

810 KAR 1:004. Stewards.

RELATES TO: KRS 230.215(2), EO 2009-535

STATUTORY AUTHORITY: KRS 230.215(2), 230.240(1), EO 2009-535

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the authority to promulgate administrative regulations prescribing conditions under which all horse racing is conducted. EO 2009-535, effective June 12, 2009, established the Kentucky Horse Racing Commission and transferred all functions of the Kentucky Horse Racing Authority to the commission. This administrative regulation establishes the qualifications, duties, powers, and responsibilities of the stewards.

Section 1. Qualifications for a Steward. A person shall not qualify for employment or approval by the commission to serve as a steward unless:

(1)(a) He has attended the University of Louisville Steward/Judge Accreditation School, the University of Arizona National Steward/Judge Accreditation Program, or any other accreditation school or program approved by the commission;

(b) He has satisfactorily passed a written and oral examination given by the school; and

(c) He is not under suspension or ejection by any racing jurisdiction;

(2) He has served as a steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge, or clerk of scales, at one (1) or more recognized race meetings for a period of not less than sixty (60) racing days per year during at least three (3) of the five (5) preceding calendar years; or

(b)1. He has engaged in racing as an owner, trainer, jockey, veterinarian, or breeder for at least five (5) years; and

2. Has been an observer in the stewards stand for a period of at least thirty (30) days;

(3) He has satisfactorily passed an optical examination within one (1) year prior to approval as a steward evidencing corrected twenty-twenty (20-20) vision and ability to distinguish colors correctly; and

(4) The commission is satisfied that income, other than salary as a steward, which may accrue to a person under consideration for appointment as a steward is independent of and unrelated to patronage of or employment by any licensee under the supervision of the steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of a licensee.

Section 2. Employment of Stewards. (1) In accordance with KRS 230.240(1), there shall be three (3) stewards for each race meeting.

(a) Two (2) of the stewards, including the chief steward, shall be employed and compensated by the commission.

(b) The third steward shall be nominated by the association for approval by the commission.

(c) The name of the association nominee for steward shall be submitted when an association applies for a license if possible, but no later than thirty (30) days before commencement of a race meeting.

(d) The nomination shall be accompanied by biographical data describing the experience and qualifications of the nominee.

(e) The association shall submit successive nominees until one (1) person is approved by the commission as qualified to serve as a steward.

(f) A steward shall not serve until approved by the commission.

(2) Stewards shall serve from one (1) minute after midnight on the day before the first racing day until one (1) minute before midnight on the day after the last racing day of the race meeting for which they are employed. If a dispute or controversy arises during a race meeting which is not

settled at the conclusion of the race meeting, then the power of the stewards shall be extended over the period necessary to resolve the matter, or until the matter is referred or appealed to the commission.

(3) Stewards shall be responsible only to the commission and may be replaced by the commission at any time for failure to perform their duties to the satisfaction of the commission.

(4) If a steward becomes ill, resigns, or is unable to serve for any reason, then the remaining stewards shall nominate a successor or temporary steward to the commission for approval. In emergencies, a single member of the commission by telephone may approve employment of a successor steward.

Section 3. General Powers of Stewards. The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of and responsible only to the commission. The powers of the stewards shall include:

(1) Authority over all horses and all persons, licensed or unlicensed, on association grounds during a race meeting as to all matters relating to racing;

(2) Determining all questions, disputes, protests, complaints, or objections concerning racing which arise during a race meeting and enforcing the determinations;

(3) Suspending the license of a participant in racing or ejecting or excluding from association grounds or any part thereof licensed or unlicensed persons, upon reasonable belief that a violation of 810 KAR Chapter 1 has or is about to occur;

(4) Interpreting and enforcing 810 KAR Chapter 1 and determining all questions pertaining to a racing matter not specifically covered by these administrative regulations;

(5) Issuing decisions or rulings pertaining to racing which shall supersede orders of the officers, directors, and officials of the association and which shall, if the stewards deem proper, vary any arrangement for the conduct of a race meeting, to include postponing or canceling a race, or ruling a race run as "no contest."

(6) Requesting assistance from commission employees, racing officials, members of the Thoroughbred Racing Protective Bureau, track security police, or state or local police, in the investigation of possible rule infractions;

(7) Conducting hearings on all questions, disputes, protests, complaints, or objections concerning racing matters;

(8) Selecting a substitute, if a regularly named rider, trainer, or racing official other than a steward is unable for any reason to perform. Upon suspicion of fraud or misconduct, the stewards may excuse a horse or replace any rider, trainer, or racing official other than a steward; and

(9) All other powers and duties established for stewards in 810 KAR Chapter 1.

Section 4. Duties and Responsibilities of Stewards. In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform these and other duties enumerated in these administrative regulations, the stewards shall have the following specific duties and responsibilities:

(1) To take appropriate action on all misconduct or administrative regulation infractions, to cause investigations to be made of all instances of possible infractions, and to take appropriate action to prevent an administrative regulation infraction;

(2) To have at least one (1) steward on association grounds from scratch time or if not a racing day, when entries are first taken until entries are closed. At least one (1) steward shall be present for the regular showing of racing films or video tapes. All three (3) stewards shall be on association grounds no less than ninety (90) minutes before post time until conclusion of the last race. All three (3) stewards shall be present in the stewards' stand during the running of each race;

(3) To have at least one (1) steward, or a designated representative of the stewards, present in the paddock at least twenty (20) minutes before each race. The steward shall remain there until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock and inspect, with the paddock judge and commission veterinarian, all horses for fitness;

(4) To inspect all applications for licenses to participate in racing, and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer, jockey, apprentice jockey, veterinarian, dental technician, or farrier license, and make recommendations to the commission as to the qualifications of all applicants for licenses to participate in racing;

(5)(a) To review all licenses and registration certificates, and all contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, jockey and apprentice jockey contracts, appointments of agents, and adoptions of racing colors or stable name; and

(b) To determine the eligibility and appropriateness for participation in racing under supervision of the stewards;

(6) To call for proof of eligibility of a horse or person to participate in a race, if eligibility is in question and in absence of sufficient proof to establish eligibility, the stewards may rule that horse or person ineligible;

(7) To review stall applications and advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to the undesirable persons;

(8) To supervise the taking of entries and receive all declarations and scratches and determine all questions arising and pertaining to declarations and scratches. The stewards may in their discretion refuse the entry of any horse by any person, refuse to permit a declaration or scratch, or may limit entries;

(9) To lock all pari-mutuel betting machines not later than the moment the starting gate is opened for the commencement of a race, to cause the "inquiry" sign to be posted on the infield odds board immediately after the horses have crossed the finish line in a race if any doubt is held by any steward or patrol judge as to the fairness of the running of that race, to cause the objection sign to be posted on the infield odds board upon the lodging of an objection, and to cause the "official" sign to be posted on the infield odds board after determining the official order of finish for purposes of pari-mutuel payoff;

(10) To review the patrol films or video tapes of each day's races before commencement of the successive day's races and to draw up a list of riders including all apprentice jockeys whom the stewards feel should review the films for instructional purposes and post that list in the jockey's room. The patrol judges shall assist in making up the film list and attend all film showings if their other duties permit;

(11) To maintain a daily log, reporting all actions taken by the stewards on all controversies which arise during the day. The report shall show name of track, date, weather, track condition, claims, rulings issued, and any other circumstance or condition regarded as unusual. The reports shall be signed by all three (3) stewards and filed within twenty-four (24) hours at the commission general office;

(12) To make periodic inspections of the barn area and check track security and to make occasional, informal visits to the jockeys' room and observe weighing out and check security. Inspections and observations made pursuant to this section shall be noted in the stewards' report;

(13) To maintain a minute book which shall contain a detailed written record of all questions, disputes, protests, complaints, or objections brought to the attention of the stewards, summary of interviews taken, reports of investigations, and rulings issued. If a ruling is not unanimous, the dissenting steward shall record reasons for his dissent. The stewards' minute book shall be available

to the commission for inspection at all times; and

(14) Within seven (7) days after the conclusion of a race meeting, to submit to the commission a written report setting out the condition of the meeting and association grounds, and any recommendations for improvement. (KSRC Ch. 4., 4.01 to 4.14; 1 Ky.R. 895; eff. 5-14-1975; Am. 6 Ky.R. 131; eff. 10-3-1979; 10 Ky.R. 660; eff. 2-1-1984; 18 Ky.R. 1986; eff. 2-19-1992; 31 Ky.R. 1202; 1410; eff. 3-3-2005; 36 Ky.R. 211; 603; 1029; eff. 12-4-2009.)