ARTICLE 3.5. FLAT RACING; OFFICIALS

Rule 1. General Provisions

71 IAC 3.5-1-1 Racing officials
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. Officials at a race meeting include the following:
(1) Stewards.
(2) Racing secretary.
(3) Paddock judge.
(4) Horse identifier.
(5) Horsemen's bookkeeper.
(6) Starter.
(7) Clerk of scales.
(8) Jockey room custodian.
(9) Photo finish technician.
(10) Patrol judges.
(11) Timer/clocker.
(12) Placing judge, if duty not performed by stewards.
(13) Official veterinarian.
(14) Racing veterinarian.
(15) Any other official designated by the commission.
(Indiana Horse Racing Commission; 71 IAC 3.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA)

71 IAC 3.5-1-2 Eligibility
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. To qualify as a racing official or a designated association employee as listed in this article, the appointee must be licensed by the commission after a determination that he or she:
(1) is of good moral character and reputation;
(2) is experienced in or knowledgeable in racing;
(3) is familiar with the duties to which he or she is appointed and with the commission's rules of racing;
(4) possesses the mental and physical capacity to perform his or her duties;
(5) is not under suspension or ejection by the USTA, the CTA, or any racing jurisdiction; and
(6) meets the licensing criteria pursuant to 71 IAC 5.5-1-14.
(Indiana Horse Racing Commission; 71 IAC 3.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; errata filed Jul 22, 1997, 10:46 a.m.: 20 IR 3376; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-1-3 Approval of racing officials and designated association employees
Authority: IC 4-31-3-9
Affected: IC 4-31-5-5; IC 4-31-6

Sec. 3. (a) Each association shall submit to the commission for its approval or disapproval the names of all persons who the association has selected as racing officials. In addition to racing officials, this section shall apply to the association's mutuel manager, director of security, and facility managers at satellite facilities. This section shall also apply to the assistant mutuel manager, the assistant director of security, and assistant facility managers at satellite facilities.
(b) The association shall submit to the commission in writing a list of all racing officials and applicable employees at least sixty

(60) days prior to the opening of a race meeting. The list shall:

(1) indicate whether the nominee has been previously licensed by the commission and, if so, in what capacity; and

(2) be accompanied by the filing of the following information on all individuals not previously licensed by the commission:

(A) A resume detailing experience and qualifications.

(B) A completed application on forms furnished by the commission and accompanied by the required fee pursuant to 71 IAC 5.5-1-1.

(C) A completed fingerprint card.

(c) Notwithstanding the time period required by subsection (b), the association shall submit to the commission at the earliest possible time the information required by this section on those racing officials and applicable employees whose duties commence substantially before the start of the race meeting. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-1-4 Prohibited practices

Authority: IC 4-31-3-9
Affected: IC 4-31-13-7

Sec. 4. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

(1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.

(2) Sell or solicit horse insurance on any horse racing at the meeting.

(3) Be licensed in any other capacity without permission of the commission.

(4) Directly or indirectly wager on the outcome of any live or simulcast race.

(5) Directly or indirectly wager on any gambling game located on association grounds.

(6) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.

(b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants, and subdivision (1) of subsection (a) *[subsection (a)(1)]* shall also apply to the dependent children of the racing official and the racing official's assistants. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA)*

71 IAC 3.5-1-5 Report of violations

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. All licensees, including racing officials and their assistants, shall report immediately to the stewards every observed violation of these rules and of the laws of this jurisdiction governing racing. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-1-6 Complaints against officials

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards. Complaints against any steward shall be made in writing to the commission and signed by the complainant. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-*

071070030RFA)

71 IAC 3.5-1-7 Appointment
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. A person shall not be appointed to more than one (1) racing official position at a meeting unless specifically approved by the commission. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-1-8 Appointment of substitute officials
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. Where a vacancy exists among the association's racing officials, the association shall fill the vacancy immediately. Such appointment shall be effective until the vacancy is filled in accordance with this article. In addition, the executive director or the stewards have the authority to approve temporary, emergency appointments. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-1-9 Appointment of substitute steward
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. Should any steward be absent at race time, the remaining stewards shall appoint a deputy for the absent steward. If a deputy steward is appointed, the commission shall be notified immediately by the stewards. *(Indiana Horse Racing Commission; 71 IAC 3.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-1-10 Racing Officials Accreditation Program stewards accreditation
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 10. The commission shall appoint stewards, all of whom shall be employees of the commission. To qualify for appointment as a steward, the appointee shall be accredited as a racing official by the Racing Officials Accreditation Program administered by the Universities of Arizona and Louisville. Exceptions for emergencies may be permitted. *(Indiana Horse Racing Commission 71 IAC 3.5-1-10; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR-071090464ERA, eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.])*

Rule 2. Stewards

71 IAC 3.5-2-1 General authority
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.
(b) The stewards shall enforce these rules and the racing laws of this jurisdiction.
(c) The authority of the stewards includes supervision of all:

(1) racing officials;
(2) track management;
(3) licensed personnel;
(4) other persons responsible for the conduct of racing; and
(5) patrons;
as necessary to ensure compliance with these rules.

(d) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The stewards have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-2 Period of authority
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. The period of authority of the stewards shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-3 Disciplinary action
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

(b) The stewards shall have authority to do the following:
(1) Charge any licensee for a violation of these rules.
(2) Conduct hearings.
(3) Impose disciplinary action in accordance with these rules.

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The stewards have the power to administer oaths and examine witnesses.

(f) The stewards shall submit a written report to the commission of every inquiry and hearing.

(g) The stewards may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act or these rules:
(1) Issue a reprimand.
(2) Assess a fine.
(3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
(4) Place a licensee on probation.
(5) Suspend a license or racing privileges.
(6) Exclude from grounds under the jurisdiction of the commission.
(7) Any relief deemed appropriate.

(h) The stewards may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.

(i) The stewards may:
(1) suspend a license for not more than sixty (60) days per violation;
(2) impose a fine not to exceed one thousand dollars ($1,000) for each violation;
(3) suspend and fine; or

(4) order that a person be ineligible for licensing.

(j) A ruling of the stewards shall not prevent the commission from imposing a more severe penalty.

(k) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter.

(l) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.

(m) All fines imposed by the stewards shall be paid to the commission in accordance with 71 IAC 7.5-9. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-4 Protests, objections, and complaints

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. The stewards shall investigate promptly and render a decision in every protest, objection, and complaint made to them. They shall maintain a record of all protests, objections, and complaints. The stewards shall file daily with the commission a copy of each protest, objection, or complaint and any related ruling. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-5 Presence of stewards

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. Three (3) stewards shall be present in the steward's stand during the contesting of each race. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-6 Order of finish for pari-mutuel wagering

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. (a) The stewards shall determine the official order of finish for each race in accordance with 71 IAC 7.5.

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the contesting of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.

(c) No protest may be made relating to the decision of the stewards as to the official order of finish, and no appeal is available to challenge such a determination. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-2-7 Cancel wagering

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. The stewards have the authority to:

(1) cancel wagering and order refunds where applicable on an individual betting interest or on an entire race; and

(2) cancel a pari-mutuel pool for a race or races;

if such action is necessary to protect the integrity of pari-mutuel wagering. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-7;*

emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-2-8 Records and reports
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. (a) The stewards shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the following:
(1) The name of the race track.
(2) The date.
(3) The weather and track conditions.
(4) Claims, inquiries, and objections.
(5) Any unusual circumstances or conditions.
The report shall be signed by each steward and be filed with the commission not later than twenty-four (24) hours after the end of each race day.
(b) The presiding steward shall maintain a detailed log of the official activities of the stewards. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations, and rulings made by the stewards. The log shall be available at all times for inspection by the commission or its designee.
(c) Not later than seven (7) days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:
(1) The observations and comments of the stewards regarding the conduct of the race meeting, and the overall conditions of the association grounds during the race meeting.
(2) Any recommendations for improvement by the association or action by the commission.
(Indiana Horse Racing Commission; 71 IAC 3.5-2-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-2-9 Steward's list
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. (a) The stewards shall maintain a steward's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of other participants in racing.
(b) The stewards may place a horse on the steward's list when there exists a question as to the exact identification, ownership, or trainer of said horse.
(c) A horse that has been the subject of a finding by a commission-approved laboratory that the antibody of erythropoietin or darbepoietin was present in the sample taken from the horse shall be placed on the steward's list. Such horse shall not be released from the steward's list unless and until it has tested negative by a commission-approved laboratory for the antibodies of erythropoietin or darbepoietin.
(d) A horse may not be released from the steward's list without permission of the stewards. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 3. Racing Secretary

71 IAC 3.5-3-1 General authority
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The racing secretary is responsible for the following:

(1) Setting the conditions for each race of the race meeting.
(2) Regulating the nomination of entries.
(3) Determining the amounts of purses and to whom they are due.
(Indiana Horse Racing Commission; 71 IAC 3.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-3-2 Registration certificates
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. The racing secretary is responsible for receiving and safeguarding the registration certificates of all horses competing at the track or stabled on association grounds. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-3 Race information
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. The racing secretary shall be familiar with the age, class, and competitive ability of all horses racing at the meeting. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-4 Listing of horses
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. The racing secretary shall:
(1) examine all entry blank forms and declarations to verify information as set forth therein;
(2) select the horses to start and the horses which are also eligible horses from the declarations in accordance with these rules; and
(3) provide the listing of horses in the daily program.
(Indiana Horse Racing Commission; 71 IAC 3.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-3-5 Nominations and declarations
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 5. The racing secretary shall examine nominations and declarations and early closing events, late closing events, and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-6 Conditions
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 6. The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published for owners, trainers, and the commission and to be posted in the racing secretary's office. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR*

899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-3-7 Posting of entries
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 7. Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his or her office and make the list available to the media. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-8 Stakes and entrance money records
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 8. The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-9 Winnings
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. (a) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race, unless races establishing conditions for winnings as of a certain date may be permitted if approved by the commission or stewards.

(b) Winnings during the year shall be calculated by the racing secretary from the preceding January 1. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-10 Cancellation of a race
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 10. The commission shall post in the jockey's quarters a policy regarding the process of cancellation of races due to hazardous track conditions. All licensees shall be required to adhere to the posted policy. The policy shall not prevent the association management from cancelling the races due to track or weather conditions or other unavoidable causes without consultation with the stewards and the horsemen's representative. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-3-11 Daily program
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 11. The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

(1) Sequence of races to be run and post time for the first race.
(2) Purse, conditions, and distance for each race, and current track record for such distance.
(3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried.

(4) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried.
(5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation.
(6) Identification of each horse by name, color, sex, age, sire, and dam.
(7) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, with the stewards' approval, jockeys may weigh in with an additional (3) pounds for inclement weather gear when approved by the stewards and such other information as may be requested by the association or the commission.
(Indiana Horse Racing Commission; 71 IAC 3.5-3-11; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA)

Rule 4. Paddock Judge

71 IAC 3.5-4-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The paddock judge shall:
(1) supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;
(2) maintain a written record of all equipment, inspect all equipment of each horse saddled, and report any change thereof to the stewards;
(3) prohibit any change of equipment without the approval of the stewards;
(4) ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for post in the proper sequence;
(5) supervise paddock schooling of all horses approved by the stewards;
(6) report to the stewards any observed cruelty to a horse;
(7) ensure that only properly authorized persons are permitted in the paddock; and
(8) report to the stewards any unusual or illegal activities.
(Indiana Horse Racing Commission; 71 IAC 3.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-4-2 Paddock judge's list

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.
(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards.
(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock. *(Indiana Horse Racing Commission; 71 IAC 3.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-4-3 Report to the stewards

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. The paddock judge shall:
(1) notify the stewards of anything that could in any way change, delay, or otherwise affect the racing program;
(2) report to the stewards any observed cruelty to a horse; and
(3) report any other violation of these rules.

(Indiana Horse Racing Commission; 71 IAC 3.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

Rule 5. Horse Identifier

71 IAC 3.5-5-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31-8-3

Sec. 1. The horse identifier shall:

(1) when required, ensure the safekeeping of registration certificates for horses stabled or racing on association grounds;

(2) inspect documents of ownership, eligibility, registration, or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) examine every starter in the paddock for sex, color, markings, and lip tattoo, or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity; and

(4) supervise the tattooing, branding, or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

(Indiana Horse Racing Commission; 71 IAC 3.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-5-2 Report violations

Authority: IC 4-31-3-9
Affected: IC 4-31-8-3

Sec. 2. The horse identifier shall report to the stewards any horse not properly identified in conformity with these rules. *(Indiana Horse Racing Commission; 71 IAC 3.5-5-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 6. Horsemen's Bookkeeper

71 IAC 3.5-6-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described in this rule and maintain such other records and accounts and perform such other duties as the association and the commission may prescribe. *(Indiana Horse Racing Commission; 71 IAC 3.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-6-2 Records

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) The records shall include the name, mailing address, Social Security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating in the race meeting who has funds due or on deposit in the horsemen's account.

(b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

(d) All records of the horsemen's bookkeeper, including records of accounts and monies and funds kept on deposit, are subject to the inspection by the commission at any time.

(e) The association licensee is subject to disciplinary action by the commission for any violation of or noncompliance with the provisions of this rule. *(Indiana Horse Racing Commission; 71 IAC 3.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-6-3 Monies and funds on account

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) All monies and funds on account with the horsemen's bookkeeper shall be maintained in an account insured by the Federal Deposit Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations.

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was won. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction. *(Indiana Horse Racing Commission; 71 IAC 3.5-6-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-6-4 Payment of purses

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. (a) The horsemen's bookkeeper shall receive, maintain, and disburse the purses of each race and all stakes, entrance money, jockey fees, and purchase money in claiming races, along with all applicable taxes and other monies that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of these rules and the commission's policies and procedures.

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees, and purchase money in claiming races, along with all applicable taxes, upon request, within a period of time determined by the association.

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive them within fifteen (15) days after the last race day of the race meeting, including purses for official races, provided that no protest or appeal has been filed with the stewards or the commission.

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within forty-eight (48) hours of receipt of dismissal or a final nonappealable order disposing of the protest or appeal. *(Indiana Horse Racing Commission; 71 IAC 3.5-6-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 7. Starter

71 IAC 3.5-7-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The starter shall:

(1) have complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;

(2) appoint and supervise assistant starters who have demonstrated they are adequately trained to handle horses in the starting

gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;
(3) employ an adequate number of assistant starters;
(4) assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions more than ten (10) minutes before post time for the race;
(5) assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make such assessments known to the stewards; and
(6) load horses into the gate in any order deemed necessary to ensure a safe and fair start.
(Indiana Horse Racing Commission; 71 IAC 3.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

71 IAC 3.5-7-2 Assistant starters
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. With respect to an official race, the assistant starters shall not:
(1) handle or take charge of any horse in the starting gate without the expressed permission of the starter;
(2) impede the start of a race;
(3) apply a whip, riding crop, or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;
(4) slap, book, or otherwise dispatch a horse from the starting gate;
(5) strike or use abusive language to a jockey; or
(6) accept or solicit any gratuity or payment other than the assistant starter's regular salary, directly or indirectly, for services in starting a race.
(Indiana Horse Racing Commission; 71 IAC 3.5-7-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.])

71 IAC 3.5-7-3 Starter's list
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. These horses shall be refused entry until they have demonstrated to the starter that they have been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter. *(Indiana Horse Racing Commission; 71 IAC 3.5-7-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-7-4 Report violations
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. The starter and assistant starter shall report violations of these rules occurring at the start of a race to the stewards. *(Indiana Horse Racing Commission; 71 IAC 3.5-7-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 8. Clerk of Scales

71 IAC 3.5-8-1 General authority
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The clerk of scales shall:
(1) verify the presence of all jockeys in the jockeys' room at the appointed time;
(2) verify that all jockeys have a current jockey's license issued by the commission;
(3) verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;
(4) oversee the security of the jockeys' room, including the conduct of jockeys and their attendants;
(5) promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment, or conduct;
(6) record all required data on the scale sheet and submit the data to the horsemen's bookkeeper at the end of each race;
(7) maintain the record of applicable winning races on all apprentice certificates at the meeting;
(8) release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and
(9) assume the duties of the jockey room custodian in the absence of such employee.
(Indiana Horse Racing Commission; 71 IAC 3.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

Rule 9. Jockey Room Custodian

71 IAC 3.5-9-1 General authority
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The jockey room custodian shall:
(1) supervise the conduct of jockeys and their attendants while they are in the jockey room;
(2) keep the jockey room clean and safe for all jockeys;
(3) ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;
(4) keep a daily film list as dictated by the stewards and have it displayed in plain view for all jockeys;
(5) keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;
(6) keep unauthorized persons out of the jockey room; and
(7) report to the stewards any unusual occurrences in the jockey room.
(Indiana Horse Racing Commission; 71 IAC 3.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

Rule 10. Timer/Clocker

71 IAC 3.5-10-1 General authority (timer)
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The timer shall accurately record the time elapsed between the start and finish of each race.
(b) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.
(c) At the end of a race, the timer shall post the official running time on the infield totalizator board on instructions by the stewards.
(d) At a racetrack equipped with an appropriate infield totalizator board, the timer shall post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths (1/100) of a second.
(e) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least

three (3) stopwatches are used by the stewards or their designees.

(f) The timer shall maintain a written record of fractional and finish times of each race and have the times available for inspection by the stewards or the commission on request. *(Indiana Horse Racing Commission; 71 IAC 3.5-10-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-10-2 General authority (clocker)

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) The clocker shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(b) Each day the clocker shall prepare a list of workouts that describes the name of each horse which worked along with the distance and time of each horse's workout.

(c) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary. *(Indiana Horse Racing Commission; 71 IAC 3.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 11. Patrol Judge

71 IAC 3.5-11-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The patrol judge, when utilized, is responsible for observing the race and reporting information concerning the race to the stewards. If the racetrack's video replay system is deemed adequate, use of patrol judges is optional. *(Indiana Horse Racing Commission; 71 IAC 3.5-11-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 12. Placing Judge

71 IAC 3.5-12-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The placing judges shall determine the order of finish in a race as the horses pass the finish line and display the results on the totalizator board.

(b) At the request of the association, the commission may assign the duties of the placing judges to the stewards. *(Indiana Horse Racing Commission; 71 IAC 3.5-12-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-12-2 Photo finish

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 2. (a) In the event the placing judges or the stewards request a photo of the finish, the photo finish sign shall be posted on the totalizator board.

(b) Following the review of the photo finish film strip, the placing judges shall, with the approval of the stewards, determine

the exact order of finish for all horses participating in the race, and shall immediately post the numbers of the first four (4) finishers on the totalizator board.

(c) In the event a photo is requested, the placing judges shall cause a photographic print of the finish to be produced. The finish photograph shall, when needed, be used by the placing judge as an aid in determining the correct order of finish.

(d) Upon determination of the correct order of finish in which the placing judges have utilized a photographic print to determine the first four (4) finishers. The photographic print shall be displayed on the association closed circuit television system. The steward may also require the prints of the photograph to be displayed publicly on the bulletin boards in the grandstand and clubhouse areas of the racetrack. *(Indiana Horse Racing Commission; 71 IAC 3.5-12-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

71 IAC 3.5-12-3 Dead heats

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 3. (a) In the event the placing judges determine that two (2) or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall be declared.

(b) In the event one (1) or more of the first four (4) finishers of a race are involved in a dead heat, the placing judges shall post the dead heat sign on the totalizator board and cause the numbers of the horse or horses involved to blink on the totalizator board. *(Indiana Horse Racing Commission; 71 IAC 3.5-12-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)*

Rule 13. Official Veterinarian

71 IAC 3.5-13-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The official veterinarian (equine medical director) shall:

(1) be employed by the commission;

(2) be a graduate veterinarian and be licensed to practice in Indiana;

(3) recommend to the stewards:

(A) any horse deemed unsafe to be raced; or

(B) a horse that it would be inhumane to allow to race;

(4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;

(5) supervise the taking of all specimens for testing according to procedures approved by the commission;

(6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;

(7) have authority and jurisdiction over the racing veterinarian and the practicing veterinarians within the enclosure for the purpose of these rules;

(8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;

(9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;

(10) review and make recommendations regarding commission license applications of practicing veterinarians;

(11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer;

(12) be available to the stewards each racing day at a time designated by the stewards to inspect any horse and report on their condition as may be requested by the stewards; and *[sic]*

(b) The official veterinarian or the executive director may delegate or assign duties to the racing veterinarian.

(c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations. *(Indiana Horse Racing Commission; 71 IAC 3.5-13-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA)*

Rule 14. Racing Veterinarian

71 IAC 3.5-14-1 General authority

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, except that any certified veterinary technician assigned to act as official veterinarian pursuant to 71 IAC 3.5-13-1(c) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

(1) be directly responsible to the official veterinarian;

(2) be a graduate veterinarian and be licensed to practice in Indiana;

(3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;

(4) inspect any horse when there is a question as to the physical condition of such horse;

(5) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;

(6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the stewards and the official veterinarian;

(7) be available to the racing secretary or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;

(8) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;

(9) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;

(10) with the approval of the official veterinarian, place horses on the bleeder list; and

(11) any other duties assigned by the official veterinarian.

(Indiana Horse Racing Commission; 71 IAC 3.5-14-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA)

Rule 15. Any Other Person Designated by the Commission

71 IAC 3.5-15-1 Any other person designated by the commission

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. The commission may create additional racing official positions as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in 71 IAC 3.5-1. *(Indiana Horse Racing Commission; 71 IAC 3.5-15-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; readopted filed*

Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA)

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