

(e) Should any jockey be found to be in possession of illegal electrical, mechanical, or other appliances or devices, or should a jockey refuse to submit to a test for such devices as outlined in (b) and (c) above, that jockey will be taken off of any remaining mounts and he or she will be requested to appear before the stewards on the following day for a hearing on the matter.

As amended, R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Amended by R.1989 d.155, effective March 20, 1989.

See: 20 N.J.R. 3114(b), 21 N.J.R. 774(a).

(b)-(e) added, allowing non-invasive testing for illegal devices and imposition of penalties.

### 13:70-14.6 Tampering

No person shall tamper or attempt to tamper with any horse in such a way as to affect its speed in a race, nor shall he counsel or in any way aid or abet any such tampering. Should the stewards have reason to believe any horse entered to start has been tampered with, the horse may be ordered scratched and a special test conducted. The stewards may fine and/or suspend any person for tampering or attempting to tamper with any horse on the grounds of any racetrack enclosure and may recommend license denial or revocation for such person to the Commission.

As amended, R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

### 13:70-14.7 Disqualified persons or horses

If any person willfully enters or causes to be entered or to start for any race, a horse which he knows to be disqualified; or if any person fraudulently offers or receives any amount of money for declaring an entry out of a purse or stakes race; or if any person, without making it known to the officials, is a part owner or acts as trainer of any horse in which a jockey possesses any interest, or makes any bet with or on behalf of any jockey, unless on a horse he is riding; or offers or gives, except through his employers, or the owner or trainer of the horse ridden, a jockey any present, money or other reward in connection with his riding of any race; or if any person be guilty of any other corrupt or fraudulent practices on the turf, in this or any other country, then such person shall be ruled off the course.

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

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

"Stakes" changed to stakes "race".

### 13:70-14.8 Conspiracies

No person shall conspire with any other person for the Commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing, nor shall he commit such an act on his own behalf.

#### Case Notes

Commission concluded that jockey applicant had conspired to commit a fraudulent practice in relation to racing; finding of entrapment and dismissal of criminal proceedings against applicant did not prevent

use of incriminating evidence at licensing hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

Race-fixing convictions precluded grant of assistant trainer license. *Verrone v. New Jersey Racing Commission*, 92 N.J.A.R.2d (RAC) 16.

Race-fixing conviction; jockey license application denied and suspension continued. *Plomechok v. New Jersey Racing Commission*, 92 N.J.A.R.2d (RAC) 13.

### 13:70-14.9 Soliciting bets

No person shall solicit bets on the grounds of an association.

### 13:70-14.10 Betting; jockey's attendant

No jockey's attendant shall make a bet on any race nor shall he place a bet for anyone else.

### 13:70-14.11 Betting own horse

No owner, trainer or jockey of a horse entered in a race shall bet or cause any person to bet on his behalf on any horse other than his own horse. In the case of exotic pools, all tickets purchased either directly or indirectly by an owner, trainer or jockey must include his horse entered to race.

As amended, R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

### 13:70-14.12 Narcotics conviction; denial of license

Any person who has been convicted of possession or use of narcotics by any court in the land may be denied a license or ruled off or both as the Commission may decide.

Amended by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

### 13:70-14.13 Cooperation with other agencies; violations of law

Every association, all officials and employees thereof, and all persons licensed in any capacity by the Commission shall give every possible cooperation, aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government, or with the State of New Jersey, who may be investigating or prosecuting any matter involving a violation of any law, or any rules or regulations of the Commission. Failure to cooperate will subject the person or persons involved to a fine suspension or both.

Amended by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

### 13:70-14.14 Fraud; disqualification

When a horse is disqualified and there is evidence of fraud or attempted fraud, any other horse in the race owned or controlled by the same interest or trained by the same trainer also may be disqualified.

Amended by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

### 13:70-14.15 State Police; responsibilities

The enforcement of N.J.S.A. 5:5-71 and other criminal laws of the State of New Jersey shall be the responsibility of the State Police. Investigations pursuant to the enforcement of N.J.S.A. 5:5-71 or other criminal laws of the State shall take precedence over any action taken by the association or the Racing Commission concerning an incident arising from an alleged violation of the provisions of subchapter 14A of this chapter. Every association and Racing Commission official and employee shall render full cooperation, aid and assistance in any investigation undertaken for a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal statutes of the State. Further, every association and Racing Commission official and employee, on becoming aware of a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal laws of the State of New Jersey, shall communicate in writing the circumstances of such immediately to the New Jersey Racing Commission and the State Police who shall evaluate same and take whatever further action is deemed necessary.

Amended by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

### 13:70-14.16 Equine fatality report

(a) An equine fatality report shall be submitted to the New Jersey Racing Commission regarding any equine death occurring on the grounds of any licensed racetrack or approved off-track stabling facility. It shall be the responsibility of the trainer or custodian of the deceased animal to file said report which shall be complete in all particulars.

(b) Said report shall be on forms prescribed by the Commission and shall include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number of deceased equine;
2. Trainer of record;
3. Owner of record and particulars regarding purchase of equine;
4. Particulars as to time, date and place of death;
5. Disclosure of any post-mortem examination;
6. Attending veterinarian;
7. Cause of death;
8. Particulars as to removal of carcass; and
9. Pertinent information regarding existing insurance coverage.

(c) The attending veterinarian shall certify the cause of death and shall submit a report describing all administration of medication or drugs to said animal within the 96 hour period preceding the time of death.

(d) Failure to file the foregoing in a timely fashion or filing in an incomplete fashion may subject the trainer, custodian or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the trainer, custodian and/or veterinarian to disciplinary action as provided in N.J.A.C. 13:71-31.3.

(e) An equine fatality report shall not be required in connection with any pony or mascot.

Adopted R.1984 d.104, effective April 2, 1984.  
See: 16 N.J.R. 222(a), 16 N.J.R. 743(a).  
Amended by R.1990 d.127, effective February 20, 1990.  
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).  
Corrected N.J.A.C. cite in (d)1.

### 13:70-14.17 Suspension pending outcome of indictment

(a) A licensee may be suspended immediately when the licensee is indicted in this State for a crime of the first, second, third or fourth degree or is indicted for a similar crime under Federal law or the law of another state, or Province of Canada law if:

1. The charge or charges arise from activity or activities occurring on the grounds of a race association or a licensed farm or;
2. The charge or charges are directly related to the racing industry whether in this State or another jurisdiction.

(b) Prior to a suspension under (a) above becoming effective, the licensee must first be apprised in writing of why an immediate suspension is sought, the charges and the general evidence in support of the charges. This notice may be given by personal service or by regular mail or by certified mail, return receipt requested, to the last address for the licensee on record with the Commission.

(c) The licensee may request a hearing with a representative of the Commission within 10 days of the date of the written notice of suspension. If no request is made within this time, or such additional time as agreed to by a representative of the Commission or as provided in a negotiated agreement, the suspension issued pursuant to this section shall continue until disposition of the criminal indictment.

(d) A suspension pursuant to this section shall not extend beyond the disposition of the criminal complaint or indictment; provided, that where a licensee is convicted of a charge described in (a) above, such suspension shall remain in effect pending further disciplinary action by the Commission.

(e) Where any licensee is suspended pursuant to this section, said penalty may be appealed to the Commission and a hearing requested.