

(b) All persons licensed by the Commission and all employees of the racing associations and/or employees of contractors doing work for the track associations will be required to be fingerprinted and photographed at the discretion of the Commission. The applicant must pay for the cost of the fingerprints and card checks. The Commission will direct the fee, which will be consistent with the charge set by the reviewing agency for the type of inquiry requested; for example, State, Federal, State and Federal, name check. Owners who, because of extenuating circumstances, cannot come into New Jersey to be fingerprinted and photographed during a racing year, will be issued conditional licenses only and will not be permitted access to the stable area or paddock at any New Jersey track until photographed and fingerprinted by the Racing Commission. Holders of a conditional license will not be eligible for passes at any of the tracks in New Jersey.

Amended by R.1977 d.8, effective January 17, 1977.
See: 8 N.J.R. 531(c), 9 N.J.R. 94(d).
Amended by R.1979, d.14, effective April 12, 1979.
See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).
Amended by R.1983 d.104, effective April 4, 1983, operative January 1, 1984.
See: 14 N.J.R. 1445(a), 15 N.J.R. 554(a).
Fees increased and (b) added.
Amended by R.1985 d.640, effective December 16, 1985 (operative January 1, 1986).
See: 17 N.J.R. 2364(a), 17 N.J.R. 2996(b).
(a)12 added; (b) substantially amended.
Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).
"Fingerprints and photographs" added to tagline.
Amended by R.1993 d.52, effective January 19, 1993.
See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).
Revised (a).

13:71-7.2 False or misleading statements

Any person making any false, untrue or misleading statement on an application for a license or registration or in a written or oral examination in connection with such an application may be disciplined as provided for in this chapter.

Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
Section substantially amended.

13:71-7.3 Refusal to issue or renew license

The Commission may refuse to issue or renew a license or may suspend or revoke a license issued pursuant to this section if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is associating or consorting with any person or persons who has been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with, or has consorted with bookmakers, touts or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing,

breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the Commission, or shall have violated any rule of racing which shall have been approved or adopted by the Commission, or has been guilty of or engaged in similar related or like practices.

Case Notes

Harness rules express concern for an affinity between any applicant for licensure and another person convicted of a crime, entirely apart from the persons' marital relationship. *Niglio v. New Jersey Racing Commission*, 158 N.J.Super. 182, 385 A.2d 925 (App.Div.1978).

Arrest record with no convictions may not be considered by the Commission in assessing the moral character of an owner/licensee (citing former N.J.A.C. 13:71-4.2). *Costanzo v. New Jersey Racing Commission*, 126 N.J.Super. 187, 313 A.2d 618 (App.Div.1974).

Obstruction of justice and perjury conviction warranted denial of driver/trainer license application despite rehabilitation. *Bonacorsa v. New Jersey Racing Commission*, 93 N.J.A.R.2d (RAC) 14.

Commission's denial of harness driver's license not arbitrary, capricious or unreasonable; applicant's burden to demonstrate complete qualification for licensure not met; other licensing decisions not relevant to petitioner's application since decisions are based on individual records, not comparative tests. *Primeau v. New Jersey Racing Commission*, 8 N.J.A.R. 509 (1985).

13:71-7.4 Age requirements

No application for a license will be considered for or granted to a person under 16 years of age.

13:71-7.5 Items requiring registration

(a) The following must be registered with the Racing Commission annually and the fee payable for such registration shall be as follows:

1. Each stable name must be duly registered with the Racing Commission. The fee shall be \$50.00.
2. Corporate stable names must be registered with the Commission. The initial fee shall be \$50.00 and renewals thereafter shall have a fee of \$50.00.
3. Multiple ownership initial registration with the Commission shall be \$50.00 and renewals thereafter shall also have a fee of \$50.00.
4. Partnerships (two individuals or any combination of entities and/or individuals) shall be registered with the Commission. The fee shall be \$25.00 annually.

Amended by R.1979 d.144, effective April 12, 1979.
See: 11 N.J.R. 21(b), 11 N.J.R. 258(a).
Amended by R.1982 d.109, effective April 5, 1982.
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).
(a) 2 and 3 added.
Amended by R.1993 d.52, effective January 19, 1993.
See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).
Revised (a) and (a)1; added new (a)4.

13:71-7.6 Fees

The fee shall accompany each application for licenses and/or registration. All licenses and/or registration expire December 31 of the year of issue.

13:71-7.7 Applications

(a) All applications for owner, driver and trainer license and registration of stable name and multiple owner registration must be examined by the steward for and on behalf of the New Jersey Racing Commission. The steward shall ascertain if the applicant is qualified as to ability and integrity, and shall report his findings to the New Jersey Racing Commission.

1. In considering each application for a license, the steward may require the applicant, as well as the applicant's endorsers, to appear before him.
2. The burden shall be upon the applicant to show that he, she or it is qualified in every respect to receive the license applied for.
3. Ability, as well as integrity, must be clearly shown by the applicant in order to receive the steward's recommendation to the New Jersey Racing Commission for the granting of the license.

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

Amended by R.1985 d.138, effective March 18, 1985.

See: 17 N.J.R. 57(b), 17 N.J.R. 711(a).

Added (a)1.-3.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Grammatical correction in (a).

Case Notes

Commission's denial of harness driver's license not arbitrary, capricious or unreasonable; applicant's burden to demonstrate complete qualification for licensure not met; other licensing decisions not relevant to petitioner's application since decisions are based on individual records, not comparative tests (citing former regulation). *Primeau v. New Jersey Racing Commission*, 8 N.J.A.R. 509 (1985).

13:71-7.8 Liable for all penalties

All persons listed in a registered stable shall be liable for all penalties against horses raced under such stable name. If one of the persons listed under such stable name is suspended, all the horses in such stable shall be included.

13:71-7.9 Changes in identities

Changes in identities must be reported immediately and approval obtained from the Commission.

13:71-7.10 Notice to the Racing Commission

A person who has registered under a stable name may at any time cancel it after giving written notice to the Racing Commission.

13:71-7.11 Changing of stable name

A stable name may be changed at any time by registering a new stable name and by paying the fee required in N.J.A.C. 13:71-7.5.

13:71-7.12 Existing stable name

A person cannot register as his stable name one which has been registered by any other person with any association conducting a recognized meeting.

13:71-7.13 Registered stable; member

A person may be registered in more than one stable name. No person, however, will be permitted to enter more than one horse, in which he has an interest, in any one race without said horse being coupled as an entry.

As amended, R.1977 d.8, effective January 17, 1977.

See: 8 N.J.R. 531(c), 9 N.J.R. 94(d).

13:71-7.14 Distinguished name

A stable name shall be plainly distinguishable from that of another duly registered stable name.

13:71-7.15 Transfer of name

With the consent of the Racing Commission a stable name may be transferred. The fee for a transfer shall be \$10.00 and a new application must be made.

13:71-7.16 Corporations

(a) No license as an owner shall be granted to a corporation or to the lessee or lessor of any corporation unless all corporate officers, members of the Board of Directors, managers and stockholders directly or indirectly owning five percent or more of said corporation's issued stock have been licensed.

(b) Each such person must file an application for an owner's license.

(c) Any and all changes in either the corporate structure or the respective interest of stockholders as described in (a) above must be promptly filed with the Commission.

(d) All corporations shall race under a stable name approved by the Commission and shall be required to file application for same on a form prescribed by the Commission.

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

(a) deleted and (a) through (d) added.

13:71-7.17 Multiple ownership

Each and every multiple ownership must be registered with the Racing Commission. All multiple ownerships with the exception of partnerships wherein no more than two persons are involved shall race in a multiple ownership stable name. No license shall be granted to any partnership, syndicate or other form of multiple ownership or to the lessee of any such entity excluding corporations wherein the number of persons having a beneficial interest therein exceeds 35. Each and every partnership must be registered with the Commission.