

13:70-1.24 Public broadcasts

Approval of the New Jersey Racing Commission must be obtained before any race may be broadcast or televised from a race track in New Jersey. Only applications by radio or television stations authorized by the Federal Communication Commission will be considered for approval by the commission.

13:70-1.25 Violations by track associations and penalties

Notwithstanding any provision of subchapter 16, 23 and 31 of this chapter, any track association, licensed by the New Jersey Racing Commission, that violates a law, rule or regulation or directive of this commission and continues in deliberate violation for a period of 72 hours following notification from the commission office that such violation exists, shall be subject to a fine of not more than \$5,000 per day for each and every day said track association remains in violation of the law, rule or regulation or directive of this commission. Any association fined pursuant to this rule may, within three days after service of such notice of the imposition of a fine or fines, request a hearing by petition in writing, which hearing shall be held within four days after the petition has been served upon the chairman or executive director of the Racing Commission.

R.1976 d.292, effective September 16, 1976.
See: 8 N.J.R. 250(c), 8 N.J.R. 483(a).

13:70-1.26 Designation of commission agents

In enforcing the racing laws and the rules and regulations of the commission, the commission may designate enforcement personnel assigned to it by the New Jersey Department of Law and Public Safety. Such personnel, while so acting shall be designated as agents of the commission.

R.1976 d.125, effective April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-1.27 State Police; reports

When the State Police in the normal performance of their duties at an association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing Commission with a copy to the State Police, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977.
See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

Case Notes

Cited in examination of extent of State regulation of private trade activity. *Marzocca v. Ferone*, 186 N.J.Super. 483, 453 A.2d 228 (App. Div.1982) certification denied 91 N.J. 574, 453 A.2d 884, affirmed in part, reversed in part 93 N.J. 509, 461 A.2d 1133 (1983).

13:70-1.28 Modification of penalties

The Commission may modify on its own motion any penalty or decision imposed by a racing official pursuant to the rules and regulations as herein contained.

R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-1.29 Reciprocity

Full force and effect shall be given to the denial, revocation or suspension of any license by any other racing commission or turf governing body.

R.1981 d.183, effective June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-1.30 Horsemen associations

(a) It shall be the intent of this rule to establish guidelines that ensure that funds allocated to the horsemen's organizations by statute (N.J.S.A. 5:5-66) are used to finance programs to benefit all New Jersey horsemen and that administrative and overhead costs are reasonably related to such programs.

(b) Funds allocated to the horsemen's organizations by statute must be used to benefit all New Jersey horsemen. Membership in the horsemen's organizations shall not be a condition for receiving benefits.

(c) Amounts collected as voluntary dues from members are excluded from this rule. However, funds acquired from sources other than the statutory allocation must be kept separate and apart from funds obtained from the statutory allocation.

(d) The horsemen's organizations shall maintain adequate records concerning receipt of and distribution of funds allocated to them by statute. The New Jersey Racing Commission shall have access to all records maintained by the horsemen's organizations which relate directly or indirectly to funds allocated by statute.

(e) The horsemen's organizations shall submit detailed budgets to the Racing Commission by December 15 of each year, identifying the source and use of funds, as well as any surplus or deficit that may result. The budget must also include the actual prior year's expenses in each category for comparison purposes. In addition, quarterly budget reports must be filed with the Commission 45 days after the close of each quarter. These reports must reflect actual income and expenses to date, as well as projected income and expenses for the remainder of the year. Prior approval must be obtained from the Commission for all expenditures that exceed the approved budget levels.

(f) The horsemen's organizations Audited financial statements, including balance sheet, income statement and source and use of funds, prepared by a certified public

accountant of New Jersey, must be filed with the Commission by February 28 for the preceding calendar year.

(g) Funding for benevolent programs, including but not limited to pension plans, health and life insurance plans, etc. will be considered reasonable if such program funding on an annual basis is at least 70 percent of the total statutory allocation. Whether or not a program will be considered a "benevolent program" will be decided upon application to the Racing Commission. Annual benevolence program funding below 70 percent of the total statutory allocation requires justification satisfactory to the Commission. The administrative costs and overhead expenses of administering the horsemen's organizations including benevolent programs may not exceed 30 percent of the total allocated by statute unless and to the extent specifically authorized in advance by the Racing Commission.

(h) General administration and overhead expenses are considered reasonable if they are less than 30 percent of the statutory allocation. Funding above 30 percent of the total statutory allocation requires justification satisfactory to the Commission. Within this category, expenses for travel, entertainment, meals and lodging are considered reasonable if they conform to the horsemen's organizations' travel and expense reimbursement guidelines on file and approved by the Commission. For expenses in excess of amounts allowed under these guidelines, the Racing Commission may require special justification and/or prior approval.

(i) Payments to national programs are allowed only to the extent that the horsemen's organizations can clearly show that the payments benefit all New Jersey horsemen, not just members of these organizations.

(j) If the accumulated surplus exceeds \$250,000 at the end of a calendar year, horsemen's organizations are required to utilize the amount in excess of the \$250,000 for new or expanded benevolent programs or justify to the Racing Commission why they do not intend to utilize the excess funds.

(k) Violation of this rule may subject the organization to a fine not to exceed \$1,000 per violation.

New Rule, R.1988 d.75, effective February 16, 1988.

See: 19 N.J.R. 1418(a), 20 N.J.R. 404(b).

Amended by R.1988 d.400, effective August 15, 1988.

See: 20 N.J.R. 1172(a), 20 N.J.R. 2070(a).

Substantially amended.

Amended by R.1989 d.106, effective February 21, 1989.

See: 20 N.J.R. 2995(c), 21 N.J.R. 451(a).

Old (j) deleted and new (j) added.

Case Notes

Racing Commission does not have exclusive jurisdiction to adjudicate all legal and factual disputes involving control and disposition of fund allocated for horsemen's benevolence programs. *New Jersey Div., Horsemen's Benev. Protective Ass'n v. New Jersey Racing Com'n*, 251 N.J.Super. 589, 598 A.2d 1243 (A.D.1991).

13:70-1.31 Commission employees/appointees; prohibited affiliations with permitted racetracks

No employee or appointee of the New Jersey Racing Commission shall provide any services to a permitted race-track facility in this State, whether or not for compensation, where those services are outside the scope of his or her duties on behalf of the Commission.

New Rule, R.1993 d.684, effective December 20, 1993.

See: 25 N.J.R. 4458(b), 25 N.J.R. 5938(b).

SUBCHAPTER 2. DEFINITIONS

13:70-2.1 Definitions

The following words and terms, when used in this chapter, and when used in N.J.A.C. 13:71 unless defined in N.J.A.C. 13:71-4.1(b), shall have the following meanings unless the context clearly indicates otherwise:

"Added money" means the money which in a stake race an association adds to the purse, the nominating and starting fees.

"Advance wagers" means any wager placed at least one race in advance of the current race.

"Age" of a horse means the time reckoned as beginning on the first of January in the year after the horse is foaled.

"Apprentice" means a jockey apprentice.

"Arrears" includes all money due for entrance forfeits, fees (including jockey fees), fines, subscriptions, purchase money in a claiming race and also any default in money incident to the rules.

"Assistant trainer" means a person who assumes the duties and responsibilities of a trainer while assisting the trainer or acting on behalf of the trainer in the training of the horses under his charge.

"Association" means a person or persons, partnerships or corporate body licensed by the commission to conduct a meeting where horse racing shall be permitted for any stake, purse or reward.

"Authorized agent" means a person appointed by a written instrument signed by the owner and filed in accordance with the rules.

"Breeder" of a horse means the owner of its dam at the time of foaling.

"Breeding place" means the place of a horse's birth.

"Calendar day" means 24 hours ending at midnight.