applicability of rules — exceptions.** Rules pertaining to and ruling against licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee, unless there is a showing on the part of an affected spouse, or affected member of the immediate family or household of the licensee, and the stewards in their discretion so find, that the continuation of participation in racing by the affected person will in no way circumvent the intent of the rule, or effect of the ruling, by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or person ineligible to participate in a particular activity.

**10.4(9) Ineligible license applicants.** The board of stewards may find an applicant ineligible for a license and deny, suspend or revoke



the license of any applicant or holder who:

a. Has been convicted of any of the offenses listed below, if the commission determines that the circumstances of the offense giving rise to the conviction make the applicant's presence a hazard to the regulation and conduct of racing and pari-mutuel wagering, or may reasonably undermine the public confidence in the integrity of racing:

(1) Rescinded

(2) Offenses related to bookmaking; or

(3) Offenses related to arranging the outcome of a race, or to any fraud or deception while participating in racing or parimutuel wagering activities; or

(4) Offenses related to representations made about any horse, ownership interest in a horse, or lease or sale of any horse; or

(5) Rescinded

b. Is not 18 years of age except that persons under 18 years of age may be employed on association premises in stables, parking lots, kitchens and in maintenance and administrative offices, but never be employed near areas where alcohol is served or wagering is conducted (license applications for those under 16 years of age will be considered on a case-by-case basis); or

c. Has demonstrated a lack of financial responsibility in transactions related to racing or pari-mutuel wagering; or

(1) Issuance or passing of bad checks. No person shall write, issue, make, or present any check in payment for any of the following: license fee, jockey fee, nomination fee, entry fee, starting fee, or purse payment; when that person knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which it is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account.

(2) Judgments. Whenever a licensed owner or trainer or any of their licensed employees, or any other person licensed to engage in racing, shall suffer a final judgment entered against that person in any court of competent jurisdiction within the United States, when that judgment is based wholly upon an indebtedness incurred by that person for supplies, equipment or services furnished in connection with racing; then the commission shall advise the licensee that a hearing will be scheduled at which time the licensee will be required to show cause as to why the license should not be suspended.

(3) Timely payment. Should an owner fail to make timely payment of any jockey fee, nomination fee, entry fee, starting fee or any other reasonable charge normally payable to the racing association the horseman's bookkeeper shall notify the stewards who shall in turn give notice to the owner that a hearing will be held where the owner will be required to show cause why the license should

not be suspended for failure to make the required payments.

d. Is ineligible to participate in racing in another state or racing jurisdiction whose racing regulatory agency is recognized by and reciprocates in the actions of this state; or

e. Seeks application for more than one occupational license, if in the determination of the stewards, the holding of the two licenses would subject the applicant to a conflict of interests in those two licensed activities; or

f. Is employed in any part- or full-time employment with a government or private employer in any work in which a conflict exists with the interests and objectives of a licensed employment; or

g. Has been denied patron privileges by order of this commission and not reinstated; or

h. Is not of good moral character (refer to subrule 5.7(4)); or

i. Is unqualified, by experience or otherwise to perform the duties required; or

j. Has engaged in conduct in Iowa or elsewhere in connection with horse racing, has been objectionable, obnoxious, or detrimental to the best interest of racing.

k. A license shall be denied and if already issued, shall be subject to fine, suspension or revocation if the applicant does not qualify under the following screening policy:

(1) Use of alias. A license shall be denied if alias was used in connection with a fraud within the last five years.

(2) Conviction of a felony or drug related offense. If conviction occurred within the last five years, the license shall be denied. If conviction occurred within the last ten years, a license may be issued if the stewards or administrator's designee determines that sufficient evidence or rehabilitation exists.

(3) The conviction of a serious or aggravated misdemeanor or the equivalent. If conviction occurred within the last ten years, a license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exists.

(4) Conviction of simple misdemeanors and alcohol related offenses. A license may be issued if the stewards or administrator's designee determines that sufficient evidence of rehabilitation exist. In making that determination the number of violations will be considered.

(5) Existence of pending charges. A license shall be temporarily denied until the outcome is known of any pending charges if conviction of those charges would disqualify the applicant upon conviction.

(6) A license shall be denied if an applicant has a current addiction to alcohol or controlled substance; has a history of mental illness, without sufficient evidence of rehabilitation; or has a history of

repeated acts of violence, without sufficient evidence of rehabilitation.

(7) A license shall be denied if the applicant has had two rulings related to attempts to affect a race result or odds (ie. buzzers, serious positives) in a lifetime or one ruling within the last three years. A license may be issued if one ruling has occurred outside of three years if sufficient evidence of rehabilitation exists. A license may be denied if a lengthy record of rulings from other jurisdictions exists.

(8) If the applicant falsifies the application and would be ineligible for licensure in (1) thru (7) above, the license shall be denied and evidence shall be forwarded to the county attorney for prosecution under 99D.8A(4). In the case of other falsifications, a license may be issued and the applicant shall be subject to a fine.

(9) A license may be denied if the applicant has been guilty of multiple offenses. The stewards or the administrator's designee shall use their judgment in making a determination.

(10) The provisions of (1) thru (9) above may be waived with written approval of the administrator after receipt of a written request for waiver with justification from the stewards or administrator's designee.

#### **10.4(10) Duration of license.**

a. Licenses issued by the commission shall be good for one calendar year or other period of time greater than one year as permitted by the administrator.

b. The commission may also issue a license good for one racing season at a pari-mutuel facility.

c. The stewards or administrator's designee may grant a probationary license. Any licensee who by an act of commission or omission violates any of the rules of the commission while holding a probationary license shall be subject to fine, suspension or denial.

**10.4(11) Workers' compensation.** Every owner or trainer, who hires anybody as an employee, must carry workers' compensation insurance covering all employees in accordance with Iowa law.

**10.4(12) Best effort.** All licensed personnel are expected to give their best efforts to win in all races in which they participate.

**10.4(13) Prohibited practices — grounds for denials, suspension or revocation of a license.** In addition to the criteria in 10.4(9), the commission may refuse to issue a license to an applicant or may suspend or revoke a license issued, or order disciplinary measures for the following:

a. Giving or offering directly or indirectly a bribe in any form to any person licensed by the commission to violate these rules or the laws of this state related to racing.

b. Soliciting or offering to accept directly or indirectly a bribe in any form by a person licensed by the commission to violate these rules or the laws of this state related to racing.

c. Failing as a licensee to report any bribe or solicitation as in "a" and "b" above.

d. Soliciting by any licensee, except the association, of bets by the public.

e. Improperly influencing or attempting to improperly influence the results of a race or combining with any person or conspiring to combine with any person to improperly influence or attempt to improperly influence the results of a race, or failure to report knowledge of same immediately to the stewards.

f. Entering or starting a horse known or believed to be ineligible or disqualified.

g. Offering or receiving money or other benefit for withdrawing a horse from a race.

h. Making a wager for a jockey by any person except the owner or trainer of the horse ridden by the jockey.

i. An owner or trainer making a wager for a jockey on a horse other than that ridden by the jockey. This shall not be construed to include bets on another horse in combination with the horse ridden by the jockey in multiple wagering bets.

j. Offering or giving a jockey money or other benefit concerning a race, except by the owner or trainer of the horse to be ridden.

k. Possessing any electrical or mechanical device designed to increase or decrease the speed of a horse during a race, other than an ordinary riding whip.

l. Bookmaking, which is the taking or receiving of a wager upon the result of any horse race of which betting is being conducted by any association licensed by the commission, except through the regular betting windows and facilities provided by the association.

m. The giving under oath of any false statement or the refusing to testify after proper notice to the commission about any matter regulated by the commission, except in the exercise of a lawful legal privilege.

n. Subjecting an animal to cruel and inhumane treatment by failing to supply it with adequate food, water, medical treatment, exercise, bedding, sanitation, or shelter, or by neglect or intentional act cause a horse to suffer unnecessary pain.

o. The giving under oath of any false, misleading, or inaccurate information about a horse's performance for publication in a printed program or racing publication.

p. In addition to any of the foregoing prohibited practices, any person who commits an act on the grounds of any pari-mutuel facility which is patently contrary to the best interest of racing or which is in violation of a criminal statute of the United States of America or this state and classified as a felony, shall be subject to administrative action including license revocation, suspension, fine or deprivation of patron privileges.

q. Disorderly or offensive conduct that breaches the public peace or use of profane, obscene or indecent language so as to be heard by another or offer prohibited conduct to any representative of the commission or the association, or interference with a commissioner, a member of the commission staff or racing official, while they are discharging their duties.

r. Possession, carrying or exhibiting a deadly weapon, or otherwise disturbing the peace on the premises of any licensee. This rule does not prohibit the carrying of a weapon by any duly authorized law enforcement officer or licensed security personnel engaged in their duties.

s. Possessing any equipment for hypodermic injection or any substance for hypodermic administration by anyone other than a veterinarian licensed by the commission. Notwithstanding the provisions of this subrule, any person may have in possession within a racetrack enclosure any chemical or biological substance for use on the person's own self, provided that, if the chemical substance is prohibited from being dispensed by any federal law or law of this state without a prescription, the person is in possession of documentary evidence that a valid prescription has been issued to the person. Notwithstanding the provisions of this subrule, any person may have in their possession within any racetrack enclosure any hypodermic syringe or needle for the purpose of administering to the person's own self a chemical or biological substance, provided that the person has notified the state stewards of the following:

(1) The possession of the device,

(2) The size of the device, and

(3) The chemical substance to be administered, and has obtained written permission for possession and use from the steward.

t. Failure to comply with any order or ruling of the commission, stewards, or racing officials pertaining to a racing matter.

u. Employment or harboring of unlicensed persons required by these rules to be licensed.

v. Discontinuance of or ineligibility for activity for which the license was issued.

w. Failure to disclose the true ownership or interest in any horse.

x. The applicant or licensee is or has been suspended or ruled off in another state or racing jurisdiction whose racing regulatory agency is recognized by and reciprocates in the action of this state.

y. Violation of any rule of the commission or aiding or abetting any person in violation of any rule.

**10.4(14) Reserved.**

**10.4(15) Veterinarians.**

a. Eligibility. Every veterinarian practicing on association premise must be:

(1) Licensed by the state veterinary regulatory authority; and

(2) Licensed by the commission.

b. Practicing veterinarians.

(1) Prohibited acts.

1. Ownership. A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

2. Wagering. Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

3. Prohibition of furnishing injectable materials. No veterinarian shall within the association grounds furnish, sell or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic or prohibited substance to any other person within the grounds of an association where race horses are stabled unless with written permission of the stewards.

(2) Single use syringes. The use of other than single use disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe the veterinarian shall destroy the needle and syringe and remove it from the association premises.

(3) Veterinarians must submit daily to commission veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered or dispensed for horses registered at the current race meeting as provided in Iowa Code section 99D.25. Reports shall be submitted in a manner and at a time determined by the commission veterinarians not later than the day following the treatments being reported. Reports shall include the horse, trainer, medication or other substance, dosage or quantity, route of administration and time administered, dispensed or prescribed.

(4) Report of illness. Each veterinarian shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted into the veterinarian's care presenting unusual or unknown symptoms.

c. Employees. Practicing veterinarians may have employees working under their direct supervision licensed as "veterinary assistants" or "veterinary technicians." Activities of these employees shall not include direct treatment or diagnosis of any horse. A practicing veterinarian must be present if an employee is to have access to injection devices or injectables.

d. Equine dentistry. Equine dentistry is considered a function of veterinary practice by the Iowa Veterinary Practice Act. Any dental procedures performed at the racetrack must be performed by a licensed veterinarian or a licensed veterinary assistant.

#### **10.4(16) Owners.**

##### **a. Corporation.**

(1) Duly licensed. The corporation shall be duly licensed and authorized to do business within this state.

(2) Individuals licensed. In a corporation the following individuals must be licensed by the commission.

1. The chief executive officer.

2. All stockholders owning a beneficial interest of 5 percent or more.

For purposes of all licensing rules, beneficial interest includes all direct and indirect forms of ownership or control, voting power, or investment power, held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

(3) Corporate changes. Any and all changes in either the corporation structure or the respective interest of stockholders as described in "2" above must be notarized, and promptly filed with the commission.

(4) Authorized agent. A corporation, in lieu of the executive officer, must appoint a racing manager or an authorized agent for the purposes of entry, scratches and the signing of claim slips among other obligations.

(5) License eligibility. The commission may deny, suspend or revoke the license of a corporation in which a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through character, moral fitness or any other criteria employed by this commission, to be licensed as an owner or to participate in racing, regardless of the percentage of ownership interest involved.

(6) Beneficial interest. Any stockholder holding a beneficial interest of 5 percent or more of a corporation must, in addition to being licensed, list any interest owned in all racing horses in which any beneficial interest is owned.

(7) Corporation name. All horses owned by a corporation must race in the name of the corporation or in the name of the chief executive officer with a designation (C) following the name.

(8) Eligibility certificate. The commission or the stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a horse, and may call for adequate evidence of ownership at any time. The commission or stewards may declare ineligible to race any horse, the ownership of control of which is in question.

(9) Coupling. For purposes of this subparagraph only, "ownership" shall mean any individual person or entity required to be licensed as an owner pursuant to these rules and, in the instance of corporations, individuals or entities possessing an aggregate commonality of ownership of 25 percent interest in any of the respective horses provided, however, that when a trainer enters two or more horses in a stake, handicap, futurity, or other special event under beneficial separate ownerships, the horse may, at the request of the association and with the approval of the commission or stewards, be permitted to race as a separate wagering entity.

(10) Coupling divisions. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and the post position shall be determined by lot.

(11) Nonlicensed stockholders. The corporation stockholders owning less than 5 percent of the stock of a corporation need not be licensed; however, a list of these stockholders may be requested by the commission. The list shall include names, percentages owned, addresses, social security numbers and dates of birth. These stockholders need not be licensed and will not have access to the backstretch, to the paddock area, or to the winner's circle other than as guests of association or designated licensees (10.3(11)"b") and may be required to submit additional information as requested by the commission, which may include a release for confidential information and submission of fingerprint cards; and the commission may assess costs, as required for criminal history checks. This information shall be supplied to the racing commission within 30 days of date of the request.

(12) Disclosures. Disclosure of the full nature and extent of all beneficial interests may be requested by the commission and shall include the names of all these individuals and entities, the nature of their relationships, and the exact nature of their beneficial interest.

(13) Disclosure time. Disclosure of ownership shall be made when registering each horse with the racing secretary upon arrival on the grounds of any association, but no less than 48 hours prior to entry and shall be revised immediately upon any subsequent change in ownership.

(14) Disclosure documents. Disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership of or rights in and to a horse, shall be attached to the registration certificate for the horse and filed with the racing secretary, who shall be responsible for the care and security of the papers while the horses are located on the permittee's grounds.

(15) Public disclosure. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing commission shall be available for public



inspection.

b. General partnership.

(1) Duly licensed. Each partner in a general partnership must obtain a license. The commission will deny, suspend, or revoke the license of any partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by any individual or entity which would be ineligible to be licensed as an owner, or to participate.

(2) Partnership documents. The commission may request a partnership to have on file with the commission (copy attached to the registration certificate on file in racing secretary's office) an agreement whereby one member of the partnership shall be designated to be responsible for each horse. (Responsibility shall not include the responsibility of the trainer imposed by 10.4(17)"b"(1) in connection with the condition of the horse, unless the responsible person under the agreement is also the trainer.) This agreement must be notarized and must be signed by all partners.

(3) Authorized agent. An authorized agent must be appointed to represent the partnership in all matters and be responsible for all stakes, forfeits, power of entry, scratches, signing of claim slips, and other obligations. (The authorized agent may also be a partner.)

(4) Commission review. The commission or the stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a horse, and may call for adequate evidence of ownership at any time. The commission or stewards may declare ineligible to race any horse, the ownership or control of which is in question.

(5) Partnership changes. Any alteration in a partnership structure or percentages must be reported promptly in writing, notarized, signed by all members of the partnership, and filed with the commission.

(6) Interest in partnership. Any owner who is a member of a partnership must list all horses in which an interest is owned, either in whole or in part.

(7) Partnership designation. All horses owned by a partnership must race in the same name with a designation (P) following the name.

(8) Coupling. For the purpose of this subparagraph only, "ownership" shall be construed to mean any individual person or other entity required to be licensed as an owner pursuant to these rules and in the instance of a partnership, individual persons or other entities possessing a commonality of interest in each of the respective horses provided, however, that when a trainer enters two

or more horses in a stake, handicap, futurity or other special event under beneficial separate ownerships, the horse(s), at the request of the racetrack operator and with the approval of the commission or stewards, may be permitted to race as separate wagering entities. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible, but the divisions in which they compete and the post positions shall be determined by lot. A licensed member of a partnership may not have an interest in more than one horse in any race unless that horse(s) is coupled except by permission of the stewards.

c. Limited partnership.

(1) Duly licensed — limited partnership forms. A limited partnership must supply to the commission certified copies of their proof of compliance with filing or registration requirements.

(2) Individuals licensed. The general partner(s) in a limited partnership must be licensed by the commission and so must any member of the limited partnership with a beneficial interest of 5 percent or more of the limited partnership. It is the responsibility of the limited partnership to ensure that every member of the limited partnership would be eligible to be licensed. A limited partnership must have on file with the commission, and a copy of which must be attached to the registration certificate of each horse in the limited partnership, a notarized designation of the general partner to represent the entire ownership of and be responsible for each horse in the limited partnership (responsibility shall not include the responsibility of the trainer imposed by 10.4(17)"b"(1) in connection with the condition of the horse, unless the general partner is also the trainer).

(3) Authorized agent. An authorized agent must be appointed to represent the limited partnership in all matters and be responsible for all stakes, power of entry, scratches, signing of claim slips, among other obligations. (The general partner, or other member, may be the authorized agent.)

(4) Partnership changes. Any alteration in the structure or percentages of the limited partnership must be promptly reported in writing to the commission. The general partner will be responsible for reporting to the commission any interest in all racing horses in which a licensed member owns an interest.

(5) Ineligibility. The commission may deny, suspend, or revoke the license of a limited partnership in which a member whose interest is qualified or limited by rights or interests held or controlled by an individual or entity which would be ineligible to be licensed as an owner or to participate regardless of percentage of interest.

(6) Nonlicensed partners. All members of a limited partnership owning less than 5 percent must be listed with the commission. All beneficial interests may be requested by the commission and shall

include names, addresses, portion owned, social security number and date of birth. The list shall be supplied to the commission by the limited partnership as requested by the commission. A limited partner, owning less than 5 percent, need not be licensed and will not have access to the backstretch, paddock area, or to the winner's circle other than as guests of the association or designated licensees (10.3(11)"b"), and may be required to submit additional information as requested by the commission which may assess additional fees for the purpose of criminal history checks.

(7) Disclosure. Licensed owners and licensed trainers shall be held jointly responsible for making a full disclosure of the entire ownership of each horse in their care. Disclosure shall identify in writing all individuals or entities who directly or indirectly, through a contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise hold any interest in and to the horse, and those individuals or entities who by virtue of any form of interest might exercise control over the horse or can benefit from the racing of the horse. The degree and type of ownership held by each individual person shall be designated. Disclosure shall be made when registering each horse with the racing secretary upon arrival on association grounds, or at time of entry, whichever event occurs first, and shall be revised immediately upon any subsequent change in ownership. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership of or rights in and to a horse, shall be attached to the registration certificate for the horse and filed with the racing secretary, who shall be responsible for the care and security of the papers while the horses are located on association grounds. Disclosure is made for the benefit of the public and all documents pertaining to the ownership or lease of a horse filed with the racing secretary shall be available for public inspection.

(8) Commission review. The commission or stewards shall review the ownership of each horse entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers, and agreements pertaining to ownership of a horse and may call for adequate evidence of ownership at any time. The commission/stewards may declare ineligible to race any horse, the ownership or control of which is in question.

(9) Coupling. A member of a limited partnership shall not have an interest in more than one uncoupled horse in any race except by permission of the stewards. For purposes of this subparagraph only, "ownership" shall be construed to mean any individual person or entity required to be licensed as an owner pursuant to these rules

and, in the instance of a limited partnership, any individual person or other entity possessing at least 5 percent beneficial interest provided; however, that when a trainer enters two or more horses in a stake, handicap, futurity, or other special event under beneficial separate ownerships, the horse(s) at the request of the association and with the approval of the commission or stewards may be permitted to race as separate wagering entities.

(10) Coupling divisions. If the race is split in two or more divisions, horses in an "entry" shall be seeded in separate divisions insofar as possible; but the divisions in which they compete and the post positions shall be determined by lot.

(11) Partnership designation. The horses owned by a limited partnership must run in the name of the general partner with a designation (LP) following the name.

d. Stable names.

(1) Authorization. Licensed owners and lessees may adopt stable farm, racing or corporate names, if registered with The Jockey Club and the commission.

(2) Applications for a stable name. Applications must include the identity or identities of all persons interested in the ownership of the name. After registration by the commission, changes in identities of owners of the stable name must be reported immediately to and approved by the commission.

(3) Trainer's legal name only. A trainer who is a licensed owner or a part owner may use a stable name in the capacity of owner or part owner but a trainer may be licensed as a trainer only in the trainer's legal name.

(4) Canceling a stable name. Any person registered under a stable name may cancel the stable name by giving written notice to the commission. A stable name may be changed by registering the new name with the commission.

(5) Prohibited names. No person may register a stable name which has already been registered by another person with any other racing authority, or which is the real name of another owner of race horses or which is the real or stable name of any prominent person who does not own race horses, or which is not plainly distinguishable from that of another registered stable name or which the stewards determine is being used to advertise any product or service.

e. Leases.

(1) Prior approval by stewards. No licensee shall lease a horse for the purpose of racing at tracks in this state without prior approval of the stewards.

(2) Licensing requirements. Both lessor and lessee shall be licensed.

(3) Lease furnished to commission. Each licensee who leases a horse at any meeting must submit a copy of that lease to the stewards. The lease must contain at least all of the conditions of the lease

arrangement and the names of all parties and horses related to the lease. The failure to submit accurate and complete information under this rule is a violation of these rules. The stewards shall immediately forward a copy of the lease to the commission.

(4) Change of owner. Both seller and purchaser, or their agents or representatives, of a horse is shold while within the enclosure of a racing association, shall immediately notify the stewards of the sale and transfer, and the stewards may require a declaration under oath or under penalty of perjury of the facts of the sale and transfer.

f. Prohibited acts.

(1) Unlicensed veterinarian. No owner or trainer shall employ a veterinarian on the grounds of a licensed racetrack who is not licensed by both this state and the commission.

(2) Ineligible entry. No owner or trainer shall enter or start a horse in any race if the horse is ineligible under these rules or the laws of this state regarding racing.

(3) Trainer as agent. A trainer may represent the owner of a horse in making entry of a horse in a race, or declaring the horse out of the race.

(4) Qualifications for license as owner. No person or entity may be licensed as an owner who is not the owner of record of a properly registered race horse which is in the care of a licensed trainer.

(5) Minor owner. An owner who is a minor must have a parent or guardian co-sign any contractual agreements.

#### 10.4(17) Trainers.

a. Eligibility. No person shall hold a trainer's license unless the person:

(1) Is at least 18 years old;

(2) Is qualified, in the opinion of the stewards, by reason of experience, background and knowledge of racing as manifested by:

1. Passing a written examination administered by the stewards; and

2. Passing a "barn test" administered by horsemen's representatives under the supervision of the stewards.

(3) Has complied with the provisions of the workers' compensation law and has secured compensation for employees in accordance with that law; and

(4) Has applied in the person's legal name, and not under any fictitious or stable name.

(5) Has a horse eligible to race and registered to race at the current race meeting.

b. Trainer responsibility.

(1) Absolute insurer. Trainers are responsible for and are the absolute insurers of the condition of the horses in their care and custody and for the conditions and contents of stalls, tack rooms

feed rooms, and other areas which have been assigned them by the association. Trainers are the absolute insurer of the condition of the horses in their care and custody during the race and are liable for the presence of any drug, medication, or any other prohibited substance in the horse during the race. A trainer whose horse has been claimed remains responsible for the horse under this rule until after the collection of required urine or blood specimens. The licensed trainer of a horse found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, shall have the burden of proof showing freedom from negligence in the exercise of a high degree of care in safeguarding the horse from tampering; and, failing to prove freedom from negligence, shall be subject to disciplinary action.

(2) The assistant trainer, groom or any other person having immediate care and custody of a horse found to have been administered a medication, drug, or foreign substance in violation of these rules or Iowa Code chapter 99D, found negligent in guarding or protecting the horse from tampering shall be subject to disciplinary action.

(3) Licensed trainers shall maintain the barn area assigned to them in a clean, neat and sanitary condition at all times and ensure that fire prevention rules are strictly observed in those areas.

(4) Report of illness or sex alteration. Trainers shall report immediately to the stewards and the commission veterinarian any illness in a horse entrusted into their care presenting unusual or unknown symptoms. Any alteration in the sex of a horse must be reported and noted by the trainer to the racing secretary or horse identification office immediately, and that office must note the same on the foal certificate.

(5) Trainers shall register with track security the names of all employees, on a form provided by track security. This form must be presented to track security not later than 24 hours after the arrival of any personnel. All changes must be made not later than 24 hours after taking place.

(6) Trainer at paddock. A trainer or assistant must be present with the horse in the paddock and shall supervise the saddling of the horse unless the stewards permit a substitute trainer to perform those duties. Every trainer who brings a horse to the paddock warrants that the horse is qualified for the race, ready to run and in physical condition to exert its best efforts, and entered with the intention to win.

(7) Paddock time. A trainer shall present the horse in the paddock at the time so designated by the steward prior to post time before the race in which the horse is entered.

(8) Trainer prohibited acts.

1. Entry ineligible. No trainer shall enter or start a horse in any

race if the horse is ineligible under these rules or the laws of this state related to racing.

2. Employees.

Unlicensed veterinarian. No trainer shall employ a veterinarian who is not licensed by both this state's veterinary regulatory authority and the commission.

Minor. No trainer shall employ any person under the age of 16. Persons under the age of 16 may be allowed to work for their parents if one of their parents is present during working hours.

Jockey. No trainer shall employ a jockey for the purpose of preventing the jockey from riding in any race.

3. Training for suspended persons. No trainer shall train or be responsible for any horse which is wholly or partly owned by a person under suspension by the stewards or the commission.

(9) Coggins test certificate. Each trainer shall maintain for each horse under the trainer's care a valid certificate indicating that the horse has a negative Coggins test for Equine Infectious Anemia and attach it to the horse's "foal" certificate. The test must have been conducted within the previous twelve months and must be repeated upon expiration.

(10) The transfer of ownership of a horse or the change of trainers must be presented to the stewards in writing and approved by the stewards before any entry is made reflecting the change.

10.4(18) Authorized agent. Agents' licenses and their appointments by the owner expire at the end of the license year unless earlier revoked by the owner, the stewards or the commission. An owner may appoint only one person at a time to act as agent. After the appointment the acts of the agent shall be deemed the acts of the owner. If the agency is for a partnership or stable name, each of the owners of the partnership or stable name shall execute the appointment of agent written authority.

Stewards' approval. The stewards shall approve the appointment of agency by endorsing that fact on the appointment of agent documents submitted to them and shall verify the validity of the agent's license before approving the appointment.

10.4(19) Jockeys/apprentice jockeys.

a. Eligibility.

(1) Jockeys.

1. Age. No person under 18 years of age will be licensed by the commission as a jockey, except those who have previously been licensed.

2. All jockeys must pass physical examinations once a year by a doctor approved by the commission. The stewards may require that any jockey be reexamined, and may refuse to allow any jockey to ride until he successfully completes the examination.

3. Owner and trainer prohibition. Jockeys may not be an owner

or trainer of any race horse participating at the race meeting for which they are licensed.

4. A license will only be granted at the discretion of the stewards after the applicant has ridden under a provisional license of the commission and been approved by the starter.

5. Foreign jockeys. Whenever jockeys from a foreign country, excluding Mexico and Canada, ride in the United States, they must declare themselves:

A holder of a valid license to ride;

Not currently under suspension;

- Bound by these rules and the laws of this state.

(2) Apprentice jockeys.

1. Contract. A contract with a horse owner to provide apprentice jockey services, or an apprentice certificate from the stewards must be presented to be licensed.

2. General. The conditions set forth in "a"(1) above for jockeys shall also apply.

3. Certificate. An apprentice jockey may be granted an apprentice jockey certificate issued by the stewards, in lieu of an apprentice jockey contract, pursuant to the rules and regulations covering apprentice jockeys. A copy of the certificate shall be filed with the commission. Winning record of jockeys with apprentice certificates shall be recorded and attested by the stewards who shall record the date and track on the apprentice jockey certificate.

(3) Qualifications for jockey. No person under 16 years of age shall be granted a jockey's license or an apprentice jockey's license. No person whose riding weight at the time of application exceeds 125 pounds shall be licensed as a jockey or apprentice jockey. No person who has never ridden in a race at a recognized meeting shall be granted a license as jockey or apprentice jockey. However, upon recommendation of the stewards, a temporary apprentice jockey certificate may be issued in order to permit a person to ride to establish qualifications for a license.

b. Jockey fees.

(1) Schedule. The fee to jockeys, in the absence of special agreement, shall be in all races as follows (percentage (%) refers to percentage of owner's share of the purse and not total purse):

Purse

	Win	2nd	3rd	Uprtd
\$400 and under	\$27	\$19	\$17	\$16
\$500	30	20	17	16
\$600	36	22	17	16
\$700-\$999	10%	25	22	20
\$1,000-\$1,499	10%	30	25	22
\$1,500-\$1,999	10%	35	30	28



Purse (cont'd)

\$2,000-\$3,499	10%	45	35	33
\$3,500-\$4,999	10%	55	45	35
\$5,000-\$9,999	10%	65	50	40
\$10,000-\$14,999	10%	5%	5%	45
\$15,000-\$24,999	10%	5%	5%	50
\$25,000-\$49,999	10%	5%	5%	60
\$50,000-\$99,999	10%	5%	5%	75
\$100,000 and up	10%	5%	5%	100

(2) Entitlement. Any apprentice or contract rider shall be entitled to the regular jockey fees, except when riding a horse owned in part or solely by the contract holder. An interest in the winnings only (such as trainer's percent) shall not constitute ownership.

(3) Fee earned. A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned when jockeys, of their own free will, take themselves off their mounts, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above ruling shall be at the discretion of the stewards.

(4) Multiple engagements. If any owner or trainer engages two or more jockeys for the same race the owner or trainer shall be required to pay each of the jockeys whether the jockey rides in the race or not.

(5) Dead heats. Jockeys finishing a race in a dead heat shall divide equally the totals they individually would have received had one jockey won the race alone. The owners of the horses finishing in the dead heat shall pay equal shares of the jockey fees.

c. Apprentices subject to jockey rules. Unless excepted under these rules, apprentices are subject to all commission rules governing the conduct of jockeys and racing.

d. Apprentice allowances. Apprentice jockeys shall ride with a five-pound weight allowance beginning with their first mount and for one full year from the date of their fifth winning mount. If after riding one full year from the date of the fifth winning mount, the apprentice jockey has failed to ride a total of 40 winners from the date of the first winning mount, the apprentice shall continue to ride with a five-pound weight allowance for one more year from the date of the fifth winning mount or until the apprentice has ridden a total of 40 winners, whichever comes first. If an apprentice jockey is unable to ride for a period of 14 consecutive days or more after the date of the fifth winning mount because of service in the armed forces of the U.S.A., or because of physical disablement, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride.

e. Conduct.

(1) Clothing and appearance. A jockey shall wear the colors furnished by the owner or association, and the number on the saddlecloth corresponding to the number given in the racing program. A jockey shall maintain a neat and clean appearance while engaged in duties on association premises and shall wear a clean jockey costume, cap, helmet (approved by commission), a jacket of silk or waterproof fabric, breeches, and top boots.

(2) Competing against contractor. No jockey may ride in any race against a starting horse belonging to the jockey's contract employer unless the jockey's mount and the contract employer's horse are both trained by the same trainer.

(3) Competing against spouse. No jockey may compete in any race against any horse which is owned or trained by the jockey's spouse.

(4) Confined to jockey room. Jockeys engaged to ride a race shall report to the scale room on the day of the race at the time designated by association officials. They shall then report their engagements and any overweight to the clerk of scales. Thereafter, they shall not leave the jockey room except by permission of the stewards, until all of their riding engagements of the day have been fulfilled. Once riders have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except upon permission of the stewards. Jockeys are not allowed to communicate with anyone but the trainer or agent while in the room during the performance except with approval of stewards. On these occasions, they should be accompanied by a security guard.

(5) Jockey betting. Jockeys shall be allowed to wager on a race in which they are riding only if:

1. The owner or trainer of the jockey's horse makes the wager for the jockey, and

2. The jockey wagers only on the jockey's own mount.

(6) Whip prohibited. Jockeys may not use a whip on a twoyear old horse before April 1 of each year, nor shall a jockey or other person engage in excessive or indiscriminate whipping of any horse at any time.

(7) Spurs prohibited. Jockeys shall not use spurs.

(8) Possessing drugs or devices. Jockeys shall not have in their care, control or custody any drugs or prohibited substances or any electrical or mechanical device that could affect a horse's racing performance.

f. Jockey effort. A jockey shall exert every effort to ride the horse to the finish in the best and fastest run of which the horse is capable. No jockey shall ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

g. Duty to fulfill engagements. Jockeys shall fulfill their duly scheduled riding engagements, unless excused by the stewards. Jockeys shall not be forced to ride a horse they believe to be unsound, nor over a racing strip they believe to be unsafe, but if the stewards find a jockey's refusal to fulfill a riding engagement is based on personal belief unwarranted by the facts and circumstances, the jockey may be subject to disciplinary action. Jockeys shall be responsible to their agent for any engagements previously secured by the agent.

h. Riding interference.

(1) Interference. When the way is clear in a race, a horse may be ridden to any part of the course, but may not weave nor cross in front of other contenders so as to interfere with their course or threaten their safety.

(2) Jostling. Jockeys shall not jostle another horse or jockey. Jockeys shall not strike another horse or jockey or ride so carelessly as to cause injury or possible injury to another horse in the race.

(3) Partial fault/third party interference. If a horse or jockey interferes with or jostles another horse, the aggressor may be disqualified, unless the interfered or jostled horse or jockey was partly at fault or the infraction was wholly caused by the fault of some other horse or jockey.

(4) Careless riding. A jockey shall not ride carelessly or willfully permit the mount to interfere with or impede any other horse in the race. A jockey shall not willfully strike at another horse or jockey so as to impede, interfere with or injure the other horse or jockey. If a jockey rides in a manner contrary to this rule, the horse may be disqualified; or the jockey may be fined, suspended, or both, or otherwise disciplined; or both penalties may apply.

i. Jockey weighed out.

(1) Jockeys must be weighed for their assigned horse not more than 30 minutes before the time fixed for the race.

(2) A jockey's weight shall include clothing, saddle, girth, pad and saddle cloth.

(3) A jockey's weight shall not include the number cloth, whip, head number, bridle, bit or reins, blinkers, helmet, tongue strap, tongue tie, muzzle, hood, noseband, shadow roll, martingale, breast plate, bandages, boots and racing plates or shoes.

j. Overweight limited. No jockey may weigh more than two pounds, or in the case of inclement weather, four pounds over the weight the horse is assigned to carry unless with consent of the owner or trainer and unless the jockey has declared the amount of overweight to the clerk of the scales at least 45 minutes before the time of the race. However, a horse shall not carry more than seven pounds overweight, except in inclement weather when nine pounds shall be allowed. The overweight shall be publicly announced and posted

in a conspicuous place both prior to the first race of the day and before the running of the race.

(1) Weigh in, unsaddling.

1. Weigh in. Upon completion of a race jockeys shall ride promptly to the winners circle and dismount. They shall then present themselves to the clerk of scales to be weighed in. If a jockey is prevented from riding the mount to the winner's circle because of accident or illness either to the jockey or the horse, the jockey may walk or be carried to the scales unless excused by the stewards.

2. Unsaddling. Jockeys, upon completion of a race, must return to the winners circle and must unsaddle their own horse, unless excused by the stewards.

3. Removing horse's equipment. No person except the valet-attendant for each mount is permitted to assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in, jockeys shall carry to the scales all pieces of equipment with which they weighed out. Thereafter they may hand the equipment to the valet-attendant.

4. Underweight. When any horse places first, second or third in a race, or is coupled in any form of multiple exotic wagering, and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which the jockey was weighed out, the mount may be disqualified and all purse moneys forfeited.

5. Overweight. Jockeys may not be weighed in more than two pounds over the declared weight but consideration shall be given for excess weight caused by rain or mud. If the jockey is overweight the mount may be disqualified and all purse moneys forfeited.

k. Contracts.

(1) Jockey contracts. A jockey may contract with an owner or trainer to furnish jockey services whenever the owner shall require, and in that event a jockey shall not ride or agree to ride in any race for any other person without the consent of the owner or trainer to whom the jockey is under contract.

(2) Apprentice contracts and transfers.

1. Owners or trainers and apprentices who are parties to contracts for apprentice jockey services shall file a copy of the contract with the commission, upon forms approved by the commission, and shall upon any transfer, assignment, or amendment of the contract, immediately furnish a copy to the commission.

2. An apprentice jockey may not ride for a licensed owner or agent unless with the consent of the apprentice's contract employer.

(3) Contract condition. No person other than an owner, trainer, jockey agent or authorized agent of an owner in good standing shall make engagements for an apprentice jockey or jockey. However, jockeys not represented by an agent may make their own engagements.

l. Jockey fines and forfeitures. Jockeys shall pay any fine or forfeiture from their own funds within 48 hours of the imposition of the fine or at a time deemed proper by the stewards. No other person shall pay jockey fines or forfeitures for the jockey.

m. Competing claims. Whenever two or more licensees claim the services of one jockey for a race, first call shall have priority and any dispute shall be resolved by the stewards.

n. Jockey suspension.

(1) Offenses involving fraud. Suspension of a licensee for an offense involving fraud or deception of the public or another participant in racing shall begin immediately after the ruling unless otherwise ordered by the stewards or commission.

(2) Offenses not involving fraud. Suspension for an offense not involving fraud or deception of the public or another participant in racing shall begin on the third day after the ruling or at the stewards' discretion.

(3) Withdrawal of appeal. Withdrawal by the appellant of a notice of appeal filed with the commission whenever imposition of the disciplinary action has been stayed or enjoined pending a final decision by the commission shall be deemed a frivolous appeal and referred to the commission for further disciplinary action in the event the appellant fails to show good cause to the stewards why the withdrawal should not be deemed frivolous.

(4) Riding suspensions of 10 days or less and participating in designated races. The stewards appointed for a race meeting shall immediately, prior to the commencement of that meeting, designate the stake, futurities or futurity trials or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is technically under suspension for 10 days or less for a riding infraction at the time the designated race is to be run.

1. Official rulings for riding suspensions of 10 days or less shall state: "The term of this suspension shall not prohibit participation in designated races."

2. A listing of the designated races shall be posted in the jockeys' room and any other such place deemed appropriate by the stewards.

3. A suspended jockey must be named at time of entry to participate in any designated race.

4. A day in which a jockey participated in one designated race while on suspension shall count as a suspension day.

o. Association valet-attendant. No jockey shall have a valet-attendant except one provided and paid for by the association.

p. Jockey agent.

(1) No jockey shall have more than one agent.

(2) All engagements to ride other than those for the jockey's contract employer shall be made by the agent.

(3) No revocation of a jockey agent's authority is effective unti

the jockey notifies the stewards in writing of the revocation of the agent's authority.

**10.4(20) Jockey agent.**

a. Eligibility. No person may act as a jockey's agent without first demonstrating to the stewards a contract for agency with at least one jockey and licensure by the commission.

b. Limit on contract. No jockey agent may serve as agent for more than two jockeys. No jockey agent shall make or assist in making any riding engagement for a jockey with whom the agent has no contract.

c. Agent's record.

(1) All jockey agents must have in their possession at all times engagement books approved by the stewards, and all engagements made for jockeys by agents must be recorded in the books. Books are subject to examination by the stewards at all times.

(2) Before each day's entries are taken, jockey agents are required to file their first and second calls in each race in the racing secretary's office with a person designated by the stewards. If during the time entries are being taken an agent should lose or pick up a call, the agent shall immediately add these calls to the ones previously filed.

(3) Jockey's agent shall not falsify the records.

d. Agent withdrawal. When any jockey agent withdraws from representation of a jockey, the agent shall immediately notify the stewards and shall submit to the stewards a list of any unfilled engagements made for the jockey. No agent shall be permitted to withdraw from the representation of any jockey unless written notice to the stewards has been provided.

e. Agent's contract filed. No agent's contract with a jockey or apprentice nor any assignment of that contract shall be effective unless filed with the steward.

f. Prohibited areas. A jockey agent is prohibited during racing hours from being present in the paddock, the winner's circle or the saddling enclosure, unless permitted by the stewards.

**10.4(21) Disciplinary measures by commission.** Upon the finding of a violation of these rules, or an attempted violation, on the grounds of any licensed racetrack, during the conduct of a race meeting in the state, the commission may:

a. Deny, suspend, revoke or declare void any license applied for or issued by the commission, or fine a holder of an occupational license not to exceed \$1000 or both. See Iowa Code section 99D.7(18). The commission may revoke a license for a period of years.

b. Upon a hearing de novo of the matter determined by the stewards, affirm, reverse, or revise the stewards' ruling in all respects.

c. Cause any person, licensed or unlicensed, found to have interfered with, or contributed toward the interference of, the orderly conduct of a race or race meeting or any person whose presence

is found by the commission to be inconsistent with maintaining the honesty and integrity of the sport of racing, to be excluded or ejected from the entire grounds or any portion of a licensed racetrack for any length of time the commission may deem the presence of that person remains inconsistent with maintaining the honesty and integrity of the sport of racing in the state of Iowa. This rule should not be construed to limit in any way the right of the track licensee to eject or exclude any person for any reason other than race, color, creed, sex, or national origin.

When the holder of an occupational license has that license suspended or revoked for any fraudulent practice in relation to a particular horse wholly or partly owned by that licensee, the licensee shall return all money or prizes which their horse has fraudulently won.

#### **491-10.5(99D) Conduct of races.**

**10.5(1) Horses ineligible.** Any horse ineligible to be entered for a race, or ineligible to start in any race, who competes in that race may be disqualified and the stewards may discipline the persons responsible for the horse competing in that race. A horse is ineligible to start a race when:

a. The horse is not stabled on the grounds of the licensed association by the time so designated by the stewards, or

b. The horse's Jockey Club registration certificate is not on file with the racing secretary, or horse identifier, or

c. The horse is not fully identified by an official tattoo on the inside of the upper lip, or

d. With respect to a horse who is entered for the first time, the nominator has failed to identify the horse by name, color, sex and age and the names of sire and dam as registered, or

e. A horse is brought to the paddock and is not in the care of and saddled by a trainer or assistant trainer, or

f. A horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any association or regulatory agency, or

g. A horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry of racing of some other horse under the name of the horse in question, or

h. A horse is wholly or partially owned by a disqualified person or a horse is under the direct or indirect management of a disqualified person, or

i. A horse is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases,

it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted, or

j. A horse has no current negative coggins test certificate attached to the registration certificate, or

k. The stakes or entrance money for the horse has not been paid, or

l. A horse appears on the starter's list, stewards' list, paddock list or veterinarian's list, or

m. A horse is a first time starter not approved by the starter (see also workouts), or not having two published workouts, or

n. A horse is owned in whole or in part by an undisclosed person or interest, or

o. A horse which has started in a race within the past calendar year which race has not been reported in a nationally published monthly chartbook, unless at least 48 hours prior to entry, the owner of the horse provides to the racing secretary under oath performance records which show the place and date of the race, the distance, the weight carried, the amount carried, and the horse's finishing position and time, or

p. In a stakes race, a horse has been transferred with its engagements, unless prior to the start, the fact of transfer of the horse and its engagements has been filed with the racing secretary, or

q. A horse is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper, or

r. A horse is subject to a lease not filed with the stewards, or

s. A horse is not in sound racing condition, or

t. A horse has been nerved by surgical neurectomy, or

u. A horse has been trachea-tubed to artificially assist breathing, or

v. A horse has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg, or

w. A horse has impaired eyesight in both eyes.

x. A horse is ineligible to start a race when a horse appears on the starter's list, steward's list or veterinarian's list and is barred from racing in any racing jurisdiction.

y. It has started in any race on the previous calendar day.

#### 10.5(2) Entries.

a. Filing. The association shall provide forms for making entries and declarations with the racing secretary. Entries and declarations shall be in writing, or by telephone or telegraph subsequently confirmed in writing by the owner, trainer, or authorized agent. When any entrant or nominator claims failure or error in the receipt by an association of any entry or declaration, the entrant or



nominator may be required to submit evidence within a reasonable time of the filing of the entry or the declaration.

b. Posting. Upon the closing of entries the racing secretary shall promptly compile a list of entries and cause it to be conspicuously posted.

c. Coupling.

(1) Entry coupling. When one trainer or owner enters more than one horse in the same race, the horses shall be coupled as an entry. Horses shall be regarded as having a common owner where an owner of one horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation, shall have an ownership interest in another horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation.

(2) Coupled entry limitations on owner. No more than two horses coupled by a common ownership or trainer shall be entered in an overnight race.

(3) Coupling of entries by stewards. The stewards shall couple as a single entry any horses which, in the determination of the stewards, are connected by common ownership or by a common trainer or when the stewards determine that coupling is necessary in the interest of the regulation of the pari-mutuel wagering industry or necessary to the public confidence in racing except when a trainer enters two or more horses in a stake, handicap, futurity, or other special event under beneficial separate ownerships, the horse may, at the request of the association and with the approval of the commission or stewards, be permitted to race as a separate wagering entity.

(4) Coupled entry excluding others. A coupled entry shall not be permitted to enter or start if the effect of the entry is to deprive an uncoupled single entry horse from starting in overnight races (stakes races are excepted).

d. Splitting of a race. If a race is canceled and declared off for insufficient entries, the association may split the list of entries for any other overnight race to provide an additional race to replace the one canceled. The racing secretary shall by lot divide the entries of the race so split into two different races.

e. Entry weight. Owners, trainers or any other person duly authorized by either who enter a horse for a race shall ensure that the entry is correct and accurate as to the weight allowances available and claimed for the horse under the conditions set for the race. After a horse is entered and has been assigned a weight to carry in the race, the assignment of weight shall not be changed except in the case of error.

f. Horses run once daily. No horse shall be entered for more than one race on the same day on which pari-mutuel wagering is conducted.

g. Foreign entries. For the purposes of determining eligibility, weight assignments or allowances for horses imported from a foreign nation, the racing secretary shall take into account the "Pattern Race Book" published jointly by the Irish Turf Club, The Jockey Club of Great Britain and the Societe d'Encouragement.

h. Weight conversions. For the purpose of determining eligibility, weight assignments or allowances for horses imported from a foreign nation, the racing secretary shall convert metric distances to English measures by reference to the following scale:

110 yards = 100 meters

1 furlong = 200 meters

1 mile = 1600 meters

i. Name. The "name" of a horse means the name reflected on the certificate of registration or racing permit or temporary racing permit issued by The Jockey Club. Imported horses shall have a suffix, enclosed by brackets, added to their registered names showing the country of foaling. This suffix is derived from the international code of suffixes and constitutes part of the horse's registered name. The registered names and suffixes, where applicable, shall be printed in the official program.

j. Bonafide entry. No person shall enter or attempt to enter a horse for a race unless that entry is a bonafide entry, made with the intention that the horse is to compete in the race for which the horse was entered.

k. Registration certificate to reflect correct ownership. Every certificate of registration or eligibility certificate filed with the association and its racing secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of the horse. The name of the owner which is printed on the official program for the horse shall conform to the ownership as declared on the certificate of registration or eligibility certificate unless a stable name has been registered for the owner or ownership with the commission.

#### 10.5(3) Sweepstakes entries.

a. Entry and withdrawal. The entry of a horse in a sweepstakes is a subscription to the sweepstakes. Before the time of closing, any entry or subscription may be altered or withdrawn.

b. Entrance money. Entrance money shall be paid by the nominator to a race. In the event of the death of the horse or a mistake made in the entry of an otherwise eligible horse, the nominator subscriber shall continue to be obligated for any stakes, and the entrance money shall not be returned.

#### 10.5(4) Closing of entries.

a. Overnight entries. Entries for overnight racing shall be closed at 10 a.m. by the racing secretary, unless a later closing is established by the racing secretary or unless approved by the stewards.

b. Sweepstake entries. If an hour for closing is designated, entries and declarations for sweepstakes cannot be received thereafter. However, if a time for closing is not designated, entries and declarations may be mailed or telegraphed until midnight of the day of closing, if they are received in time to comply with all other conditions of the race. In the absence of notice to the contrary, entries and declarations for sweepstakes which close during or on the day preceding a race meeting shall close at the office of the racing secretary in accordance with any requirements the secretary shall make. Closing for sweepstakes not during race meetings shall be at the office of the association.

c. Exceptions. Nominations for stakes races shall not close nor shall any eligibility payment be due on a day in which the United States Postal Service is not operating.

#### **10.5(5) Prohibited entries.**

a. Entry by disqualified person. An entry made by a disqualified person or the entry of a disqualified horse shall be void. Any money paid for the entry shall be returned if the disqualification is disclosed at least 45 minutes before post time for the race. Otherwise, the entry money shall be paid to the winner.

b. Limited partner entry prohibited. No person other than a managing partner of a limited partnership or a person authorized by the managing partner may enter a horse owned by that partnership.

c. Altering entries prohibited. No alteration shall be made in any entry after the closing of entries, but the stewards may permit the correction of an error in an entry.

d. Limitation on overnight entries. If the number of entries to any purse or overnight race is in excess of the number of horses that may be accommodated due to the size of the track, the starters for the race and their post positions shall be determined by lot conducted in public by the racing secretary.

e. Stake race entry limit. In a stake race, the number of horses who may compete shall be limited only by the number of horses nominated and entered. In any case, the association's lawful race conditions shall govern.

f. Stewards' denial of entry. The stewards may, after notice to the entrant, subscriber, or nominator, deny entry of any horse to a race if the stewards determine the entry to be in violation of these rules or the laws of this state or to be contrary to the interests of the commission in the regulation of pari-mutuel wagering or to public confidence in racing.

#### **10.5(6) Preferences and eligibles.**

a. "Also eligible." A list of not more than eight names may be drawn from entries filed in excess of positions available in the race. These names shall be listed as "also eligible" if originally entered horses are withdrawn. Any owner, trainer or authorized agent who

has entered a horse listed as an "also eligible" and who does not wish to start shall file a scratch card with the secretary not later than the scratch time designated for that race.

b. Date system for preferences; list. The date system shall be used to determine which horses shall be given preference in races entered. A horse having an earlier date shall be preferred over one with a later date according to the rules established in the racing secretary's office and approved by the stewards. A date list shall be posted in a place readily available to horsemen and kept current on a daily basis.

c. When the decision of a race is in dispute, all horses involved in the dispute, with respect to the winner's credit or earnings shall be liable to all weights or conditions, attached to the winning of that race until a winner has been finally adjudged.

**10.5(7) Post positions.** Post positions shall be determined by the racing secretary publicly and by lot. Post positions shall be drawn from also-eligible entries at scratch time. In all races, horses drawn into the race from the also-eligible list shall take the outside post positions.

**10.5(8) Scratch; declaring out.**

a. Notification to the secretary. No horse shall be considered scratched, declared out, or withdrawn from a race until the owner, agent, or other authorized person has given notice in writing to the racing secretary before the time set by the association as scratch time. All scratches must be approved by the stewards.

b. Declaration irrevocable. Scratching, or the declaration of a horse out of an engagement for a race, is irrevocable.

c. Limitation on scratches. No horse shall be permitted to be scratched from a race if the horses remaining in the race number less than ten, unless the stewards permit a lesser number. Where there are more requests to scratch that, if granted, would leave a field less than ten, the stewards shall determine by lot which entrants may be scratched and permitted to withdraw from the race.

d. Scratch time. Unless otherwise set by the racing secretary, scratch time shall be:

(1) Stakes races. Scratch time shall be at least 45 minutes before post time.

(2) Other races. Scratch time shall be no later than 8 a.m. of the day of the race.

**10.5(9) Workouts.**

a. When required. No horse shall be started unless the horse has raced or has an approved timed workout satisfactory to the stewards. The workout must have occurred on the grounds of a licensed pari-mutuel facility within the previous 30 days. A horse which has not started for a period of 60 days or more shall be ineligible to race until it has completed a timed workout satisfactory to the stewards

prior to the day of the race in which entered. No horse shall be taken onto the track for training or a workout except during hours designated by the association. First time starters must have two approved timed workouts satisfactory to the stewards.

b. Identification. The timer or the stewards may require licensees to identify a horse in their care being worked. The owner, trainer or jockey may be required to identify the distance the horse is to be worked and the point on the track where the workout will start.

c. Information dissemination. If the stewards approve the timed workout so as to permit the horse to run in a race, they shall make it mandatory that this information is furnished to the public in advance of the race including but not limited to the following means:

- (1) Announcement over the track's public address system;
- (2) Transmission on the track's message board;
- (3) Posting in designated conspicuous places in the racing enclosure; and

(4) Exhibit on track TV monitors at certain intervals if the track has closed circuit TV. If the workout is published prior to the race in either the Daily Racing Form or the track program, then it shall not be necessary to make the announcements set forth above.

d. Restrictions. No horse shall be taken onto the track for training or a workout except during hours designated by the association.

#### **10.5(10) Equipment.**

a. Whip and bridle limitations. Unless permitted by the stewards, no whip or substitute for whip shall exceed one pound or 30 inches and no bridle shall exceed two pounds.

b. Equipment change. No licensee may change the equipment used on a horse from that used in the horse's last race, unless with permission of the paddock judge. No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter, the paddock judge, and the stewards. In the paddock prior to a race, a horse's tongue may be tied down with clean bandages, clean gauze or with a tongue strap.

#### **10.5(11) Racing numbers.**

a. Number display. Each horse in a race shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

b. Coupled entries. In the case of a coupled or other entry that includes more than one horse, each horse in the entry shall carry the same number, with a different distinguishing letter following the number. As an example, two horses in the same entry shall be entered as 1 and 1-A.

c. Field horses. In a combined field of horses, each horse in the field shall carry a separate number.

**10.5(12) Valuation of purse money.** The amount of purse money earned is credited in United States currency and there shall be no

appeal for any loss on the exchange rate at the time of transfer from the United States currency to that of another country.

#### **10.5(13) Dead heats.**

a. In the event of a dead heat, the prize money will be distributed in equal shares to the owners of the horses so finishing. In a dead heat finish for first place, each horse shall be considered a winner of the amount of the purse or prize.

b. If a prize includes a cup, plate or other indivisible prize, owners shall draw lots for the prize in the presence of at least two stewards.

c. In the event of a dead heat finish for second place and thereafter, an objection to the winner of the race is sustained, the horses in the dead heat shall be considered to have run a dead heat for first place.

**10.5(14) Purse money presumption.** The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning the purse money.

#### **10.5(15) Coggins test.**

a. Certificate required. No horse shall be allowed to enter, start or be stabled on the grounds of the racing establishment unless a valid negative coggins test certificate is on file with the racing secretary.

b. Trainer responsibility. In the event of claims, sales or transfers, it shall be the responsibility of the new trainer to ascertain the validity of the certificate for the horse within 24 hours. If the certificate is either unavailable or invalid, the previous trainer shall be responsible for any reasonable cost associated with obtaining a coggins certificate.

c. Positive test reports. Whenever any owner or trainer is furnished a coggins test positive result that the horse has equine infectious anemia, the horse shall be removed by the owner or trainer from association premises or approved farms with 24 hours of actual notice to the owner or trainer of the infection.

#### **10.5(16) Race procedures.**

a. Full weight. Each horse shall carry the full weight assigned for that race from the paddock to the starting point, and shall parade past the stewards' stand, unless excused by the stewards.

b. Touching and dismounting prohibited. After the horses enter the track, jockeys may not dismount or entrust their horse to the care of an attendant unless because of an accident occurring to the jockey, the horse, or the equipment, and then only with the prior consent of the starter. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the hands of the jockey or the assistant starter or an outrider

on a lead pony may touch the horse before the start of the race.

c. Jockey injury. If a jockey is seriously injured on the way to the post, the horse shall be returned to the paddock, a replacement jockey obtained and both the injured jockey and the replacement jockey will be paid by the owner.

d. Twelve minute parade limit. After entering the track, all horses shall proceed to the starting post in not more than 12 minutes unless approved by the stewards. After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner. Once at the post, the horses shall be started without unnecessary delay. All horses must participate in the parade carrying their weight and equipment from the paddock to the starting post and any horse failing to do so may be disqualified by the stewards. No lead pony leading a horse in the parade shall obstruct the public's view of the horse being led except with permission of the stewards.

e. Striking a horse prohibited. In assisting the start of a race, no person other than the jockey, the starter, the assistant starter or the veterinarian shall strike a horse or use any other means to assist the start.

f. Loading of horses. Horses shall take their position at the post (in the starting gate) in post position order (the order in which their names have been drawn, beginning from the inside rail).

g. Delays prohibited. No person shall obstruct or delay the movement of a horse to the starting post.

#### 10.5(17) Claiming races.

##### a. Eligibility.

(1) Registered to race or open claim. No person may file a claim for any horse unless the person:

1. Is a licensed owner at the meeting or the licensed authorized agent for an owner authorized to claim. The owner must be registered in good faith for racing or have started a horse at the meeting; or

2. Has a valid open claim certificate. Any person not licensed as an owner or a licensed authorized agent for the account of such person may request an open claim certificate from the commission:

The person must submit a completed application for a prospective owner's license to the commission. The applicant must have the name of the trainer licensed or eligible to be licensed by the commission who will be responsible for the claim tours. A nonrefundable fee must accompany the application along with any financial information requested by the commission.

The names of the prospective owners shall be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission and after a background check is conducted and when the open claim certificate is exercised, an owner's license will be issued.

(2) One stable claim. No stable which consists of horses owned by more than one person and which has a single trainer may submit more than one claim in any race and an authorized agent may submit only one claim in any race regardless of the number of owners represented.

b. Procedure for claiming. To make a claim for a horse, an eligible person shall:

(1) Deposit. Deposit to the person's account with the horsemen's bookkeeper the full claiming price and applicable taxes as established by the racing secretary's conditions.

(2) Filing of claim. File in a locked claim box maintained for that purpose by the stewards the claim filled out completely and with sufficient accuracy to identify the claim in writing on forms provided by the association at least 15 minutes before the time of the race.

c. Claim box.

(1) The claim box shall be approved by the commission and kept locked until 15 minutes prior to the start of the race, when it shall be presented to the stewards or their designee for opening and publication of the claims.

(2) The claim box shall also include a time clock which automatically stamps the time on the claim envelope prior to its being dropped in the box.

(3) No official of an association shall give any information as to the filing of claims therein until after the race has been run.

d. Claim irrevocable. After a claim has been filed in the locked box, it shall not be withdrawn.

e. Multiple claims on single horses. If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

f. Coggins test condition. If a claimant so indicates on the claiming form, the claimant may make the claim conditional on the successful testing of the horse for equine infectious anemia as determined by a coggins test. In that event, the claimant shall at the claimant's expense procure through a licensed veterinarian a blood sample of the claimed horse which shall be forwarded within 24 hours to a laboratory approved by the commission as competent to conduct coggins tests. Pending the result of the test, moneys paid for the claimed horse shall be held by the association. In the event of a positive test result, the ownership of the claimed horse shall revert to the original owner, the claiming moneys shall be returned to the unsuccessful claimant of the horse, and the expenses of the test shall be paid by the original owner.

g. Successful claims; later races.

(1) Sale or transfer. No successful claimant may sell or transfer a horse, except in a claiming race, for a period of 30 days from



the date of claim.

(2) Eligibility price. A claimed horse may not start in a race in which the claiming price is less than 25 percent more than the amount for which it was claimed for a period of 30 days and no right, title or interest therein shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. The day claimed shall not count but the following calendar day shall be the first day. The horse shall be entitled to enter whenever necessary so the horse may start on the 31st calendar day following the claim for any claiming price. The horse shall be required to continue to race at the track where claimed for the balance of the current race meeting.

(3) Racing elsewhere. A horse which was claimed under these rules may not participate at a race meeting other than that at which it was claimed until the end of the meeting, except with written permission of the stewards. This limitation shall not apply to stakes races.

(4) Same management. A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(5) When a horse is claimed out of a claiming race, the horse's engagements are included.

h. Transfer after claim.

(1) Forms. Upon a successful claim, the stewards shall issue in triplicate, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the commission, the stewards, and the racing secretary for the benefit of the horse identifier. No claimed horse shall be delivered by the original owner to the successful claimant until authorized by the stewards. Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant from the time the horse becomes a starter. The successful claimant shall become the owner of the horse at the time of starting, regardless of whether it is alive or dead, sound or unsound, or injured during the race or after it.

(2) Other jurisdiction rules. The commission will recognize and be governed by the rules of any other jurisdiction regulating title and claiming races when ownership of a horse is transferred or affected by a claiming race conducted in that other jurisdiction.

(3) Determination of sex and age. The claimant shall be responsible for determining the age and sex of the horse claimed notwithstanding any designation of sex and age appearing in the program or in any racing publication. In the event of a spayed mare, the (s) for spayed should appear next to the mare's name on the program. If it does not and the claimant finds that the mare is in fact spayed, claimant may then return the mare for full refund of the claiming price.

(4) Affidavit by claimant. The stewards may, if they determine it necessary, require any claimant to execute a sworn statement that the claimant is claiming the horse for the claimant's own account or as an authorized agent for a principal and not for any other person.

(5) Delivery required. No person shall refuse to deliver a properly claimed horse to the successful claimant and the claimed horse shall be disqualified from entering any race until delivery is made to the claimant.

(6) Obstructing rules of claiming. No person or licensee shall obstruct or interfere with another person or licensee in claiming any horse nor enter any agreement with another to subvert or defeat the object and procedures of a claiming race, or attempt to prevent any horse entered from being claimed.

i. Elimination of stable. An owner whose stable has been eliminated by claiming may claim for the remainder of the meeting at which eliminated or for 30 racing days, whichever is longer. With the permission of the stewards, stables eliminated by fire or other casualty may claim under this rule.

j. Deceptive claim. The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of all claim moneys.

k. Protest of claim. A protest to any claim must be filed with the stewards before noon of the day following the date of the race in which the horse was claimed. Nonracing days are excluded from this rule.

#### **491-10.6(99D) Medication and administration, sample collection and chemists.**

##### **10.6(1) Medication and administration.**

a. No horse, while participating in a race, shall carry in its body any medication, or drug, or foreign substance, or metabolic derivative thereof, which is a narcotic, or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, thereby affecting its speed.

b. Also prohibited are any drugs or foreign substances which might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures.

c. Proof of detection by the commission chemist of the presence of a medication, or drug, or foreign substance, or metabolic derivative thereof, prohibited by paragraph "a" or "b" in a saliva, urine or blood sample duly taken under the supervision of the commission

veterinarian from a horse immediately prior to or promptly after running in a race, shall be prima facie evidence that the horse was administered with the intent that it would carry or that it did carry prohibited medication, drug, or foreign substance, in its body while running in a race in violation of this rule.

d. Administration or possession of drugs.

(1) No person shall administer, cause to be administered, participate, attempt to participate, in any way in the administration to a horse registered for racing of any medication, drug, foreign substance, or treatment by any route, on the day of the race for which the horse is entered prior to the race.

(2) No person except a veterinarian shall have in their possession any prescription drug. However, a person may possess a non-injectable prescription drug for animal use if:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to him for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are then in said person's care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in their possession or administer to any horse within any racetrack enclosure any chemical substance which:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. section 301 et seq., and implementing regulations, without the prior written approval from a commission veterinarian, after consultation with the board of stewards.

2. Which is on any of the schedules of controlled substances as prepared by the attorney general of the United States pursuant to 21 U.S.C. section 811 and 812, without the prior written approval from a commission veterinarian, after consultation with the board of stewards.

The commission veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial, therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route to any person within the grounds of the association unless there is a label specifying the name of the substance dispensed, the name of the dispensing person, the name of the horse or horses for which the substance is dispensed, the purpose for which said substance is dispensed, the dispensing veterinarian's

recommendations for withdrawal before racing (if applicable), and the name of the person to which dispensed, or is otherwise labeled as required by law.

(5) No person shall have in their possession or in areas under their responsibility on association grounds, any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route unless it complies with the labeling requirements in subrule 10.6(1)"d"(4).

e. Any person found to have administered a medication, drug, or foreign substance which caused or could have caused a violation of this rule, or caused or participated or attempted to participate in any way in the administration, shall be subject to disciplinary action.

f. The owner, trainer, groom or any other person having charge, custody or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration, and if the stewards shall find that any person has failed to show proper protection and guarding of the horse, or if the stewards find that any owner, lessee or trainer is guilty of negligence, they shall impose punishment and take other action they deem proper under any of the rules including reference to the commission.

g. In order for a horse that is on a bleeder's list in another state to be granted reciprocity in Iowa and be placed on a bleeder's list in Iowa; the rules governing placement on the bleeder's list in that other state must be equal or exceed those of Iowa.

#### 10.6(2) Sample collection.

a. Urine, blood and other specimens shall be taken and tested from any horse that the stewards of the meeting, commission veterinarian, or the commission's representatives may designate. Tests are to be under the supervision of the commission. The samples shall be collected by the commission veterinarian or other person or persons the commission may designate.

b. A track shall have a detention barn under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the commission.

c. No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of horses pending the obtaining of body fluid samples.

d. During the taking of samples from a horse, the owner or responsible trainer, or a representative designated by the owner or trainer, may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection

of the samples constitutes a waiver by the trainer or representative of any objections to the source and documentation of the sample.

e. A security guard, approved by the commission, must be in attendance during the hours designated by the commission.

f. The commission veterinarian, the board of stewards, agents of the division of criminal investigation, or the authorized representative of the commission may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a horse in a race which may be found in barns or elsewhere on racetracks or in the possession of any person connected with racing, and the same shall be delivered to the official chemist for analysis.

g. Nothing in these rules shall be construed to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of body fluid samples for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission veterinarian from requiring body fluid samples to be stored in a frozen state for future analysis.

Administration of lasix and phenylbutazone shall be allowed only as permitted under Iowa Code section 99D.25.

h. Before leaving the racing surface, the trainer shall ascertain the testing status of the horse under such trainer's care from the commission veterinarian or designated test barn representative.

#### 10.6(3) Chemists.

a. The commission shall employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of body fluid samples whether a substance or drug is present which may affect the outcome of a race or which may interfere with the testing procedure as provided in Iowa Code section 99D.23(1).

b. All body fluid samples taken by or under direction of the commission veterinarian or authorized representative of the commission shall be delivered to the laboratory of the official chemist for analysis. Each sample shall be marked or numbered and bear information essential to its proper analysis; but the identity of the horse from which the sample was taken or the identity of its owners or trainer shall not be revealed to the official chemist or the staff of the chemist. The container of each sample shall be sealed as soon as the sample is placed therein.

c. The commission chemist shall be responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist shall conduct individual tests on each

sample, screening them for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative thereof with specificity. Pooling of samples shall be permitted only with the knowledge and approval of the commission.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of tests suspicious or positive for prohibited substances, the tests shall be reconfirmed, and the remaining portion, if available, of the specimen preserved and protected until the stewards rule it may be discarded.

f. The commission chemist shall submit to the state steward a written report as to each specimen tested, indicating by sample tag identification number, whether the sample was tested negative or positive for prohibited substances. The commission chemist shall report test findings to no person other than the state steward or a designated representative of the state steward.

(1) In the event the commission chemist should find a specimen suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

(2) The racing association shall not make distribution of any purses until given clearance of chemical tests by the state steward.

g. In reporting to the state steward a finding of a test positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

h. No action shall be taken by the state steward on the report of the official chemist unless and until the medication, drug or other substance has been properly identified as well as the horse from which the sample was taken, nor until an official report signed by the chemist has been received by the state steward.

i. The cost of the testing and analysis shall then be reimbursed by each licensed association on a per sample basis so that each association shall bear only its proportion of the total cost of testing and analysis.

**491-10.7(99D) Rescinded.**

**CHAPTER 11**  
**APPLICATION FOR TAX CREDIT BY**  
**HORSE RACING LICENSEES**

**491—11.1(99D) Existing fair horse tracks.**

**11.1(1)** All licensees licensed for horse racing desiring to make application for the tax credit authorized under Iowa Code section 99D.15(2) shall do so in such form as the commission may require. The licensee may make application for the tax credit for proposed construction prior to the racing dates from which the pari-mutuel tax will be taken and to which the credit will be applied. Those costs of construction that the commission deems as qualifying under Iowa Code section 99D.15(2) shall be approved and, contingent upon sufficient funds from the parimutuel tax being paid into the special fund in the office of the state treasurer ten days following the last day of the race meeting of the licensee, a credit in the amount approved by the commission shall be paid to the licensee or a financial institution designated by the licensee.

**11.1(2)** The information required on the application shall include, but not be limited to, the items enumerated in paragraphs "a" to "e" below and the licensee shall also furnish documented evidence of these items:

a. The general nature of the construction, construction schedule, and detailed cost estimates.

b. The purpose of the new construction for pari-mutuel use, evidencing that said use was genuine and bona fide (exclusive use for pari-mutuel purposes is not necessary).

c. The amount of indebtedness incurred as a result of the construction on the licensed facility.

d. An itemization of the cost, upon completion of construction, including the architect and design expenses, using generally accepted accounting principles and verified by an audit, performed by an independent certified public accountant selected by the licensee and approved by the commission.

e. A description of any public safety concerns, human and animal welfare concerns, and the economic justification of any proposed construction.

**11.1(3)** Types of construction which qualify for the credit are:

a. New construction of permanent facilities, defined to include that construction which is ordinary, necessary, and customary at pari-mutuel facilities.

b. Portions of facilities permanent in nature at most horse tracks, but designed specifically to allow them to be transported from one track to another.

All construction must be for the purposes of conducting pari-mutuel wagering and there must be a genuine and bona fide use for pari-mutuel purposes in order to qualify for the tax credit. The

commission shall not approve an application submitted pursuant to this rule unless the commission determines that the construction will promote the safety or comfort of the people or horses and is in the best interest of horse racing in this state generally.

**11.1(4)** The commission will decide which costs of construction qualify for the tax credit under Iowa Code section 99D.15(2) and will certify the amount to be paid to the licensee.

**491—11.2(99D) Permanent horse tracks.**

**11.2(1)** A licensee licensed for horse racing at a facility constructed and to be operated for that purpose who desires to make application for the tax credit authorized under Iowa Code section 99D.15(2) shall do so in such form as the commission may require. On or before January 15 of each year, the licensee shall make application for the tax credit for paying annual debt service on the cost of construction or acquisition of the racetrack facility. Those costs of construction or acquisition which the commission deems as qualifying for the credit under Iowa Code section 99D.15(2) (the "qualified indebtedness") shall be approved and shall be payable from a separate account (the "pari-mutuel tax account") maintained for the benefit of the state of Iowa pursuant to an escrow and depository agreement to be entered into by and among the commission, the licensee and a depository financial institution. During a race meeting, the licensee shall, at the end of each race day, deposit in the pari-mutuel tax account the moneys received from the 6 percent pari-mutuel tax imposed by Iowa Code section 99D.15(1) on the gross sum wagered at the horse track. Ten days following the end of a race meeting, a sum equal to 1 percent of the gross sum wagered at the horse track during that race meeting shall be paid directly to the treasurer of the state of Iowa. The balance in the pari-mutuel tax account shall be distributed as credit (subject to there being an equal or greater amount of "qualified indebtedness" outstanding as established by certificates of the licensee filed with the commission and any other parties designated by the licensee on January 15 of each year) by transferring that balance to a bank, trust company or other financial institution designated by the licensee for the payment of any debt incurred by the licensee for costs of construction or acquisition of the horse track for deposit in an account (the "tax credit fund") and shall be accounted for in separate subaccounts designated for the various types of "qualified indebtedness" incurred by the licensee.

The distributions from the pari-mutuel tax account may be made only upon the signature of the administrator of the commission and an authorized representative of the licensee. The amounts in the tax credit fund may be used by the financial institution where the tax credit fund is on deposit for:

a. The current obligation to make payments of principal of and



interest on any bonds, notes or other certificates of indebtedness (the "debt") issued by or on behalf of the licensee and relating to debt incurred to pay costs of constructing or acquiring the horse track;

b. Funding, as a cost of construction of a racetrack facility, any debt service reserve fund at its maximum level;

c. Required payment or prepayment of other "qualified indebtedness" related to construction or acquisition of the horse track; or

d. Optional redemption or prepayment or open market purchases of any debt. If at the end of any calendar year, any funds remain in the pari-mutuel tax account, the remainder shall be paid to the treasurer of the state of Iowa.

11.2(2) On or before January 15 of each year, the licensee will provide to the commission and any other party designated by the licensee, certificates to accompany the application which set forth the amount needed during that calendar year to pay the principal of, accrued interest and premium, if any, on the debt, to make required payment to any debt service reserve fund to replenish that fund or to build that fund to the maximum amount as required by the financing documents relating to the debt and permitted by applicable federal tax law, or to make required payment or optional prepayment of any other "qualified indebtedness." In addition, at least 45 days prior to December 1 of each year, the licensee shall provide to the commission and any other party designated by the licensee, a certificate which sets forth the amounts necessary to accomplish the maximum principal amount of any permitted optional redemption or prepayment of the debt pursuant to the financing documents relating to the issuance of the debt. The commission will review the certificates and approve the amounts to be distributed within 30 days after receipt of the certificates. Upon receipt of approval of the commission as to the amounts to be distributed for the tax credit and after payment of the tax due to the treasurer of the state of Iowa, the depository financial institution, on behalf of the state of Iowa, shall transfer funds to the financial institution where the tax credit fund is to be deposited, to the extent sufficient funds are available, in accordance with subrule 8.2(4) of the commission rules.

The information required on the application shall include, but not be limited to, the following, and the licensee shall also furnish documented evidence of these items:

a. The general nature of the construction or acquisition, construction or acquisition schedule, and detailed statement of final costs or estimated costs, as the case may be.

b. The purpose of the construction or acquisition for pari-mutuel use, evidencing that the use was genuine and bona fide (exclusive

use for pari-mutuel purposes is not necessary).

c. The amount of indebtedness incurred as a result of the construction of or acquisition for the licensed facility.

d. An itemization of the cost, upon completion of construction or acquisition, including, without limitation, the architect and design expenses, debt service reserve funds, debt issuance expenses and capitalized interest costs, using generally accepted accounting principles and verified by an audit, performed by an independent certified public accountant selected by the licensee and approved by the commission.

e. For construction or acquisition following the opening of the licensed facility, a description of any public safety concerns, human and animal welfare concerns, and the economic justification of the proposed construction or acquisition.

**11.2(3)** Types of construction or acquisition which qualify for the credit are:

a. New construction or acquisition of permanent facilities, defined to include that construction or acquisition which is ordinary, necessary and customary at pari-mutuel facilities.

b. Portions of facilities permanent in nature at most horse tracks, but designed specifically to allow them to be transported from one track to another.

All construction or acquisition must be for the purpose of conducting pari-mutuel wagering and there must be a genuine and bona fide use for pari-mutuel purposes in order to qualify for the tax credit.

For purposes of this rule, "qualified indebtedness" shall mean obligations incurred by or on behalf of the licensee in connection with the types of construction or acquisition of and at the licensed facility described above including but not limited to loans, lease-purchase arrangements, conditional sales agreements, installment purchase agreements and lease arrangements having a term of at least 36 months.

## Chapter 12 SIMULCASTING

### **491-12.1(99D) Definitions.**

"Host track," means the licensee conducting live racing from which simulcasting originates.

"Interstate simulcasting," means the telecast of live audio and visual signals of pari-mutuel racing sent to or received from a state outside the state of Iowa to an authorized racing or gaming facility for the purpose of wagering.

"Intrastate simulcasting," the telecast of live audio and visual signals of pari-mutuel racing conducted on a licensed pari-mutuel

track within Iowa sent to or received from an authorized pari-mutuel facility within Iowa for the purpose of pari-mutuel wagering.

"Pari-mutuel output data, means the data provided by the totalizator other than sales transaction data, including but not limited to the odds, will pays, race results, and pay off prices.

"Sales transaction data," means the data between totalizator ticket issuing machines and the totalizator central processing unit for the purpose of accepting wagers and generating, cancelling and cashing pari-mutuel tickets and the financial information resulting from processing sales transaction data, such as handle.

**491-12.2(99D) Approval of transmission method.** The method used to transmit sales transaction and pari-mutuel output data shall be approved by the commission, based upon the determination that provisions to secure the system and transmission are satisfactory.

**491-12.3(99D) Communication between facilities.** A communication between the host track and the receiving facility must be provided which will allow the totalizator operator and the board of stewards at the host track to communicate with the facility receiving the signal.

**491-12.4(99D) Licensee responsible for reporting delay.** The licensee is responsible during the racing program's operating hours for reporting any problems or delays to the public.

**491-12.5(99D) Pre-approval.** All simulcast, both interstate and intrastate must be pre-approved by the commission. Each racing association shall submit an annual written simulcast proposal to the commission with the application for license renewal required by Chapter 5 of these rules. The administrator upon written request may grant modifications to the annual simulcast proposal.

**491-12.6(99D) Requests.** The commission may approve or disapprove simulcast requests at its discretion. Factors that may be considered include but are not limmited to: economic conditions of a racing association, impact on other racing associations impact on the Iowa breeding industry, other gambling in the state, and any other considerations the commission deems appropriate.

**491-12.7(99D) Permission from other jurisdictions.** Once simulcast authority has been granted by the commission, it shall be the affirmative responsibility of racing associations granted simulcast authority to obtian all necessary permission from other states and tracks to simulcast the pari-mutuel races. In addition, the burden of adhering to state and federal laws concerning simulcasting is on the racing association at all times.

**491-12.8(99D) Transmitted.** All simulcasting must be transmitted

live and all wagering on simulcast shall be made in accordance with the Iowa racing and gaming commission rules on pari-mutuel wagering in Chapter 8.

## CHAPTER 62 REGISTRATION OF IOWA-FOALED HORSES AND IOWA-WHELPEL DOG

**21-62.1(99D) Definitions.** For purposes of this chapter, unless a different meaning is clearly indicated by the context:

“Bona fide Iowa resident” means a person who has resided in Iowa for six months prior to date of registration of the stallion.

“Breeder of a greyhound dog” means the owner of the pup(s) at the time of whelping.

“Breeder of a standardbred and quarterhorse” means the owner of the brood mare at the time of breeding.

“Breeder of a thoroughbred” means the owner of the brood mare at the time the foal is dropped.

“Department” means Iowa department of agriculture and land stewardship.

“Oionskin” means an original individual greyhound application form of the National Greyhound Association.

“Owner of a thoroughbred stallion,” “owner of a standardbred stallion” or “owner of a quarterhorse stallion” means a bona fide Iowa resident who owns or leases at least 51 percent of a thoroughbred, standardbred or quarterhorse stallion for one service season or more.

“Secretary” means Iowa secretary of agriculture.

**21-62.2(99D) Iowa horse and dog breeders' fund.** Iowa-foaled horses and Iowa-whelped dog records and breeder payments:

The department will establish and maintain a records system entitled the “Iowa Horse and Dog Breeders' Fund.” This records system will feature a list of thoroughbred, standardbred and quarterhorses who have qualified to be Iowa-foaled horses, as well as a listing of all greyhound dogs that have qualified to be Iowa-whelped dogs.

A sum equal to twelve percent of the purse won by an Iowa-foaled horse or Iowa-whelped dog shall be used to promote the horse and dog breeding industries. This percentage shall be applicable to all races that are limited to Iowa-foaled horses or Iowa-whelped dogs as well as all other races which are won by Iowa-foaled horses or Iowa-whelped dogs.

The twelve percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the state department of agriculture and land stewardship which, in turn,

shall deposit it in a special fund to be known as the Iowa Horse and Dog Breeders' Fund" and pay it by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse or the breeder of the Iowa-whelped dog.

62.2(1) All foals/horses qualified through the department to be Iowa-foaled horses and dogs qualified to be Iowa-whelped will be listed by a department registration number. The Iowa-foaled horse mare breeder(s) at the time of foaling, or the owner of the standardbred and quarterhorse brood mare at the time of breeding, or the owner of the dog, as a pup, at the time of whelping, shall be properly recorded with a registration number.

62.2(2) A race track licensee shall hold at least one race on each racing day limited to Iowa-foaled horses or Iowa-whelped dogs. However, if sufficient competition cannot be had among that class of horses or dogs on any day, another race for the day may be substituted.

62.2(3) As the department receives this money from the licensee, the department shall credit each horse or dog, by registration number, with the amount. At the end of each calendar year, the department shall pay the amount credited to winning Iowa-foaled horses or Iowa-whelped dogs to the Iowa-foaled horse breeder or to the Iowa-whelped dog breeder.

62.2(4) The department will implement and maintain a system of keeping the Iowa state racing commission informed and updated relative to all horses and dogs which are eligible to race as Iowa foaled or Iowa whelped.

62.2(5) The department shall have the authority to inspect the premises to verify that the animals are maintained under conditions appropriate to each species to ensure that the animals are properly cared for and that the standards of proper animal welfare are met.

**21-62.3(99D) Forms.** The following forms to qualify thoroughbred, standardbred and quarterhorses as registered and certified Iowa-foaled horses and to qualify dogs as registered and certified Iowa-whelped dogs are available and can be obtained from the department.

The form shall provide for the applicant to certify the truthfulness and accuracy of the information.

62.3(1) Thoroughbred, standardbred, quarterhorse.

- a. Application for Iowa Stallion Eligibility Certificate, Form S-1.
- b. Iowa Stallion Eligibility Certificate, Form S-2.
- c. Record of Mares Bred, Form S-3.
- d. Brood Mare Registration Application, Form M-4.
- e. Mare Status Report, Form M-5.
- f. Mare Transfer of Ownership, Form M-6.
- g. Application for Iowa-foaled Registration, Form I-6.
- h. Certificate for Iowa-foaled Status, Form I-7.

62.3(2) Greyhound.

- a. Application for Iowa-whelped Litter Registration, Form GH-1.
- b. Application for Iowa-whelped Individual Registration, Form GH-2.
- c. Bitch Information Report, Form GH-3.

**21-62.4(99D) Disciplinary procedures.** A person shall not knowingly provide false information to the department relating to the registration of a horse or dog under these rules, then the department may deny, suspend, or revoke all registrations and eligibility certificates by or on behalf of the person.

62.5 to 62.9 Reserved.

### THOROUGHBRED DIVISION

**21-62.10(99D) Iowa thoroughbred stallion requirements.** To qualify as an Iowa thoroughbred stallion, a stallion must be certified and registered with the department.

**62.10(1)** No person shall be issued an Iowa Stallion Eligibility Certificate who is not a bona fide resident.

**62.10(2)** To qualify for registration and certification, the stallion must have a full year's residency in Iowa, January 1 through December 31, for the year of registration. However, horses going to stud for their first season shall be eligible upon registration, with residency to continue through December 31.

**62.10(3)** Any false information submitted by applicant for an Iowa Stallion Eligibility Certificate shall be grounds for denial of registration and certification.

**21-62.11(99D) Notification requirements.** The owner or owner's authorized representative must give immediate notification to the department if the stallion leaves the state. If the stallion leaves the state for breeding purposes, the Iowa Stallion Eligibility Certificate will be invalidated. Subsequently, if the owner(s) wishes to return the stallion to service in Iowa, the original application procedure will be required. If an Iowa registered stallion is moved within Iowa to stand at another location, the department must be notified before the stallion is offered for service at the new Iowa location. If an Iowa registered stallion is moved, temporarily, to another state for medication, its certification will remain valid as long as the department is properly notified.

**21-62.12(99D) Stallion qualification and application procedure.** To qualify a stallion as an Iowa registered stallion the owner is required to complete the application for an Iowa Stallion Eligibility Certificate and forward it to the Horse Racing Section, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building,

Des Moines, Iowa 50319. The issuance of an Iowa Stallion Eligibility Certificate by the department is contingent on the stallion being registered and certified by the department. This certificate shall be valid as long as all stallion residency and notification procedures are properly met.

62.12(1) Rescinded, effective 6/13/86.

62.12(2) In the event of a sale or transfer of ownership of a thoroughbred stallion, qualified with the department, the transfer of ownership shall be executed on the back of the Iowa Stallion Eligibility Certificate for that stallion and endorsed certificate forwarded to the department.

62.12(3) If fifty-one percent of the new ownership is a bona fide Iowa resident(s) and wishes to qualify the stallion as an Iowa stallion, then the new owner(s) must submit an application for an Iowa Stallion Eligibility Certificate, accompanied by a fee, a copy of the bill of sale and meet all other department requirements.

62.12(4) The Iowa Stallion Eligibility Certificate shall be available for inspection on the premises where the stallion stands.

**21-62.13(99D) Application information.** Every person wanting to offer or stand a stallion, as an Iowa registered stallion must file with the department a written application, utilizing Form S-1, and providing the following:

1. Name of stallion;
2. The name(s) of the owner(s) and address(es);
3. The place where the stallion stood for service during the previous year;
4. The place where the stallion will stand for service;
5. Statement that a minimum of fifty-one percent of the stallion is owned by a bona fide resident(s) of Iowa, and that the stallion will not stand for service any place outside the state of Iowa during the calendar year in which the foal is conceived;
6. Details concerning right of ownership, such as a bill of sale, contract or other documents providing proof of ownership, which must show any agreements concerning breeding rights, repurchase agreements and other types of concessions; and any other relevant information requested by the department;
7. An official certificate of registration from the Jockey Club of New York, which will be returned within ten working days to the applicant.

**21-62.14(99D) Breeding record - report of mares bred.** Every person offering or standing any stallion for services as an Iowa registered stallion shall maintain a complete breeding record of the stallion and all mares of any breed bred to the stallion.

62.14(1) Such records shall be available to the department for inspection and shall include the following information:

- a. The name of the mare;
- b. The dam and sire of the mare;
- c. The name and address, including zip code, of the owner(s) of the mare;
- d. The first and last dates on which the stallion was bred to the mare;
- e. The place where the stallion was standing for service at the time of the breeding of the mare;
- f. The person(s) in charge of the stallion at the time of service to the mare, and any other relevant information requested by the department.

**62.14(2)** A report entitled "Record of Mares Bred" must be filed with the department by September 1 of each year. The report must be filed on Form S-3 provided by the department.

**21-62.15(99D) Iowa-foaled horses and brood mares.** To qualify for the "Iowa Horse and Dog Breeders' Fund" program, horses must be Iowa foaled.

**62.15(1)** All thoroughbred horses foaled in Iowa prior to January 1, 1985, which are registered by the Jockey Club as Iowa foaled, shall be considered to be Iowa foaled.

**62.15(2)** After January 1, 1985, eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

- a. Thirty days' residency until the foal is inspected, if in foal to a registered Iowa stallion.

- b. Thirty days' residency until the foal is inspected for brood mares which are bred back to registered Iowa stallions.

- c. Continuous residency from December 31 until the foal is inspected if the mare was bred by other than an Iowa registered stallion and which is not bred back to an Iowa registered stallion.

- d. The foal shall not be eligible for Iowa-foaled status if the mare and foal leave or are removed from the state before the foal is inspected by a department inspector.

**62.15(3)** Additionally, for mares to be eligible for the "Iowa Horse and Dog Breeders' Fund" program and for their foals to be eligible to enter races limited to Iowa-foaled horses, it is required that:

- a. A Thoroughbred Brood Mare Registration Application, Form M-4, must be submitted to the department prior to foaling. This registration will cover the mare her entire productive life as long as there is not a change of ownership and the thoroughbred mare meets the eligibility rules set forth in 62.15(2).

- b. The owner(s) of the mare must complete and return the Mare Status Report (Form M-5) to the department by December 15 of the year bred.

- c. The Mare Status Report must show the place where the mare will foal in this state and the person who will be responsible for the mare at the time of foaling.



d. The Mare Status Report must indicate if the mare is to be bred back to an Iowa registered stallion or to a stallion standing at service outside the state of Iowa. If the breeding plans as stated on the Mare Status Report are changed, the department must be notified.

**62.15(4)** A thoroughbred mare transfer of ownership, Form M-6, must be submitted to the department when a thoroughbred mare already in the program is purchased by a new owner. The Form M-6 will provide the following information:

- a. Name of mare;
- b. Date of transfer;
- c. Color of mare;
- d. State registration number;
- e. National breed registration number;
- f. Date of sale;
- g. Name, address, and phone number of seller;
- h. Name, address, and phone number of buyer.

**21-62.16(99D) Iowa-foaled horse status.** Iowa-foaled horse status can be achieved the following two ways:

1. All thoroughbred horses foaled in Iowa prior to January 1, 1985, which are registered by the Jockey Club as Iowa foaled shall be considered to be Iowa foaled.

2. After January 1, 1985, a foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

**62.16(1)** Both Iowa-foaled categories will require that an application to be an Iowa-foaled thoroughbred horse be filed with the department. The application must be filed on a Form I-6 provided by the department.

**62.16(2)** The form shall be completed by the owner(s) of the thoroughbred foal or horse or by the owner's authorized representative. This registration will cover the thoroughbred foal or horse its entire productive life.

**62.16(3)** The owner(s) shall complete an application for an Iowa-foaled Registration, showing the name of the brood mare, the name of the sire, date of foaling, color, as well as the sex and markings of the foal or horse.

**62.16(4)** To complete the official registration of an Iowafoaled horse, the owner(s) must forward the Jockey Club Certificate by registered mail to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of the Jockey Club Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt.

a. This certification of the Jockey Club Certificate will be the official registration certificate for the "Iowa Horse and Dog Breeders Fund" program.

b. If the Jockey Club Certificate is lost or destroyed, the duplicate Jockey Club Certificate for that horse must be recertified by the department.

**62.16(5) and 62.16(6) Rescinded**

**62.16(7)** An investigator, appointed by the secretary, shall have access to the premises on which qualified mares, Iowa registered stallions and Iowa-bred foals or horses are kept.

**62.17 to 62.19 Reserved.**

## STANDARD BRED DIVISION

**21-62.20(99D) Iowa standardbred stallion requirements.** To qualify as an Iowa standardbred stallion, a stallion must be certified and registered with the department.

**62.20(1)** No person shall be issued an Iowa Stallion Eligibility Certificate who is not a bona fide resident.

**62.20(2)** To qualify for registration and certification, the stallion must reside in Iowa, January 1 through August 1, for the year of registration. However, horses going to stud for their first season shall be eligible upon registration.

**62.20(3)** Any false information submitted by applicant for an Iowa Stallion Eligibility Certificate shall be grounds for denial of registration and certification.

**21-62.21(99D) Notification requirements.** The owner or owner's authorized representative must give immediate notification to the department if the stallion leaves the state. If the stallion leaves the state before August 1 for breeding purposes, the Iowa Stallion Eligibility Certificate will be invalidated. Subsequently, if the owner(s) wishes to return the stallion to service in Iowa, the original application procedure will be required. If an Iowa registered stallion is moved within Iowa to stand at another location, the department must be notified before the stallion is offered for service at the new Iowa location. If an Iowa registered stallion is moved, temporarily, to another state for medication, its certification will remain valid as long as the department is properly notified.

**21-62.22(99D) Stallion qualification and application procedure.** To qualify a stallion as an Iowa registered stallion, the owner is required to complete the application for an Iowa Stallion Eligibility Certificate and forward it to the Horse Racing Section, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319. The issuance of an Iowa Stallion Eligibility Certificate by the department is contingent on the stallion being registered and certified by the department. This certificate shall be valid as long as all stallion residency and notification procedures are properly met.

62.22(1) Rescinded, effective 6/13/86.

62.22(2) In the event of a sale or transfer of ownership of a standardbred stallion, qualified with the department, the transfer of ownership shall be executed on the back of the Iowa Stallion Eligibility Certificate for that stallion and endorsed certificate forwarded to the department.

62.22(3) If fifty-one percent of the new ownership is a bona fide Iowa resident(s) and wishes to qualify the stallion as an Iowa stallion, then the new owner(s) must submit an application for an Iowa Stallion Eligibility Certificate, accompanied by a fee, a copy of the bill of sale and meet all other department requirements.

62.22(4) The Iowa Stallion Eligibility Certificate shall be available for inspection on the premises where the stallion stands.

**21-62.23(99D) Application information.** Every person wanting to offer or stand a stallion as an Iowa registered stallion must file with the department a written application, utilizing Form S-1, and providing the following:

1. Name of stallion;
2. The name(s) of the owner(s) and address(es);
3. The place where the stallion stood for service during the previous year;
4. The place where the stallion will stand for service;
5. Statement that a minimum of fifty-one percent of the stallion is owned by a bona fide resident(s) of Iowa, and that the stallion will not stand for service any place outside the state of Iowa before August 1 of the calendar year in which the foal is conceived;
6. Details concerning right of ownership, such as a bill of sale, contract or other documents providing proof of ownership, which must show any agreements concerning breeding rights, repurchase agreements and other types of concessions; and any other relevant information requested by the department;
7. An official certificate of registration from the U.S. Trotting Association, which will be returned within ten working days to the applicant.

**21-62.24(99D) Breeding record - report of mares bred.** Every person offering or standing any stallion for services as an Iowa registered stallion shall maintain a complete breeding record of the stallion and all mares of any breed bred to the stallion.

62.24(1) Such records shall be available to the department for inspection and shall include the following information:

- a. The name of the mare;
- b. The dam and sire of the mare;
- c. The name and address, including zip code, of the owner(s) of the mare;
- d. The first and last dates on which the stallion was bred to the

mare;

e. The place where the stallion was standing for service at the time of the breeding of the mare;

f. The person(s) in charge of the stallion at the time of service to the mare, and any other relevant information requested by the department.

**62.24(2)** A report entitled "Record of Mares Bred" must be filed with the department by September 1 of each year. The report must be filed on Form S-3 provided by the department.

**21-62.25(99D) Iowa-foaled horses and brood mares.** To qualify for the "Iowa Horse and Dog Breeders' Fund" program, horses must be Iowa foaled.

**62.25(1)** All standardbred horses foaled in Iowa prior to January 1, 1985, which are registered by the U.S. Trotting Association as Iowa foaled, shall be considered to be Iowa foaled.

**62.25(2)** After January 1, 1985, eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

a. Thirty days' residency until the foal is inspected, if in foal to a registered Iowa stallion.

b. Thirty days' residency until the foal is inspected for brood mares which are bred back to registered Iowa stallions.

c. Continuous residency from December 31 until the foal is inspected if the mare was bred by other than an Iowa registered stallion and which is not bred back to an Iowa registered stallion.

d. The foal shall not be eligible for Iowa-foaled status if the mare and foal leave or are removed from the state before the foal is inspected by a department inspector.

**62.25(3)** Additionally, for mares to be eligible for the "Iowa Horse and Dog Breeders' Fund" program and for their foals to be eligible to enter races limited to Iowa-foaled horses, it is required that:

a. A Standardbred Brood Mare Registration Application, Form M-4, must be submitted to the department prior to foaling. This registration will cover the mare her entire productive life as long as there is not a change of ownership and the standardbred mare meets the eligibility rules set forth in 62.25(2).

b. The owner(s) of the mare must complete and return the Mare Status Report (Form M-5) to the department by December 15 of the year bred.

c. The Mare Status Report must show the place where the mare will foal in this state and the person who will be responsible for the mare at the time of foaling.

d. The Mare Status Report must indicate if the mare is to be bred back to an Iowa registered stallion or to a stallion standing at service outside the state of Iowa. If the breeding plans as stated on the Mare Status Report are changed, the department must be notified.

**62.25(4)** A standardbred mare transfer of ownership, Form M-6, must be submitted to the department when a standardbred mare already in the program is purchased by a new owner. The Form M-6 will provide the following information:

- a. Name of mare;
- b. Date of transfer;
- c. Color of mare;
- d. State registration number;
- e. National breed registration number;
- f. Date of sale;
- g. Name, address, and phone number of seller;
- h. Name, address, and phone number of buyer.

**21-62.26(99D) Iowa-foaled horse status.** Iowa-foaled horse status can be achieved the following two ways:

1. All standardbred horses foaled in Iowa prior to January 1, 1985, which are registered by the U.S. Trotting Association as Iowa foaled shall be considered to be Iowa foaled.

2. After January 1, 1985, a foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

**62.26(1)** Both Iowa-foaled categories will require that an application to be an Iowa-foaled standardbred horse be filed with the department. The application must be filed on a Form I-6 provided by the department.

**62.26(2)** The form shall be completed by the owner(s) of the standardbred foal or horse or by the owner's authorized representative. This registration will cover the standardbred foal or horse its entire productive life.

**62.26(3)** The owner(s) shall complete an application for an Iowa-foaled Registration, showing the name of the brood mare, the name of the sire, date of foaling, color, as well as the sex and markings of the foal or horse.

**62.26(4)** To complete the official registration of an Iowa-foaled horse, the owner(s) must forward the U.S. Trotting Association Certificate by registered mail to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of the U.S. Trotting Association Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt.

a. This certification of the U.S. Trotting Association Certificate will be the official registration certificate for the "Iowa Horse and Dog Breeders' Fund" program.

b. If the U.S. Trotting Association Certificate is lost or destroyed, the duplicate U.S. Trotting Association Certificate for that horse must be recertified by the department.

**62.26(5) and 62.26(6) Rescinded.**

**62.26(7)** An investigator, appointed by the secretary, shall have access to the premises on which qualified mares, Iowa registered stallions and Iowa-bred foals or horses are kept.

**62.27 to 62.29** Reserved.

### QUARTERHORSE DIVISION

**21-62.30(99D) Iowa quarterhorse stallion requirements.** To qualify as an Iowa quarterhorse stallion, a stallion must be certified and registered with the department.

**62.30(1)** No person shall be issued an Iowa Stallion Eligibility Certificate who is not a bona fide resident.

**62.30(2)** To qualify for registration and certification, the stallion must reside in Iowa, January 1 through August 1, for the year of registration. However, horses going to stud for their first season shall be eligible upon registration.

**62.30(3)** Any false information submitted by applicant for an Iowa Stallion Eligibility Certificate shall be grounds for denial of registration and certification.

**21-62.31(99D) Notification requirements.** The owner or owner's authorized representative must give immediate notification to the department if the stallion leaves the state. If the stallion leaves the state before August 1 for breeding purposes, the Iowa Stallion Eligibility Certificate will be invalidated. Subsequently, if the owner(s) wishes to return the stallion to service in Iowa, the original application procedure will be required. If an Iowa registered stallion is moved within Iowa to stand at another location, the department must be notified before the stallion is offered for service at the new Iowa location. If an Iowa registered stallion is moved, temporarily, to another state for medication, its certification will remain valid as long as the department is properly notified.

**21-62.32(99D) Stallion qualification and application procedure.** To qualify a stallion as an Iowa registered stallion, the owner is required to complete the application for an Iowa Stallion Eligibility Certificate and forward it to the Horse Racing Section, Iowa Department of Agriculture and Land Stewardship, Wallace State Office Building, Des Moines, Iowa 50319. The issuance of an Iowa Stallion Eligibility Certificate by the department is contingent on the stallion being registered and certified by the department. This certificate shall be valid as long as all stallion residency and notification procedures are properly met.

**62.32(1)** Rescinded, effective 6/13/86.

**62.32(2)** In the event of a sale or transfer of ownership of a quarterhorse stallion, qualified with the department, the transfer of ownership shall be executed on the back of the Iowa Stallion Eligibility Certificate for that stallion and endorsed certificate

forwarded to the department.

**62.32(3)** If fifty-one percent of the new ownership is a bona fide Iowa resident(s) and wishes to qualify the stallion as an Iowa stallion, then the new owner(s) must submit an application for an Iowa Stallion Eligibility Certificate, accompanied by a fee, a copy of the bill of sale and meet all other department requirements.

**62.32(4)** The Iowa Stallion Eligibility Certificate shall be available for inspection on the premises where the stallion stands.

**21-62.33(99D) Application information.** Every person wanting to offer or stand a stallion as an Iowa registered stallion must file with the department a written application, utilizing Form S-1, and providing the following:

1. Name of stallion;
2. The name(s) of the owner(s) and address(es);
3. The place where the stallion stood for service during the previous year;
4. The place where the stallion will stand for service;
5. Statement that a minimum of fifty-one percent of the stallion is owned by a bona fide resident(s) of Iowa, and that the stallion will not stand for service any place outside the state of Iowa before August 1 of the calendar year in which the foal is conceived;
6. Details concerning right of ownership, such as a bill of sale, contract or other documents providing proof of ownership, which must show any agreements concerning breeding rights, repurchase agreements and other types of concessions; and any other relevant information requested by the department;
7. An official certificate of registration from the American Quarterhorse Association, Amarillo, Texas, which will be returned within ten working days to the applicant.

**21-62.34(99D) Breeding record - report of mares bred.** Every person offering or standing any stallion for services as an Iowa registered stallion shall maintain a complete breeding record of the stallion and all mares of any breed bred to the stallion.

**62.34(1)** Such records shall be available to the department for inspection and shall include the following information:

- a. The name of the mare;
- b. The dam and sire of the mare;
- c. The name and address, including zip code, of the owner(s) of the mare;
- d. The first and last dates on which the stallion was bred to the mare;
- e. The place where the stallion was standing for service at the time of the breeding of the mare;
- f. The person(s) in charge of the stallion at the time of service to the mare, and any other relevant information requested by the

department.

**62.34(2)** A report entitled "Record of Mares Bred" must be filed with the department by September 1 of each year. The report must be filed on Form S-3 provided by the department.

**21-62.35(99D) Iowa-foaled horses and brood mares.** To qualify for the "Iowa Horse and Dog Breeders' Fund" program, horses must be Iowa foaled.

**62.35(1)** All quarterhorses foaled in Iowa prior to January 1, 1985, which are registered by the American Quarterhorse Association as Iowa foaled, shall be considered to be Iowa foaled.

**62.35(2)** After January 1, 1985, eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

a. Thirty days' residency until the foal is inspected, if in foal to a registered Iowa stallion.

b. Thirty days' residency until the foal is inspected for brood mares which are bred back to registered Iowa stallions.

c. Continuous residency from December 31 until the foal is inspected if the mare was bred by other than an Iowa registered stallion and which is not bred back to an Iowa registered stallion.

d. The foal shall not be eligible for Iowa-foaled status if the mare and foal leave or are removed from the state before the foal is inspected by a department inspector.

**62.35(3)** Additionally, for mares to be eligible for the "Iowa Horse and Dog Breeders' Fund" program and for their foals to be eligible to enter races limited to Iowa-foaled horses, it is required that:

a. A Quarterhorse Brood Mare Registration Application, Form M-4, must be submitted to the department prior to foaling. This registration will cover the mare her entire productive life as long as there is not a change of ownership and the quarterhorse mare meets the eligibility rules set forth in 62.35(2).

b. The owner(s) of the mare must complete and return the Mare Status Report (Form M-5) to the department by December 15 of the year bred.

c. The Mare Status Report must show the place where the mare will foal in this state and the person who will be responsible for the mare at the time of foaling.

d. The Mare Status Report must indicate if the mare is to be bred back to an Iowa registered stallion or to a stallion standing at service outside the state of Iowa. If the breeding plans as stated on the Mare Status Report are changed, the department must be notified.

**62.35(4)** A quarterhorse mare transfer of ownership, Form M-6, must be submitted to the department when a quarterhorse mare already in the program is purchased by a new owner. The Form M-6 will provide the following information:

a. Name of mare;



- b. Date of transfer;
- c. Color of mare;
- d. State registration number;
- e. National breed registration number;
- f. Date of sale;
- g. Name, address, and phone number of seller;
- h. Name, address, and phone number of buyer.

This rule is intended to implement Iowa Code section 99D.22

**21-62.36(99D) Iowa-foaled horse status.** Iowa-foaled horse status can be achieved the following two ways:

1. All quarterhorses foaled in Iowa prior to January 1, 1985, which are registered by the American Quarterhorse Association as Iowa foaled shall be considered to be Iowa foaled.

2. After January 1, 1985, a foal from a mare meeting the eligibility requirements will be eligible to become an Iowa-foaled horse.

**62.36(1)** Both Iowa-foaled categories will require that an application to be an Iowa-foaled quarterhorse be filed with the department. The application must be filed on a Form I-6 provided by the department.

**62.36(2)** The form shall be completed by the owner(s) of the foal or horse or by the owner's authorized representative.

**62.36(3)** The owner(s) shall complete an application for an Iowa-foaled Registration, showing the name of the brood mare, the name of the sire, date of foaling, color, as well as the sex and markings of the foal or horse.

**62.36(4)** To complete the official registration of an Iowa-foaled horse, the owner(s) must forward the American Quarterhorse Association Certificate by registered mail to the department. If the horse has met all requirements for registration, the department shall affix its official seal on the face of the American Quarterhorse Association Certificate, which shall include the department's registration number for the horse, and return the certificate within ten working days from the date of receipt.

a. This certification of the American Quarterhorse Association Certificate will be the official registration certificate for the "Iowa Horse and Dog Breeders' Fund" program.

b. If the American Quarterhorse Association Certificate is lost or destroyed, the duplicate U.S. Trotting Association Certificate for that horse must be recertified by the department.

**62.36(5) and 62.36(6)** Rescinded.

**62.36(7)** An investigator, appointed by the secretary, shall have access to the premises on which qualified mares, Iowa registered stallions and Iowa-bred foals or horses are kept.

**62.37 to 62.39** Reserved.

## GREYHOUND DOG DIVISION

**21-62.40(99D) Iowa-whelped dog requirements.** All greyhound dogs registered with the National Greyhound Association in Abilene, Kansas, may be registered as an Iowa-whelped dog if the following qualifications are met:

Dog must have been whelped in Iowa and raised for the first six months of its life in Iowa by an owner who qualifies as a two-year resident of Iowa prior to whelping.

Effective December 31, 1986, all commercial enterprises that own Iowa-whelped dogs must have been formed under the laws of the state for a period of two years. Effective December 31, 1984, seventy-five percent of all stockholders or members of such commercial enterprises must qualify as two-year residents of Iowa, prior to the whelping.

**21-62.41(99D) Procedures for registration.** In order to qualify pups of a litter as Iowa-whelped pups, the Iowa owner or lessee of the bitch shall file a copy of her national registration papers (front and back), together with an Iowa Form GH-3 with the department within ten days prior to the expected whelping date of the litter. Late filings of GH-3 forms postmarked after the whelping date of the litter will not be accepted. After the GH-3 form is received by the department, a department inspector must inspect the dame and litter.

Within thirty days after litter registration with the National Greyhound Association, the original litter acknowledgment must be received by the department. A copy of the owner's driver's license, voter registration, or any other valid proof of residency of all first-time litter applicants must accompany the litter acknowledgment. Any late litter registrations will be assessed a penalty of \$25. Litter registrations over 6 months old will not be accepted. After the litter registration is received by the department, a department inspector must inspect the litter. When application for individual dog registration is made to the National Greyhound Association, the original registration certificate (yellow copy) or the onionskin shall be provided to the department.

**62.41(1)** The department will send the original registration certificate (yellow copy) or the onionskin to the National Greyhound Association, along with a request to stamp the original registration as Iowa whelped. The association will send the yellow registration copy to the department stamped "Certified Iowa-whelped." The department will make a copy of the registration for their files and return the original (yellow) copy to the owner.

**62.41(2)** All greyhound litters meeting the qualifications to be Iowa whelped, which were whelped in a qualified kennel prior to January 1, 1985, are eligible to be registered and to race as an Iowa-whelped dog. If it is determined that the breeder's kennel is not qualified,

the litter will not be registered and approved until the kennel has complied with animal welfare laws and regulations. The "Certified Iowa-whelped" designation will begin on the date of approval and shall not be retroactive. In the case of a greyhound dog that meets the standard of an "Iowa-whelped," for whom registration was not filed with the department, the present owner may make application for dog registration. In this instance, the applicant must provide evidence to the department and the investigator that the dog qualifies for registration as an Iowa-whelped dog.

Individual dogs whelped prior to January 1, 1985, if sold to an owner currently in compliance with animal welfare laws and regulations, may receive the "Certified Iowa-whelped" designation for owner supplements only.

**62.42(99D)** Rescinded, effective 6/13/86.

**21-62.43(99D) Disciplinary procedures.** The department may withhold payment of breeder's awards to a breeder if the breeder is not currently in compliance with these rules or with animal welfare laws and regulations. If a breeder's kennel does not come into compliance with animal welfare laws and regulations, the breeder's litter may be denied registration and such denial of registration as regards that litter will become permanent and conclusive.

No person shall knowingly furnish false information to the department. If a person knowingly furnishes false information to the department, all registrations of Iowa-whelped dogs by that person may be denied or revoked.

**21-62.44(99D) Access to records.** An investigator, appointed by the secretary, shall have access to the premises and records on which qualified Iowa-whelped dogs are kept.

**CHAPTER 99D**  
**IOWA PARI-MUTUEL WAGERING ACT**

**99D.1 Short title.** This chapter shall be known and may be cited as the "Iowa Pari-mutuel Wagering Act".

**99D.2 Definitions.** As used in this chapter unless the context otherwise requires:

1. "Applicant" means an individual applying for an occupational license or the officers and members of the board of directors of a nonprofit corporation applying for a license to conduct a race where pari-mutuel wagering would be permitted under this chapter.

2. "Breakage" means the odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple of ten cents.

3. "Commission" means the state racing commission created under section 99D.5.

4. "Holder of occupational license" means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license to engage in within the racing industry in Iowa.

5. "Licensee" means a nonprofit corporation licensed under section 99D.9.

6. "Pari-mutuel wagering" means the system of wagering described in section 99D.11.

7. "Race", "racing", "race meeting", "track", and "racetrack" refer to dog racing and horse racing, including but not limited to, quarterhorse, thoroughbred and harness racing, as approved by the commission.

8. "Racetrack enclosure" means the grandstand, clubhouse, turf club or other areas of a licensed racetrack which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials. "Racetrack enclosure" also means any additional areas designated by the commission.

**99D.3 Scope of provisions.** This chapter does not apply to horse-race or dog-race meetings unless the pari-mutuel system of wagering is used or intended to be used in connection with the horse-race or dog-race meetings. If the pari-mutuel system is used or intended to be used a person shall not conduct a race meeting without a license as provided by section 99D.9.

**99D.4 Pari-mutuel wagering legalized.** The system of wagering on the results of horse or dog races as provided by this chapter is legal, when conducted within the racetrack enclosure at a licensed horse-race or dog-race meeting.

**99D.5 Creation of state racing and gaming commission.**

1. A state racing commission is created within the department of inspections and appeals consisting of five members who shall be appointed by the governor subject to confirmation by the senate,

and who shall serve not to exceed a three-year term at the pleasure of the governor. The term of each member shall begin and end as provided in section 69.19.

2. A vacancy on the commission shall be filled as provided in section 2.32.

3. Not more than three members of the commission shall belong to the same political party and no two members of the commission shall reside, when appointed, in the same congressional district. A member of the commission shall not have a financial interest in a racetrack.

4. Commission members are each entitled to receive an annual salary of six thousand dollars. Members shall also be reimbursed for actual expenses incurred in the performance of their duties to a maximum of six thousand dollars per year for each member. Each member shall post a bond in the amount of ten thousand dollars, with sureties to be approved by the governor, to guarantee the proper handling and accounting of moneys and other properties required in the administration of this chapter. The premiums on the bonds shall be paid as other expenses of the commission.

5. A member or a holder of an official's license shall not knowingly:

a. Have a pecuniary, equitable or other interest in, or engage in a business or employment which would be a conflict of interest or interfere or conflict with the proper discharge of the duties of the commission including any of the following:

(1) A business which does business with a licensee.

(2) A business issued a concession operator's license.

b. Participate directly or indirectly as an owner, owner-trainer, trainer of a horse or dog, or jockey of a horse in a race meeting conducted in this state.

c. Place a wager on an entry in a race or on a gambling game operated on an excursion gambling boat.

A violation of this subsection is a serious misdemeanor. In addition, the individual may be subject to disciplinary actions pursuant to the commission rules.

6. A member, employee, or appointee of the commission, spouse of a member, employee, or appointee of the commission, or a family member related within the second degree of affinity or consanguinity to a member, employee, or appointee of the commission shall not do either of the following:

a. Hold an occupational license except an official's license.

b. Enter directly or indirectly into any business dealing, venture, or contract with an owner or lessee of a racetrack.

A member who knowingly approves of a violation of this subsection is guilty of a serious misdemeanor.

**99D.6 Chairperson - Administrator - Employees - Duties - Bond.** The commission shall elect in July of each year one of its

members chairperson for the succeeding year. The commission shall appoint an administrator of the commission subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out the commission's duties. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission if the commission deems it necessary. The administrator shall keep a record of the proceedings of the commission and preserve the books, records, and documents entrusted to the administrator's care. The commission shall require the administrator to post a bond in a sum it may fix, conditioned upon the faithful performance of the administrator's duties. Subject to the approval of the governor, the commission shall fix the compensation of the administrator within the salary range as set by the general assembly. The commission shall have its headquarters in the city of Des Moines, and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

**99D.7 Powers.** The commission shall have full jurisdiction over and shall supervise all race meetings governed by this chapter. The commission shall have the following powers and shall adopt rules pursuant to chapter 17A to implement this chapter:

1. To investigate applicants and determine the eligibility of applicants for a license and to select among competing applicants for a license the applicant which best serves the interests of the citizens of Iowa.

2. To identify occupations within the racing industry which require licensing and adopt standards for licensing the occupations including establishing fees for the occupational licenses. The fees shall be paid to the commission and used as required in section 99D.17 and section 99D.18.

3. To adopt standards under which all race meetings shall be held and standards for the facilities within which the race meetings shall be held.

4. To regulate the purse structure for race meetings including establishing a minimum purse.

5. To cooperate with the department of agriculture and land stewardship to establish and operate, or contract for, a laboratory and related facilities to conduct saliva, urine, and other tests on animals that are to run or that have run in races governed by this chapter.

6. To establish and provide for the disposition of fees for the testing of animals sufficient to cover the costs of the tests and to

purchase the necessary equipment for the testing.

7. To enter the office, racetrack, facilities, or other places of business of a licensee to determine compliance with this chapter.

8. To investigate alleged violations of this chapter or the commission rules, orders, or final decisions and to take appropriate disciplinary action against a licensee or a holder of an occupational license for the violation, or institute appropriate legal action for enforcement, or both. Decisions by the commission are final agency actions pursuant to chapter 17A.

9. To authorize stewards, starters, and other racing officials to impose fines or other sanctions upon a person violating a provision of this chapter or the commission rules, orders, or final orders, including authorization to expel a tout, bookmaker, or other person deemed to be undesirable from the racetrack facilities.

10. To require the removal of a racing official, an employee of a licensee, or a holder of an occupational license, or employee of a holder of an occupational license for a violation of this chapter or a commission rule or engaging in a fraudulent practice.

11. To prevent an animal from racing if the commission or commission employees with cause believe the animal or its owner, trainer, or an employee of the owner or trainer is in violation of this chapter or commission rules.

12. To withhold payment of a purse if the outcome of a race is disputed or until tests are performed on the animals to determine if they were illegally drugged.

13. To provide for immediate determination of the disposition of a challenge by a racing official or representative of the commission by establishing procedures for informal hearings before a panel of stewards at a racetrack.

14. To require a licensee to file an annual balance sheet and profit and loss statement pertaining to the licensee's racing activities in this state, together with a list of the stockholders or other persons having any beneficial interest in the racing activities of each licensee.

15. To issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records and other pertinent documents in accordance with chapter 17A, and to administer oaths and affirmations to the witnesses, when, in the judgment of the racing and gaming commission, it is necessary to enforce this chapter or the commission rules.

16. To keep accurate and complete records of its proceedings and to certify the records as may be appropriate.

17. To require all licensees to use a computerized totalisator system for calculating odds and payouts from the pari-mutuel wagering pool and to establish standards to insure the security of the totalisator system.

18. To revoke or suspend licenses and impose fines not to exceed

one thousand dollars.

19. To require licensees to indicate in their racing programs those horses to which the drugs lasix or phenylbutazone were administered within ten days before the race or to which the drugs are to be administered before the race. The program shall also indicate if it is the first, second, or third or subsequent time that a horse is racing with lasix, or if the horse has previously raced with lasix and the present race is the first race for the horse without lasix following its use.

19A. Notwithstanding any contrary provision in this chapter, to provide for interstate combined wagering pools related to simulcasting horse or dog races and all related interstate pari-mutuel wagering activities.

20. To take any other action as may be reasonable or appropriate to enforce this chapter and the commission rules.

**99D.8 Horse or dog racing licenses - applications.** A qualifying organization, as defined in section 513(d)(2)(C) of the Internal Revenue Code, as defined in section 422.3, exempt from federal income taxation under sections 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code, which is organized to promote those purposes enumerated in section 99B.7, subsection 3, paragraph "b", and which regularly conducts, as one of its substantial exempt purposes, an agricultural and educational fair or exposition for the promotion of the horse, dog, or other livestock breeding industries of the state, or an agency, instrumentality, or political subdivision of the state, may apply to the commission for a license to conduct horse or dog racing. The application shall be filed with the administrator of the commission at least sixty days before the first day of the horse race or dog race meeting which the organization proposes to conduct, shall specify the day or days when and the exact location where it proposes to conduct racing, and shall be in a form and contain information as the commission prescribes.

If any part of the net income of a licensee is determined to be unrelated business taxable income as defined in sections 511 through 514 of the Internal Revenue Code, the qualifying organization shall be required to distribute the amount of net unrelated business taxable income to political subdivisions in the state and organizations described in section 501(c)(3) of the Internal Revenue Code in the county in which it operates. Distributions to these organizations made during the year in which the unrelated business income was earned shall be treated as included in the required distributions for this purpose.

An organization which meets the requirements of this section, as amended, on or before July 1, 1988, shall be considered to have met the requirements of this section on the date that its initial application was originally filed.



**99D.8A Requirements of applicant - penalty - consent to search.**

1. A person shall not be issued a license to conduct races under this chapter or an occupational license unless the person has completed and signed an application on the form prescribed and published by the commission. The application shall state the full name, social security number, residence, date of birth and other personal identifying information of the applicant that the commission deems necessary. The application shall state whether the applicant has any of the following:

- a. A record of conviction of a felony.
- b. An addiction to alcohol or a controlled substance.
- c. A history of mental illness or repeated acts of violence.

2. An applicant shall submit pictures, fingerprints, and descriptions of physical characteristics to the commission in the manner prescribed on the application forms.

3. The commission shall charge the applicant a fee set by the department of public safety, division of criminal investigation and bureau of identification, to defray the costs associated with the search and classification of fingerprints required in subsection 2. This fee is in addition to any other license fee charged by the commission.

4. A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

5. The licensee or a holder of an occupational license shall consent to agents of the division of criminal investigation of the department of public safety or commission employees designated by the administrator of the commission to the search without a warrant of the licensee or holder's person, personal property and effects, and premises which are located within the racetrack enclosure or adjacent facilities under control of the licensee to inspect or investigate for criminal violations of this chapter or violations of rules adopted by the commission.

**99D.9 Licenses - terms and conditions - revocation.**

1. If the commission is satisfied that its rules and sections 99D.8 through 99D.25 applicable to licensees have been or will be complied with, it may issue a license for a period of not more than three years. The commission may decide which types of racing it will permit. The commission may permit dog racing, horse racing of various types or both dog and horse racing. The commission shall decide the number, location, and type of all racetracks licensed under this chapter. The license shall set forth the name of the licensee, the type of license granted, the place where the race meeting is to be held, and the time and number of days during which racing may be conducted by the licensee. The commission shall not approve a license application if any part of the racetrack is to be constructed on prime farmland outside the city limits of an incorporated city. As used in this subsection, "prime farmland" means as defined b

the United States department of agriculture in 7 C.F.R. sec. 657.5(a). A license is not transferable or assignable. The commission may revoke any license issued for good cause upon reasonable notice and hearing. The commission shall conduct a neighborhood impact study to determine the impact of granting a license on the quality of life in neighborhoods adjacent to the proposed racetrack facility. The applicant for the license shall reimburse the commission for the costs incurred in making the study. A copy of the study shall be retained on file with the commission and shall be a public record. The study shall be completed before the commission may issue a license for the proposed facility.

2. A license shall only be granted to a nonprofit corporation or association upon the express condition that:

a. The nonprofit corporation or association shall not, by a lease, contract, understanding, or arrangement of any kind, grant, assign, or turn over to a person the operation of a race meeting licensed under this section or of the pari-mutuel system of wagering described in section 99D.11. This section does not prohibit a management contract approved by the commission.

b. The nonprofit corporation shall not in any manner permit a person other than the licensee to have a share, percentage, or proportion of the money received for admissions to the race or race meeting.

3. A license shall not be granted to a nonprofit corporation if there is substantial evidence that the applicant for a license:

a. Has been suspended or ruled off a recognized course in another jurisdiction by the racing board or commission of that jurisdiction.

b. Has not demonstrated financial responsibility sufficient to meet adequately the requirements of the enterprise proposed.

c. Is not the true owner of the enterprise proposed.

d. Is not the sole owner, and other persons have ownership in the enterprise which fact has not been disclosed.

e. Is a corporation and ten percent of the stock of the corporation is subject to a contract or option to purchase at any time during the period for which the license is issued unless the contract or option was disclosed to the commission and the commission approved the sale or transfer during the period of the license.

f. Has knowingly made a false statement of a material fact to the commission.

g. Has failed to meet any monetary obligation in connection with a race meeting held in this state.

4. A license shall not be granted to a nonprofit corporation if there is substantial evidence that stockholders or officers of the nonprofit corporation are not of good repute and moral character.

5. A license shall not be granted to a licensee for racing on more than one racetrack at the same time.

6. A licensee may not loan to any person money or any thing of value for the purpose of permitting that person to wager on any race.

7. Upon a violation of any of the conditions listed in this section, the commission shall immediately revoke the license.

**99D.10 Bond of licensee.** A licensee licensed under section 99D.9 shall post a bond to the state of Iowa before the license is issued in a sum as the commission shall fix, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee faithfully makes the payments, keeps its books and records and makes reports, and conducts its racing in conformity with sections 99D.6 through 99D.23 and the rules adopted by the commission. The bond shall not be canceled by a surety on less than thirty days notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

**99D.11 Pari-mutuel wagering televising races - minors prohibited.**

1. Except as permitted in this section, the licensee shall permit no form of wagering on the results of the races.

2. Licensees shall only permit the pari-mutuel or certificate method of wagering as defined in this section.

3. The licensee may receive wagers of money only from a person present in a licensed racing enclosure on a horse or dog in the race selected by the person making the wager to finish first in the race. The person wagering shall acquire an interest in the total money wagered on all horses or dogs in the race as first winners in proportion to the amount of money wagered by the person.

4. The licensee shall issue to each person wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse or dog selected as first winner.

5. As each race is run the licensee shall deduct sixteen percent from the total sum wagered on all horses or dogs as first winners. The balance, after deducting breakage, shall be paid to the holders of certificates on the winning horse or dog in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses or dogs in the race as first winners. The licensee may pay a larger amount if approved by the commission. The licensee shall likewise receive other wagers on horses or dogs in places or combinations the commission may authorize. The method, procedure, and the authority and right of the licensee, as well as the deduction allowed to the licensee, shall be as specified with respect to wagers upon horses or dogs selected to run first. However, the commission may authorize the licensee to deduct a higher percent of the total sum wagered not to exceed twenty percent

on multiple or exotic wagering involving not more than two horses or dogs. For exotic wagering involving three or more horses or dogs, the commission may authorize a licensee to deduct an additional two percent from the total sum wagered on the exotic wagers. One percent of the exotic wagers on three or more horses shall be distributed as provided in section 99D.12.

6a. All wagering shall be conducted within the racetrack enclosure where the licensed race is held, except as provided in paragraph "b."

b. The commission may authorize the licensee to simultaneously telecast within the racetrack enclosure for purpose of pari-mutuel wagering a horse or dog race licensed by the racing authority of another state. It is the responsibility of each licensee to obtain the consent of appropriate racing officials in other states as required by the federal Interstate Horseracing Act of 1978, 15 U.S.C. 3001-3007, to televise races for the purpose of conducting pari-mutuel wagering. A licensee may also obtain the permission of a person licensed by the commission to conduct horse or dog races in this state to televise races conducted by that person for the purpose of conducting pari-mutuel racing. However, arrangements made by a licensee to televise any race for the purpose of conducting pari-mutuel wagering are subject to the approval of the commission, and the commission shall select the races to be televised. The races selected by the commission shall be the same for all licensees approved by the commission to televise races for the purpose of conducting pari-mutuel wagering. The commission shall not authorize the simultaneous telecast or televising of and a licensee shall not simultaneously telecast or televise any horse or dog race for the purpose of conducting pari-mutuel wagering unless the simultaneous telecast or televising is done at the racetrack of a licensee that schedules no less than one hundred five performances of eight live races each day of the season. For purposes of the taxes imposed under this chapter, races televised by a licensee for purposes of pari-mutuel wagering shall be treated as if the races were held at the racetrack of the licensee.

7. A person under the age of eighteen years shall not make a pari-mutuel wager.

**99D.12 Breakage.** A licensee shall deduct the breakage from the pari-mutuel pool which shall be distributed to the breeders of Iowa-foaled horses and Iowa-whelped dogs in the manner described in section 99D.22. The remainder of the breakage shall be distributed as follows:

1. In horse races the breakage shall be retained by the licensee to supplement purses for races restricted to Iowa-foaled horses or to supplement purses won by Iowa-foaled horses by finishing first, second, third, or fourth in any other race. The purse supplements

will be paid in proportion to the purse structure of the race.

2. In dog races the breakage shall be distributed as follows:

a. Seventy-three percent shall be retained by the licensee to supplement purses for races won by Iowa-whelped dogs as provided in section 99D.22.

b. Twenty-five percent shall be retained by the licensee and shall be put into a stake race for Iowa-whelped dogs. An amount equal to twelve percent of the winner's share shall be set aside and distributed to the breeder of the winning greyhound in accordance with section 99D.22 and the remainder shall be apportioned as purse moneys for the stake race. All dogs racing in the stake race must have run in at least twelve races during the current racing season at the track sponsoring the stake race to qualify to participate.

c. Two percent shall be deposited by the commission into a special fund to be known as the dog racing promotion fund. The commission each year shall approve a nonprofit organization to use moneys in the fund for research, education, and marketing of dog racing in the state, including public relations, and other promotional techniques. The nonprofit organization shall not engage in political activity. It shall be a condition of the allocation of funds that any organization receiving funds shall not expend the funds on political activity or on any attempt to influence legislation.

#### **99D.13 Unclaimed winnings-Appropriation.**

1. Winnings provided in section 99D.11 not claimed by the person who placed the wager within sixty days of the close of the racing meet during which the wager was placed shall be forfeited.

2. Winnings from each racetrack forfeited under subsection 1 shall escheat to the state and to the extent appropriated by the general assembly shall be used by the department of agriculture and land stewardship to administer section 99D.22. The remainder shall be paid over to the commission to pay all or part of the cost of drug testing at the tracks. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from harness racing meets, the remainder shall be used as provided in subsection 3. To the extent the remainder paid to the commission, less the cost of drug testing, is from unclaimed winnings from licensed dog tracks, the commission shall remit annually five thousand dollars, or an equal portion of that amount, to each licensed dog track to carry out the racing dog adoption program pursuant to section 99D.27. To the extent the remainder paid over to the commission, less the cost of drug testing, is from unclaimed winnings from tracks licensed for dog or horse races, the commission, on an annual basis, shall remit one-third of the amount to the treasurer of the city in which the racetrack is located, one-third of the amount to the treasurer of the county in which the racetrack is located, and one-third of the amount to the racetrack from which it was forfeited.

If the racetrack is not located in a city, then one-third shall be deposited as provided in chapter 556. The amount received by the racetrack under this subsection shall be used only for retiring the debt of the racetrack facilities and for capital improvements to the racetrack facilities.

3. One hundred twenty thousand dollars of winnings from wagers placed at harness racing meets forfeited under subsection 1 in a calendar year that escheat to the state and are paid over to the commission are appropriated to the racing commission for the fiscal year beginning in that calendar year to be used as follows:

a. Eighty percent of the amount appropriated shall be allocated to qualified harness racing tracks, to be used by the tracks to supplement the purses for those harness races in which only Iowa-bred or owned horses may run. However, beginning with the allocation of the appropriation made for the fiscal year beginning July 1, 1992, the races for which the purses are to be supplemented under this paragraph shall be those in which only Iowa-bred two-year and three-year olds may run. In addition, the races must be held under the control or jurisdiction of the Iowa state fair board, established under section 173.1, or of a society, as defined under section 174.1.

b. Twenty percent of the amount appropriated shall be allocated to qualified harness racing tracks, to be used by the tracks for maintenance of and improvements to the tracks. Races held at the tracks must be under the control or jurisdiction of the Iowa state fair board, established under section 173.1, or of a society, as defined under section 174.1

c. For purposes of this subsection, "qualified harness racing track" means a harness racing track that has either held at least one harness race meet between July 1, 1985, and July 1, 1989, or after July 1, 1989, has applied to and been approved by the racing commission for the allocation of funds under this subsection. The racing commission shall approve an application if the harness racing track has held at least one harness race meet during the year preceding the year for which the track seeks funds under this subsection.

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30 of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year for the purposes of this subsection.

**99D.14 Racing meets - tax - fees - tax exemption.**

1. A licensee under section 99D.9 shall pay the tax imposed by section 99D.15.

2. A licensee shall also pay to the commission the sum of fifty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission.

a. If tickets are issued which are good for more than one day,

the sum of fifty cents shall be paid for each person using the ticket on each day that the ticket is used.

b. If free passes or complimentary admission tickets are issued, the licensee shall pay the same tax upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate.

c. However, the licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working at the racetrack.

d. The issuance of tax-free passes is subject to the rules of the commission, and a list of all persons to whom the tax-free passes are issued shall be filed with the commission.

3. The licensee shall also pay to the commission a licensee fee of two hundred dollars for each racing day of each horse-race or dog-race meeting for which a license has been issued.

4. No other license tax, permit tax, occupation tax, or racing fee, shall be levied, assessed, or collected from a licensee by the state or by a political subdivision, except as provided in this chapter.

5. No other excise tax shall be levied, assessed, or collected from the licensee on horse racing, dog racing, pari-mutuel wagering or admission charges by the state or by a political subdivision, except as provided in this chapter.

6. Any property used in the operation of a racetrack which is not exempt from property tax on July 1, 1989, or which becomes taxable property as a result of a Court decision or change of ownership, or the construction of a new track that is not otherwise exempt shall be exempt from property taxation for three years beginning January 1 of the 1989 assessment year or beginning January 1 of the assessment year in which the property first becomes taxable as a result of a court decision or change in ownership, or the construction of a new track that is not otherwise exempt, whichever is applicable. During the last assessment year for which the property is exempt, the county board of supervisors shall present the question of the extension for an additional ten years of the tax exemption at a regular state election or a special election. If a majority of those voting on the question favor the tax exemption of the property, the property shall be exempt for an additional ten years. The exemption may be extended for additional ten-year periods in the same manner as was done for the first ten-year period.

#### **99D.15 Pari-mutuel wagering taxes - rate - credit.**

1. A tax of six percent is imposed on the gross sum wagered by the pari-mutuel method at each horse race meeting. The tax imposed by this subsection shall be paid by the licensee to the commission within ten days after the close of each horse race meeting and shall be distributed as follows:

a. If the racetrack is located in a city, five percent of the gross

sum wagered shall be deposited with the commission. One-half of one percent of the gross sum wagered shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. The remaining one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.

b. If the racetrack is located in an unincorporated part of a county, five and one-half percent of the gross sum wagered shall be deposited with the commission. The remaining one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county.

2. A tax credit of up to five percent of the gross sum wagered per year shall be granted to licensees licensed for horse races and paid into a special fund for the purpose of retiring the annual debt on the cost of construction of the licensed facility. However, the tax credit is equal to six percent of the gross sum wagered in a year when the gross sum wagered is less than ninety million dollars. Any portion of the credit not used in a particular year shall be retained by the commission. A tax credit shall first be assessed against any share going to a city, then to the share going to a county, and then to the share going to the state.

3.a. A tax is imposed on the gross sum wagered by the pari-mutuel method at each track licensed for dog races. The tax imposed by this subsection shall be paid by the licensee to the commission within ten days after the close of the track's racing season. The rate of tax on each track is as follows:

(1) Six percent, if the gross sum wagered in the racing season is fifty-five million dollars or more.

(2) Five percent, if the gross sum wagered in the racing season is thirty million dollars or more but less than fifty-five million dollars.

(3) Four percent, if the gross sum wagered in the racing season is less than thirty million dollars.

b. The tax revenue shall be distributed as follows:

(1) If the racetrack is located in a city, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the city in which the racetrack is located and shall be deposited in the general fund of the city. One-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and shall be deposited in the general fund of the county. The remaining amount shall be deposited with the commission.

(2) If the racetrack is located in an unincorporated part of a county, one-half of one percent of the gross sum wagered shall be remitted to the treasurer of the county in which the racetrack is located and



shall be deposited in the general fund of the county. The remaining amount shall be deposited with the commission.

c. If the rate of tax imposed under paragraph "a" is six percent, five percent, or four percent, a track shall set aside for retiring the debt of the racetrack facilities or for capital improvement to the racetrack facilities the following amount:

(1) If the rate of tax paid by the track is six percent, one-sixth of the tax liability by the track during the racing season shall be set aside.

(2) If the rate of tax paid by the track is five percent, one percent of the gross sum wagered in the racing season shall be set aside.

(3) If the rate of tax paid by the track is four percent, two percent of the gross sum wagered in the racing season shall be set aside.

**99D.16 Withholding tax on winnings.** All winnings provided in section 99D.11 are Iowa earned income and are subject to state and federal income tax laws. An amount deducted from winnings for payment of the state tax shall be remitted to the department of revenue and finance on behalf of the individual who won the wager.

**99D.17 Use of funds.** Funds received pursuant to sections 99D.14 and 99D.15 shall be deposited in the pari-mutuel regulation fund created in the racing and gaming commission. These funds shall first be used to the extent appropriated by the general assembly and as provided in section 99D.18. The remainder shall be transferred to the treasurer of state to be deposited in the general fund of the state. The commission is subject to the budget requirements of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

**99D.18 Surplus funds - how used.** From the balance of the funds coming into the hands of the commission pursuant to section 99D.14 and 99D.15, fifty thousand dollars shall be used by the Iowa state university college of veterinary medicine to develop further research on the treatment of equine injuries and diseases and fifty thousand dollars shall be used by the Iowa State University College of veterinary medicine to develop further research on the treatment of dog injuries and diseases.

**99D.19 Horse or dog racing - licensees- records - reports - supervision.** A licensee shall keep its books and records so as to clearly show the following:

1. The total number of admissions to races conducted by it or each racing day, including the number of admissions upon free passes or complimentary tickets.

2. The amount received daily from admission fees.

3. The total amount of money wagered during the race meet.

The licensee shall furnish to the commission reports and information as the commission may require with respect to it

activities. The commission may designate a representative to attend a licensed race meeting, who shall have full access to all places within the enclosure of the meeting and who shall supervise and check the admissions. The compensation of the representative shall be fixed by the commission, but shall be paid by the licensee.

**99D.20 Audit of licensee operations.** Within ninety days after the end of each race meet, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's operations conducted under this chapter. Additionally, within ninety days after the end of the licensee's fiscal year, the licensee shall transmit to the commission an audit of the financial transactions and condition of the licensee's total operations. All audits shall be conducted by certified public accountants registered in the state of Iowa under chapter 116.

**99D.21 Annual report of commission.** The commission shall make an annual report to the governor, for the period ending December 31 of each year. Included in the report shall be an account of the commission's actions, its financial position and results of operation under this chapter, the practical results attained under this chapter, and any recommendations for legislation which the commission deems advisable.

**99D.22 Native horses or dogs.**

1. A licensee shall hold at least one race on each racing day limited to Iowa-foaled horses or Iowa-whelped dogs as defined by the department of agriculture and land stewardship using standards consistent with this section. However, if sufficient competition cannot be had among that class of horses or dogs on any day, another race for the day may be substituted. A sum equal to twelve percent of the purse won by an Iowa-foaled horse or Iowa-whelped dog shall be used to promote the horse and dog breeding industries. The twelve percent shall be withheld by the licensee from the breakage and shall be paid at the end of the race meeting to the state department of agriculture and land stewardship which in turn shall deposit it in a special fund to be known as the Iowa horse and dog breeders fund and pay it by December 31 of each calendar year to the breeder of the winning Iowa-foaled horse or Iowa-whelped dog. For the purposes of this section, the breeder of a thoroughbred horse shall be considered to be the owner of the brood mare at the time the foal is dropped.

2. For the purposes of this chapter, the following shall be considered in determining if a horse is an Iowa-foaled thoroughbred horse:

a. All thoroughbred horses foaled in Iowa prior to January 1, 1985, which are registered by the jockey club as Iowa foaled shall be considered to be Iowa foaled.

b. After January 1, 1985, eligibility for brood mare residence shall be achieved by meeting at least one of the following rules:

(1) Thirty days residency until the foal is inspected, if in Iowa to a registered Iowa stallion.

(2) Thirty days residency until the foal is inspected for brood mares which are bred back to registered Iowa stallions.

(3) Continuous residency from December 31 until the foal is inspected if the mare was bred by other than an Iowa registered stallion and is not bred back to an Iowa registered stallion.

c. To be eligible for registration as an Iowa thoroughbred stallion, the following requirements shall be met:

(1) A full-year stallion residency, January 1 through December 31 for the year of registration. However, horses going to stud for their first season shall be eligible upon registration with residency to continue through December 31.

(2) At least fifty-one percent of an Iowa registered stallion shall be owned by bona fide Iowa residents.

d. State residency shall not be required for owners of brood mares.

3. To facilitate the implementation of this section, the department of agriculture and land stewardship shall do all of the following:

a. Adopt standards to qualify thoroughbred stallions for Iowa breeding. A stallion shall stand for service in the state at the time of the foal's conception and shall not stand for service at any place outside the state during the calendar year in which the foal is conceived.

b. Provide for the registration of Iowa-foaled horses and that a horse shall not compete in a race limited to Iowa-foaled horses unless the horse is registered with the department of agriculture and land stewardship. The department may prescribe such forms as necessary to determine the eligibility of a horse.

c. The secretary of agriculture shall appoint investigators to determine the eligibility for registration of Iowa-foaled horses.

d. Adopt a schedule of fees to be charged to breeders of thoroughbreds to administer this subsection.

4. To qualify for the Iowa horse and dog breeders fund, a dog shall have been whelped in Iowa and raised for the first six months of its life in Iowa. In addition, the owner of the dog shall have been a resident of the state for at least two years prior to the whelping.

#### **99D.23 Commission veterinarian and chemist**

1. The commission shall employ one or more chemists or contract with a qualified chemical laboratory to determine by chemical testing and analysis of saliva, urine, blood, or other excretions or body fluids whether a substance or drug has been introduced which may affect the outcome of a race or whether an action has been taken or a substance or drug has been introduced which may interfere with the testing procedure. The commission shall adopt rules under chapter 17A concerning procedures and actions taken on positive drug reports. The commission may adopt by reference the standards

of the national association of state racing commissioners, the association of official racing chemists, and New York jockey club, or the United States trotting association, or may adopt any other procedure or standard. The commission has the authority to retain and preserve by freezing, test samples for future analysis.

2. The commission shall employ or contract with one or more veterinarians to extract or procure the saliva, urine, blood, or other excretions or body fluids of the horses or dogs for the chemical testing purposes of this section. A commission veterinarian shall be in attendance at every race meeting held in this state.

3. A chemist or veterinarian who willfully or intentionally fails to perform the functions or duties of employment required by this section shall be banned for life from employment at a race meeting held in this state.

4. The commission veterinarian shall keep a continuing record of the racing soundness of all horses examined by a commission veterinarian at a racetrack.

#### **99D.24 Prohibited activities - penalty.**

1. A person is guilty of an aggravated misdemeanor for doing any of the following:

a. Holding or conducting a race or race meeting where the pari-mutuel system of wagering is used or to be used without a license issued by the commission.

b. Holding or conducting a race or race meeting where wagering is permitted other than in the manner specified by section 99D.11.

c. Committing any other corrupt or fraudulent practice as defined by the commission in relation to racing which affects or may affect the result of a race.

2. A person knowingly permitting a person under the age of eighteen years to make a pari-mutuel wager is guilty of a simple misdemeanor.

3. A person wagering or accepting a wager at any location outside the betting enclosure is subject to the penalties in section 725.7.

4. A person commits a class "D" felony and, in addition, shall be barred for life from racetracks under the jurisdiction of the commission, if the person does any of the following:

a. Offers, promises, or gives anything of value or benefit to a person who is connected with racing including, but not limited to, an officer or employee of a licensee, an owner of a horse, a jockey or driver, a trainer, or handler, pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a race, or to influence official action of a member of the commission.

b. Solicits or knowingly accepts or receives a promise of anything

of value or benefit while the person is connected with racing including, but not limited to, an officer or employee of a licensee, an owner of a horse, a jockey or driver, a trainer, or handler, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a race, or to influence official action of a member of the commission.

5. A person commits a class "D" felony and the commission shall suspend or revoke a license held by the person if the person:

a. Uses or conspires to use a battery, buzzer, electrical, mechanical or other appliance other than the ordinary whip or spur for the purpose of stimulating or depressing a horse or dog or affecting its speed in a race or workout.

b. Sponges a horse's or dog's nostrils or windpipe or uses any method, injurious or otherwise, for the purpose of stimulating or depressing a horse or dog or affecting its speed in a race or a workout.

6. A person commits a serious misdemeanor if the person has in the person's possession within the confines of a racetrack, stable, shed, building or grounds, or within the confines of a stable, shed, building or grounds where a horse or dog is kept which is eligible to race over a racetrack licensed under this chapter, an appliance other than the ordinary whip or spur which can be used for the purpose of stimulating or depressing a horse or dog or affecting its speed at any time.

#### **99D.25 Drugging or numbing exception - tests - reports - penalties**

1. As used in this section, unless the contest otherwise requires:

a. "Drugging" means administering to a horse or dog any substance, foreign to the natural horse or dog prior to the start of a race. However, in counties with a population of two hundred fifty thousand or more, "drugging" does not include administering to a horse the drugs lasix and phenylbutazone in accordance with section 99D.25A and rules adopted by the commission.

b. "Numbing" means the applying of dry ice or a chemical or mechanical freezing device to the limbs of a horse or dog within ten hours before the start of a race, or the applying of ice or a cold pack to the limbs of a horse or dog within two hours before the start of a race, or a surgical or other procedure which was, at any time, performed in which the nerves of a horse or dog were severed, destroyed, or removed.

c. "Entered" means that a horse or dog has been registered as a participant in a specified race, and not withdrawn prior to presentation of the horse or dog for inspection and testing.

2. The general assembly finds that the practice of drugging or numbing a horse or dog prior to a race:

a. Corrupts the integrity of the sport of racing and promotes

criminal fraud in the sport;

b. Misleads the wagering public and those desiring to purchase a horse or dog as to the condition and ability of the horse or dog;

c. Poses an unreasonable risk of serious injury or death to the rider of a horse and to the riders of other horses competing in the same race; and

d. Is cruel and inhumane to the horse or dog so drugged or numbed.

3. The following conduct is prohibited:

a. The entering of a horse or dog in a race by the trainer or owner of the horse or dog if the trainer or owner knows or if by the exercise of reasonable care the trainer or owner should know that the horse or dog is drugged or numbed;

b. The drugging or numbing of a horse or dog with knowledge or with reason to believe that the horse or dog will compete in a race while so drugged or numbed. However, the commission may by rule establish permissible trace levels of substances foreign to the natural horse or dog that the commission determines to be innocuous;

c. The willful failure by the operator of a racing facility to disqualify a horse or dog from competing in a race if the operator has been notified that the horse or dog is drugged or numbed, or was not properly made available for tests or inspections as required by the division; and

d. The willful failure by the operator of a racing facility to prohibit a horse or dog from racing if the operator has been notified that the horse or dog has been suspended from racing.

4. The owners of a horse or dog and their agents and employees shall permit a member of the commission or a person employed or appointed by the commission to make tests as the commission deems proper in order to determine whether a horse or dog has been improperly drugged. The fact that purse money has been distributed prior to the issuance of a test report shall not be deemed a finding that no chemical substance has been administered unlawfully to the horse or dog earning the purse money. The findings of the commission that a horse or dog has been improperly drugged by a narcotic or other drug are prima facie evidence of the fact. The results of the tests shall be kept on file by the commission for at least one year following the tests.

5. Every horse which suffers a breakdown on the racetrack, in training, or in competition, and is destroyed, and every other horse which expires while stabled on the racetrack under the jurisdiction of the commission, shall undergo a postmortem examination at a time and place acceptable to the commission veterinarian to determine the injury or sickness which resulted in euthanasia or natural death. The postmortem examination shall be conducted by a veterinarian employed by the owner or the owner's trainer in the

presence of and in consultation with the commission veterinarian. Test samples shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine test samples should be procured prior to euthanasia. The owner of the deceased horse is responsible for payment of any charges due the veterinarian employed to conduct the postmortem examination. The services of the commission veterinarian and the laboratory testing of postmortem samples shall be made available by the commission without charge to the owner. A record of every postmortem shall be filed with the commission by the owner's veterinarian within seventy-two hours of the death and shall be submitted on a form supplied by the commission. Each owner and trainer accepts the responsibility for the postmortem examination provided herein as a requisite for maintaining the occupational license issued by the commission.

6. Phenylbutazone may not be administered to a horse within ninety-six hours of the start of a race in which the horse is entered.

7. Any horse which in the opinion of the commission veterinarian has suffered a traumatic injury or disability such that a controlled program of phenylbutazone administration would not aid in restoring the racing soundness of the horse shall not be allowed to race while medicated with phenylbutazone or with phenylbutazone present in the horse's bodily systems.

8. A person found within or in the immediate vicinity of a security stall who is in possession of unauthorized drugs or hypodermic needles or who is not authorized to possess drugs or hypodermic needles shall, in addition to any other penalties, be barred from entry into any racetrack in Iowa and any occupational license the person holds shall be revoked.

9. Before a horse is allowed to race using phenylbutazone, the veterinarian attending the horse shall certify to the commission the course of treatment followed in administering the phenylbutazone.

10. The commission shall conduct random tests of bodily substances of horses entered to race each day of a race meeting to aid in the detection of any unlawful drugging. The tests shall be conducted both prior to and after a race. The commission shall also test any horse that breaks down during a race and shall perform an autopsy on any horse that is killed or subsequently destroyed as a result of accident during a race.

11. Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered, or dispensed for horses registered at a current race meeting. A logbook detailing other professional services performed while on the grounds of a racetrack

shall be kept by veterinarians and shall be made immediately available to the commission veterinarian or the stewards upon request.

A person who violates this section is guilty of a class "D" felony.

**99D.25A Administration of lasix or phenylbutazone.**

1. As used in this section unless the context otherwise requires:

a. "Bleeder" means, according to its context, either:

(1) A horse which, during a race or exercise, is observed by the commission veterinarian or designee to be shedding blood from one or both nostrils and in which no upper airway injury is noted during an examination by the commission veterinarian immediately following such a race or exercise;

(2) A horse which, within one and one-half hours of such a race or exercise, is observed by the commission veterinarian, through visual or endoscopic examination, to be shedding blood from the lower airway; or

(3) A horse which has been certified as a bleeder in another state.

b. "Bleeder list" means a tabulation of all bleeders maintained by the commission veterinarian.

c. "Detention barn" means a secured structure designated by the commission.

2. Phenylbutazone shall not be administered to a horse in dosages which would result in concentrations of more than two point two micrograms of the substance or its metabolites per milliliter of blood.

3. If a horse is to race with phenylbutazone in its system, the trainer shall be responsible for marking the information on the entry blank for each race in which the horse shall use phenylbutazone. Changes made after the time of entry must be submitted on the prescribed form to the commission veterinarian no later than scratch time.

4. If a test detects concentrations of phenylbutazone in the system of a horse in excess of the level permitted in this section, the commission shall assess a civil penalty against the trainer of two hundred dollars for the first offense and five hundred dollars for a second offense. The penalty for a third or subsequent offense shall be in the discretion of the commission. A penalty assessed under this subsection shall not affect the placing of the horse in the race.

5. Lasix may be administered to certified bleeders. Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of lasix. Once a horse has raced with lasix, it must continue to race with lasix in all subsequent races unless a request is made to discontinue the use. If the use of lasix is discontinued, the horse shall be prohibited from again racing with lasix unless it is later observed to be bleeding. Requests for the use of or discontinuance of lasix must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request



is made.

6. Once a horse has been permitted the use of lasix, it must be brought to the detention barn for treatment not less than four hours prior to scheduled post time for the race in which it is entered to start. Once at the detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race. If a horse is brought to the detention barn late, the commission shall assess a civil penalty of one hundred dollars against the trainer.

7. A horse entered to race with lasix must be treated at least four hours prior to post time. The lasix shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse under the visual supervision of the commission veterinarian. The practicing veterinarian must deposit with the commission veterinarian at the detention barn an unopened supply of lasix and sterile hypodermic needles and syringes to be used for the administrations. Lasix shall only be administered in a dose level of two hundred fifty milligrams. The commission veterinarian shall extract a test sample of the horse's blood, urine, or saliva to determine whether the horse was improperly drugged both before the lasix was administered and after the race is run.

8. A person found within or in the immediate vicinity of the detention barn who is in possession of unauthorized drugs or hypodermic needles or who is not authorized to possess drugs or hypodermic needles shall, in addition to any other penalties, be barred from entry into any racetrack in Iowa and any occupational license the person holds shall be revoked.

#### **99D.26 Forfeiture of property.**

1. Anything of value, including all traceable proceeds including but not limited to real and personal property, moneys, negotiable instruments, securities, and conveyances are subject to forfeiture to the state of Iowa if the item was used for any of the following:

a. In exchange for a bribe intended to affect the outcome of a race.

b. In exchange for or to facilitate a violation of this chapter.

2. All moneys, coin, and currency found in close proximity of wagers, or of records of wagers are presumed forfeited. The burden of proof is upon the claimant of the property to rebut this presumption.

3. Subsections 1 and 2 do not apply if the act or omission which would give rise to the forfeiture was committed or omitted without the owner's knowledge or consent.

#### **99D.27 Racing Dog Adoption Program.**

A track licensed to race dogs under this chapter shall maintain a racing dog adoption program. The track shall advertise the availability of adoptable dogs in the media, including but not limited to racing programs. The track shall compile a list of persons applying

to adopt a dog. A dog's owner or dog's trainer acting with the consent of the owner may participate in the program by placing the dog for adoption. The ownership of the dog shall be transferred from the owner of the dog to the person who is adopting the dog. A dog shall not be transferred to a person for purposes related to racing, breeding, hunting, laboratory research, or scientific experimentation. A dog shall not be transferred unless the dog has been examined by a veterinarian and found to be free of disease requiring extensive medical treatment. A dog shall not be transferred, until a veterinarian has certified that the dog has been sterilized. The track may transfer a dog to a governmental agency or nonprofit organization without examination or certification. However, other requirements relating to the transfer of a dog to a person by a track under this section apply to the transfer of a dog to a person by the agency or organization. A person violating this section is guilty of a simple misdemeanor.

**99D.28 Use of industrial revenue bonds prohibited. Repealed.**

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