

## HORSE RACING

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(e) Any information received in the process of obtaining a urine sample, including but not limited to medical information, the results of any urine test, and any reports filed as a result of attending a Supervisory Treatment Program shall be treated as confidential, except for their use with respect to a ruling issued pursuant to this rule, or any administrative or judicial hearing with regard to such a ruling. Access to the information received and/or reports of any positive results and/or reports from a Supervisory Treatment Program shall be limited to the Commissioners of the New Jersey Racing Commission, the Executive Director and/or his designee, Counsel to the Racing Commission and the subject, except in the instance of a contested matter. In the instance of a contested matter, any information received and reports prepared shall not be disclosed without the approval of the Executive Director or his designee.

(f) Information received and reports prepared pursuant to this rule shall be stored in a locked secure area in the office of the Executive Director for a period of one year, after which time, they shall be destroyed. However, the Commission may maintain the information received and reports on individuals who have violated this rule for the purpose of recording the number of violations and the results of supervisory treatment, and for use should future violations occur.

Amended by R.1985 d.602, effective December 2, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1640(a), 17 N.J.R. 2912(a).

Substantially amended.

Amended by R.1985 d.641, effective December 16, 1985.

See: 17 N.J.R. 2363(a), 17 N.J.R. 2996(a).

Amended by R.1991 d.75, effective February 19, 1991.

See: 22 N.J.R. 3451(a), 23 N.J.R. 611(a).

New (d)1.-4., added restrictions for individuals who have tested positive for a controlled dangerous substance or prescription medication without a valid prescription.

#### Case Notes

Regulation valid as reasonable under the Fourth Amendment; drug disclosure form did not violate jockeys' privacy interests; urinalysis test information use regulations must also be applied to breathalyzer test results; tests to be conducted privately. *Shoemaker v. Handel*, 619 F.Supp. 1089 (D.N.J.), affirmed 795 F.2d 1136 (3rd Cir.1986) certiorari denied 107 S.Ct. 577, 479 U.S. 986, 93 L.Ed.2d 580.

Preliminary injunction denied to jockeys who sought to halt implementation of Commission's breathalyzer and urine test regulations, as they did not establish a likelihood of success on the merits of their unconstitutionality claim; horse racing comes within a recognized "pervasively regulated business" exception to the administrative search warrant requirement. *Shoemaker v. Handel*, 608 F.Supp. 1151 (D.N.J. 1985).

## SUBCHAPTER 15. RACING OFFICIALS

### 13:70-15.1 List of racing officials

(a) The racing officials shall include:

1. Three stewards, appointed by the Racing Commission and paid by the Association;
2. Three placing judges;
3. Clerk of the scales;
4. Three or more patrol judges;
5. Starter;
6. Paddock Judge;
7. Racing secretary, who may also be the handicapper;
8. Timer;
9. State Veterinarian and two or more Associate State Veterinarians;
10. A mutuel manager, general manager and all other managers and persons having administrative responsibility;
11. Chief State Veterinarian; and
12. Horse identifier.

As amended, R.1976 d.125, eff. April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

As amended, R.1978 d.133, eff. April 19, 1983.

See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.

See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

As amended, R.1982 d.183, eff. June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a)

(a)12 added.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Change from one to all three stewards to be appointed by Racing Commission.

Administrative Correction in (a)1.

See: 24 N.J.R. 2063(b).

### 13:70-15.2 Appointment

The stewards, a State Veterinarian and Associate State Veterinarians, and a supervisor of mutuels shall be appointed by the Racing Commission. One of the duly appointed State Veterinarians shall also be designated by the Racing Commission as the Chief State Veterinarian and shall so serve at the pleasure of the Racing Commission. All other racing officials listed in N.J.A.C. 13:70-15.1 shall be appointed by the association, subject to the approval of the Commission.

As amended, R.1978 d.133, eff. April 19, 1978.

See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.

See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Change from one to all three stewards to be appointed by Racing Commission.

### 13:70-15.3 Submission of names of officials

At least 30 days prior to the first day of a race meeting, the association must submit in writing to the Racing Commission the names of those officials listed in section 1 of this subchapter and must furnish a resume of their qualifications. No racing official shall be approved to act until he has been approved by the Racing Commission.

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

#### 13:70-15.4 Certificates; vision

All persons approved in the capacity of steward, placing and/or patrol judge, starter and clerk of the scales must submit annually a certificate from a recognized oculist or optometrist to the effect that their vision in both eyes is 20/20 or corrected to that figure.

#### 13:70-15.5 Weekly compensation

The compensation to be paid to those officials appointed by the Racing Commission shall be determined by the commission and shall be paid by the association on a weekly basis.

#### 13:70-15.6 Horse ownership or interest; officials

No one interested in the result of a race, either because of ownership of any horse entered or of its sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race.

#### 13:70-15.7 Restrictions

(a) No racing official or his assistants shall, at the meeting:

1. Wager money or any other chattel of value on any race;
2. Accept directly or indirectly any gratuity, reward or favor in connection with racing;
3. Sell or buy, for himself or another, any thoroughbred horse;
4. Write or solicit insurance on any horse;
5. Buy or sell any contract upon any jockey or jockey apprentice for himself or another.

#### 13:70-15.8 Report of violations

Each racing official and his assistants shall report to the stewards all observed violations of the rules.

### SUBCHAPTER 16. STEWARDS

#### 13:70-16.1 Qualifications

Before being appointed or approved by the Racing Commission to serve in the capacity of steward, an applicant shall have been employed as steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge or clerk of the scales at a recognized meet or meetings for a period of not less than 60 racing days per year, during at least three of the five preceding calendar years; provided however, that if no applicant possesses the foregoing qualifications, whenever possible, the person or persons appointed or approved as steward should have had prior experience in some other branch of racing, such as owner, trainer, jockey, breeder or such other related experience as the Commissioner may deem sufficient.

Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
Deleted reference to racing board.

#### 13:70-16.2 Powers of stewards

The stewards shall have the power to determine all questions arising with reference to racing; and shall decide, in conformity with fairness and the established usage of the turf, all questions not specifically covered by the rules.

#### 13:70-16.3 Steward's orders

In matters pertaining to racing, the orders of the stewards supersede the orders of the officers and directors of the association.

#### 13:70-16.4 Governing conduct

The stewards shall have the power and it shall be their duty to regulate and govern the conduct of all racing officials and of all owners, trainers, jockeys, grooms and all other persons attendant on horses during, before, and after races, unless the power and the duty is vested in the Racing Commission.

#### 13:70-16.5 Entries and declarations

All entries and declarations shall be under the supervision of the stewards.

#### 13:70-16.6 Authority; extent

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

#### 13:70-16.7 Punishment for violations

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. The stewards may consider the prior record of any licensee for similar violations of the rules of this Commission or other racing commission or turf governing body in determining the extent of punishment to be imposed.

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

#### 13:70-16.8 Fines

The stewards may not impose a fine in excess of \$5,000. If it is deemed necessary that a larger fine be imposed, the stewards shall so recommend to the Racing Commission.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

"\$500.00" was "\$250.00".

Amended by R.2004 d.154, effective April 19, 2004.

See: 35 N.J.R. 4181(a), 36 N.J.R. 1951(b).

Increased the maximum fine amount from \$500.00 to \$5000.00.

#### 13:70-16.9 Suspensions and disqualifications

The stewards may suspend a person or disqualify a horse.

(b) The operator of a handicapping contest shall distribute all of the entry fees as prizes to the winners of the contest. Nothing in this section shall preclude an operator from providing additional prizes or promotions.

(c) Operators must apply to and receive the approval of the New Jersey Racing Commission to conduct a handicapping contest in New Jersey. The operators must secure the Commission's written approval of the rules and the payment of prizes prior to the acceptance of any entry fees regarding said contest.

(d) The horse races that are the subject of the handicapping contest must be races on which the operator of the contest is authorized to conduct wagering.

(e) The operator of a handicapping contest must apply to the Racing Commission for approval of each and every contest.

(f) An entrant must personally place all wagers. No person shall directly or indirectly act as a transmitter, intermediary, or agent in placing wagers for the entrant.

(g) Winners of wagers where taxes apply are solely responsible for the reporting, signing and deductions made to the appropriate State or Federal tax agencies.

(h) Employees or their families of the venue conducting a handicapping contest are not eligible to participate in any tournament.

(i) Denominations of wagers and types of pools wagered must be agreed to in contract form between the contest venue and the racetracks participating in a handicapping contest.

(j) Racetracks, for the purpose of this section, are defined as both in and out-of-State.

(k) All track rulings are official in the event of scratches and disqualifications.

New Rule, R.2003 d.211, effective May 19, 2003.

See: 34 N.J.R. 3924(a), 35 N.J.R. 2250(a).

Public Notice: Receipt of Petition for Rulemaking: Handicapping Contests.

See: 38 N.J.R. 850(a).

### 13:70-29.64 The Choose (N)

(a) The Choose (N) is a wager which requires that a patron select the first place winners in each of (N) races, with the letter (N) representing the number of races comprising the wager. The number of races comprising the Choose (N), and thus representing the letter (N), shall be determined by the racing association (licensee) offering the Choose (N). The number of eligible races, from which a patron in his or her discretion may place a Choose (N) wager, may equal or exceed the number of races comprising the wager (N) and shall be determined by the licensee. For example, where a licensee determines that the Choose (N) shall consist of selecting the first place winners in five races (that is, a

Choose (5)), with nine eligible races for the patron to select from, the patron would be required to select the first place finishers in any five of the nine eligible races. A licensee may not offer a Choose (N) unless the format associated with the particular Choose (N) wagering event is first approved by the Racing Commission Executive Director (Executive Director), as required by (l) and (m) below. In approving any request of a licensee associated with a Choose (N), the Executive Director may impose such conditions as are consistent with the best interests of racing and the interests of the wagering public.

(b) The races eligible for a Choose (N) may be conducted on the same day or may extend over any number of days as determined by the licensee, and some races may be closed to Choose (N) wagering at the discretion of the licensee. The eligible races to a Choose (N) need not be consecutively contested races. In a Choose (N), the first race wagered upon by a patron as part of the wager may begin with any of the eligible races provided that the total number of eligible races remaining uncontested at the time the wager is placed equals or exceeds the number of races comprising the Choose (N). For example, in a Choose (6) with 10 eligible races, the following would be examples of permissible wagers: assuming none of the 10 eligible races have been conducted, a patron could select one horse as the first place winner in any six of the 10 eligible races (for example, the patron could wager on: races 1 through 6; races 2 through 4 and 6 through 8, etc.); and, assuming races 1 and 2 of the 10 eligible races have been conducted, the patron could select one horse to finish first in any six of the remaining eight eligible races (for example, the patron could wager on: races 4 through 9; race 3, 5 and races 7 through 10, etc.). However, assuming the first five or more of the 10 eligible races in this example have been contested, a patron could not place any Choose (6) wager because the wager requires the selection of the first place finishers in six separate races.

(c) Each Choose (N) wagering pool shall be maintained separately from all other wagering pools offered by the licensee, and the proceeds to be paid on winning Choose (N) wagers shall be made only from the Choose (N) wagering pool. The Choose (N) wagering pool shall close after each Choose (N) eligible race, but shall reopen with respect to subsequent eligible races for the particular Choose (N) provided there are at least as many races remaining as required to be selected on a winning Choose (N) ticket. Following the conduct of all eligible races comprising any Choose (N), the Choose (N) wagering pool shall be distributed as follows:

1. A Choose (N) with no "carryover amount" requires that the "net wagering pool," which for purposes of this section means the amount of dollars wagered for the particular Choose (N) to be returned to the wagering public as winnings, be distributed immediately following the last eligible race of the particular Choose (N) offering. In such case, the Choose (N) "net wagering pool" shall be equally

distributed to the holder or holders of Choose (N) tickets which correctly select each first place winner in each race (N) from the eligible races comprising the Choose (N). If no Choose (N) ticket correctly selects each first place winner in each race comprising the Choose (N), the “net wagering pool” of a Choose (N) with no “carryover amount” shall be equally distributed to the ticket holder or holders selecting the greatest number of first place winners of the races comprising the Choose (N).

2. A “carryover amount” is the portion of a Choose (N) “net wagering pool” which, in circumstances as set forth in this section, is carried over and added to the wagering pool in one or more designated subsequent Choose (N) offerings that also have a “carryover amount” feature. In an initial offering of a Choose (N) with “carryover amount” feature, as no “carryover amount” has then accumulated, 100 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets which correctly select the first place winners in each race (N) comprising the Choose (N). However, if no Choose (N) ticket correctly selects the first place winner in each race comprising any Choose (N) with “carryover amount” feature: 25 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets correctly selecting the greatest number of first place winners of the races comprising the Choose (N); and the remaining 75 percent of the “net wagering pool” for that particular Choose (N) shall be added as the “carryover amount” portion of the wagering pool for a designated subsequent Choose (N) offering of the licensee. In any Choose (N) with a “carryover amount” feature, 100 percent of the “net wagering pool” for the particular Choose (N), plus any accumulated “carryover amount”, shall be equally distributed to the holder or holders of Choose (N) tickets which correctly select the first place winners in each race (N) comprising the Choose (N).

i. With the written approval of the Racing Commission Executive Director, the licensee may contribute to the Choose (N) “carryover amount” a sum of money.

3. A Choose (N) with “carryover amount” feature, as described in (c)2 above, may with the prior approval of the Executive Director have its carryover capped at a designated maximum dollar level, as determined by the licensee. If the cap amount has not been reached, and no Choose (N) ticket correctly selects the first place winner in each race comprising the Choose (N): 25 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets correctly selecting the greatest number of first place winners of the races comprising the Choose (N); and the remaining 75 percent of the “net wagering pool” for that particular Choose (N) shall be added as the “carryover amount” portion of the wagering pool for a designated subsequent Choose (N) offering of the licensee. If the

“carryover amount cap” is reached, no additional money shall be added from the “net wagering pool” to the carryover amount in any subsequent Choose (N). In such event, and where no Choose (N) ticket correctly selects the first place winner in each race comprising the Choose (N) where the “carryover amount cap” has been reached, 100 percent of the “net wagering pool” for that particular Choose (N) shall be equally distributed to the holder or holders of Choose (N) tickets correctly selecting the greatest number of first place winners of the races comprising the Choose (N), and the capped carryover amount shall be applied to a subsequent Choose (N) offering designated by the licensee. In any Choose (N) with a “carryover amount cap” feature, regardless of whether the cap amount has been reached, the “net wagering pool” for the particular Choose (N), plus any accumulated “carryover amount”, shall be equally distributed to the holder or holders of Choose (N) tickets which correctly select the first place winners in each race (N) comprising the Choose (N).

i. A request to place a cap on a Choose (N) “carryover amount” may be approved by the Executive Director in the following circumstances: at the time a licensee first requests authorization to offer a Choose (N) pursuant to (l) below (that is, where the licensee seeks approval to offer a Choose (N) with “carryover amount cap” feature); and, where the licensee has previously had approved Choose (N) with “carryover amount” feature, where a carryover amount exists as a result of no one winning a prior Choose (N) offering, and the licensee seeks to impose a cap on the “carryover amount.”

ii. With the written approval of the Executive Director, the licensee may contribute to the Choose (N) “carryover amount cap” a sum of money up to but not exceeding the designated cap.

(d) Notwithstanding (c)2 and 3 above, a Choose (N) with “carryover amount” or Choose (N) with “carryover amount cap,” with the prior approval of the Executive Director, may be designated for “specified date distribution” at the conclusion of a specified Choose (N) wagering event. In such case, the “net wagering pool,” plus the “carryover amount” or “carryover cap amount” as applicable, shall be equally distributed to the holder or holders of Choose (N) tickets which have correctly selected the first place finishers in each race (N) comprising the Choose (N). If on the specified date of distribution no Choose (N) ticket correctly selects the first place winners in each race comprising the “specified date distribution” Choose (N) wager, the “net wagering pool,” plus the “carryover amount” or “carryover cap amount” as applicable, shall be equally distributed to the holder or holders of Choose (N) tickets selecting the greatest number of first place winners in each race (N) comprising the Choose (N). A licensee’s request for “specified date distribution” shall be approved by the Executive Director where: the licensee establishes to the Executive Director’s satisfaction