

1 PUBLIC PROTECTION CABINET  
2 Kentucky Horse Racing Commission  
3 (New Administrative Regulation)  
4 810 KAR 4:060. Objections and complaints.

5 RELATES TO: KRS 230.215, 230.260

6 STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the  
8 Kentucky Horse Racing Commission to promulgate administrative regulations prescribing  
9 conditions under which racing is conducted in Kentucky. This administrative regulation  
10 establishes the requirements and procedures for lodging objections and complaints.

11 Section 1. Persons Eligible to Lodge Objections or Complaints. (1) Except as provided by  
12 subsection (2) of this section, an objection or complaint against a horse or jockey entered in a  
13 race shall be received only if lodged:

14 (a) In accordance with Sections 2 and 3 of this administrative regulation; and

15 (b) By the owner or authorized agent of the owner, the trainer, or the jockey of another  
16 horse engaged in the same race and whose horse suffered or may suffer by the alleged  
17 violation of an administrative regulation.

18 (2) An inquiry may also be made by a racing official.

19 Section 2. Procedures for Objections and Complaints. (1) An objection as to interference  
20 or a foul occurring during the running of the race shall be lodged with the stewards orally or by

1 telephone. All other objections or complaints shall be made in writing and be signed by the  
2 complainant.

3 (2) An objection or complaint lodged during a race meeting shall be addressed to the  
4 stewards. An objection or complaint lodged after the termination of a race meeting shall be  
5 addressed to the commission at the commission's general office.

6 (3) An objection or complaint once lodged shall not be withdrawn without permission of  
7 the stewards.

8 Section 3. Time for Lodging Objections or Complaints. (1) Except as provided by  
9 subsection (2) of this section, an objection or complaint based on one (1) of the following  
10 violations of KAR Title 810 shall be lodged by an aggrieved person within the time prescribed:

11 (a) At least one (1) hour before post time of the race, if the objection or complaint is  
12 based on incorrect weight allowance claimed for a horse entered to race;

13 (b) Before the race has been posted as official on the infield results board, if the objection  
14 or complaint is based on interference by a horse, improper course run by a horse, foul riding by  
15 a jockey, or any other matter occurring during and incident to the running of the race;

16 (c) Not later than one (1) year from the date the race was run, if the objection or  
17 complaint is based on fraudulent or willful misstatement in an entry under which a horse has  
18 run;

19 (d) Not later than forty-eight (48) hours after post time of the race, if the objection or  
20 complaint involves the claim of a horse or a violation of 810 KAR 4:010, Section 4; and

21 (e) Within one (1) week after post time of the race, if the objection or complaint is based  
22 on any other violation of KAR Title 810.

1 (2) A steward may declare a horse ineligible or disqualified at any time.

2 Section 4. Final Determination of Objections to Acts in Race. (1) The stewards shall:

3 (a) Make all findings of fact as to all matters occurring during and incident to the running  
4 of a race;

5 (b) Determine all objections and inquiries based on interference by a horse, improper  
6 course run by a horse, foul riding by a jockey, and all other matters occurring during and  
7 incident to the running of a race; and

8 (c) Determine the extent of disqualification, if any, of horses in a race for a foul committed  
9 during the race.

10 (2) Findings of fact and determination shall be final and shall not be subject to appeal.

11 (3) In determining the extent of disqualification, the stewards shall consider the  
12 seriousness and circumstances of the incident and may:

13 (a) Disqualify and place the offending horse, and any horses coupled with it as an entry,  
14 behind any horse that may have suffered by reason of the foul;

15 (b) Disqualify and declare the offending horse, and any horses coupled with it as an entry,  
16 unplaced;

17 (c) Disqualify the offending horse, and any horses coupled with it as an entry, from  
18 participation in all or any part of the purse;

19 (d) Declare void a track record set or equaled by a disqualified horse, or any horses  
20 coupled with it as an entry;

21 (e) Affirm the placing judges' order of finish and suspend the jockey if, in the stewards'  
22 opinion, the foul riding had no effect on the order of finish; or

1 (f) Disqualify the offending horse and not suspend the jockey if, in the stewards' opinion,  
2 the interference to another horse in a race was not the result of an intentional foul or careless  
3 riding on the part of the jockey.

4 Section 5. Dispute of a Race after Declared Official for Pari-mutuel Payoff. If the result of a  
5 race is placed in dispute by the lodging of an objection or complaint or by discovery of an  
6 alleged violation of an administrative regulation after the race has been declared official for  
7 pari-mutuel payoff, the procedures established in this section shall apply pending final  
8 determination of the disputed race.

9 (1) The purse money and trophy to which the horse objected to may have been entitled  
10 shall be withheld and placed in escrow by the association until final adjudication of the dispute,  
11 except the stewards may order any portion of the purse money to be distributed if the  
12 distribution would not be affected by the determination of the dispute.

13 (2) If purse money or trophy has been awarded to an owner prior to the lodging of an  
14 objection or discovery of an alleged violation of an administrative regulation which places the  
15 outcome of a race in dispute, the money or trophy shall be returned immediately to the  
16 association on order of the stewards. Upon final adjudication of the dispute, the person  
17 deemed to be entitled to the purse money or trophy shall be entitled to an order of recovery  
18 from any person or association holding the same.

19 (3) The horse that crossed the finish line first and any other horse that may become the  
20 winner of a disputed race shall be considered winners of that race until the matter is finally  
21 adjudicated.

1           Section 6. Determination of a Disputed Race. The stewards shall determine an objection,  
2 complaint, or alleged violation of an administrative regulation lodged or discovered after a race  
3 has been declared official for pari-mutuel payoff and shall issue a ruling. If the stewards find  
4 that an administrative regulation was violated, the stewards may penalize the persons  
5 responsible, disqualify any horses in the disputed race, and award the purse money and trophy  
6 in accordance with any resulting revised order of finish in the disputed race.

7           Section 7. Revised Order of Finish after Race Declared Official for Pari-mutuel Payoff. If a  
8 horse is disqualified after a race has been declared official for pari-mutuel payoff and causes  
9 revision of the order of finish in the race:

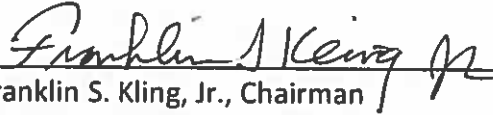
10           (1) The pari-mutuel payoff shall not be affected in any way; and

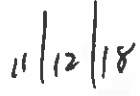
11           (2) The stewards shall ensure that appropriate corrections are made in official records for  
12 the race and in racing statistics as may pertain to the respective horses, jockeys, trainers,  
13 owners, breeders, sires, dams, and broodmare sires, by reporting the corrections to the racing  
14 secretary and to the Daily Racing Form.


15           Section 8. Complaints Against Officials. A complaint or protest by a licensee based on a  
16 decision or act of a racing official other than the stewards, or concerning any matter that may  
17 occur on association grounds not provided for by Sections 4 and 5 of this administrative  
18 regulation, shall be made in writing, signed by the complainant, and submitted to the stewards.  
19 A complaint or protest by a person based on a decision, act, or conduct of the stewards shall be  
20 submitted to the commission as provided by 810 KAR 9:010.

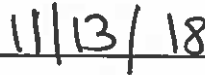
810 KAR 4:060

READ AND APPROVED:

  
\_\_\_\_\_  
Franklin S. Kling, Jr., Chairman  
Kentucky Horse Racing Commission

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
K. Gail Russell, Acting Secretary  
Public Protection Cabinet

  
\_\_\_\_\_  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 28, 2018 at 10:00 a.m., at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify the Kentucky Horse Racing Commission in writing by no later than five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m., December 31, 2018. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

**CONTACT PERSON:** John L. Forgy  
General Counsel  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Phone: (859) 246-2040  
Facsimile: (859) 246-2039  
Email: [John.Forgy@ky.gov](mailto:John.Forgy@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No.: 810 KAR 4:060  
Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;  
Telephone: (859) 246-2040; Email: [John.Forgy@ky.gov](mailto:John.Forgy@ky.gov)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the rules concerning objections and complaints in thoroughbred and other flat racing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide specific rules concerning objections and complaints in thoroughbred and other flat racing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation prescribes the conditions relating to objections and complaints in thoroughbred and other flat racing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth requirements and rules concerning objections and complaints in thoroughbred and other flat racing that enhance the integrity of racing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's five licensed thoroughbred race tracks, and all individual participants in horse racing, are potentially affected by this



administrative regulation's establishment of fundamental rules pertaining to the conduct of racing. In the year 2017, the Commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Participants in horse racing, and especially owners, trainers and jockeys, will be required to adhere to the requirements and rules set forth in this administrative regulation pertaining to objections and complaints in thoroughbred and other flat racing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No significant costs are associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3)? Participants in racing will benefit from clearly defined rules that enhance the integrity of racing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No significant funding will be necessary to implement and enforce this administrative regulation. Any minimal costs will be funded from the budget of the Commission.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any current fees to participate.

**(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.) Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.**

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.: 810 KAR 4:060

Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;  
Telephone: (859) 246-2040; Email: John.Forgy@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None