



Replacement Check List

For rules filed within the
1st Quarter
January – March 31, 2017

THE ARIZONA ADMINISTRATIVE CODE

Within the stated calendar quarter, this Chapter contains all rules made, amended, repealed, renumbered, and recodified; or rules that have expired or were terminated due to an agency being eliminated under sunset law. These rules were either certified by the Governor's Regulatory Review Council or the Attorney General's Office; or exempt from the rulemaking process, and filed with the Office of the Secretary of State. Refer to the historical notes for more information. Please note that some rules you are about to remove may still be in effect after the publication date of this Supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

Title 19. Alcohol, Dog and Horse Racing, Lottery and Gaming

Chapter 2. Arizona Racing Commission

Supplement 17-1

Sections, Parts, Exhibits, Tables or Appendices modified

R19-2-205

REMOVE Supp. 15-2
Pages: 1 - 98

REPLACE with Supp. 17-1
Pages: 1 - 99

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Disclaimer: Please be advised the person listed is the contact of record as submitted in the rulemaking package for this supplement. The contact and other information may change and is provided as a public courtesy.

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PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
PUBLIC SERVICES DIVISION
March 31, 2017

RULES

A.R.S. § 41-1001(17) states: “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions. Virtually everything in your life is affected in some way by rules published in the Arizona Administrative Code, from the quality of air you breathe to the licensing of your dentist. This chapter is one of more than 230 in the Code compiled in 21 Titles.

ADMINISTRATIVE CODE SUPPLEMENTS

Rules filed by an agency to be published in the Administrative Code are updated quarterly. Supplement release dates are printed on the footers of each chapter:

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2017 is cited as Supp. 17-1.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARTICLES AND SECTIONS

Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering system separated into subsections.

HISTORICAL NOTES AND EFFECTIVE DATES

Historical notes inform the user when the last time a Section was updated in the Administrative Code. Be aware, since the Office publishes each quarter by entire chapters, not all Sections are updated by an agency in a supplement release. Many times just one Section or a few Sections may be updated in the entire chapter.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in the introduction of a chapter can be found at the Secretary of State’s website, www.azsos.gov/services/legislative-filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Arizona Administrative Register online at www.azsos.gov/rules, click on the Administrative Register link.

In the Administrative Code the Office includes editor’s notes at the beginning of a chapter indicating that certain rulemaking Sections were made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

If you are researching rules and come across rescinded chapters on a different paper color, this is because the agency filed a Notice of Exempt Rulemaking. At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Public Services managing rules editor, Rhonda Paschal, assisted with the editing of this chapter.

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

(Authority: A.R.S. § 5-101 et seq.)

Editor's Note: A.R.S. § 41-1005 was amended. The reference to the A.R.S. § 41-1005(A)(18) exemption in this Chapter has changed to A.R.S. § 41-1005(A)(16) (Supp. 14-4).

Editor's Note: The Office of the Secretary of State prints all Code Chapters on white paper (Supp. 03-4).

Editor's Note: This Chapter contains rules which were adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for review and approval; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; and the Commission was not required to hold public hearings on these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.

19 A.A.C. 2, consisting of R19-2-101 through R19-2-124, R19-2-301 through R19-2-331, and R19-2-501 through R19-2-523, recodified from 4 A.A.C. 27, consisting of R4-27-101 through R4-27-124, R4-27-301 through R4-27-331, and R4-27-501 through R4-27-523, pursuant to R1-1-102 (Supp. 95-1).

Title 4, Chapter 27 consisting of Sections R4-27-101 through R4-27-124, R4-27-301 through R4-27-323 adopted effective August 5, 1983. R19-2-101 through R19-2-124 recodified from R4-27-101 through R4-27-124 (Supp. 95-1).

Former Title 4, Chapter 27 consisting of Sections R4-27-101 through R4-27-111, R4-27-201 through R4-27-211, R4-27-301 through R4-27-312 repealed effective August 5, 1983. R19-2-101 through R19-2-111, R19-2-201 through R19-2-211, R19-2-301 through R19-2-312 recodified from R4-27-101 through R4-27-111, R4-27-201 through R4-27-211, R4-27-301 through R4-27-312 (Supp. 95-1).

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Article 4, consisting of Sections R4-27-401 through R4-27-410, repealed effective December 14, 1994 (Supp. 94-4).

Article 4, consisting of Sections R4-27-401 through R4-27-410, adopted effective April 3, 1984 (Supp. 84-2). R19-2-401 through R19-2-410 recodified from R4-27-401 through R4-27-410 (Supp. 95-1).

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tory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is being printed on blue paper. R-19-2-501 through R19-2-523 recodified from R4-27-501 through R4-27-523 (Supp. 95-1).

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Arizona Racing Commission

ARTICLE 1. HORSE RACING**R19-2-101. Power and Authority**

- A. All powers of the Department and Commission not specifically defined in this Chapter are reserved to the Department and Commission under the law creating the Department and Commission and specifying its powers and duties.
- B. The jurisdiction of the Department and Commission over matters covered by A.R.S. Title 5, Chapter 1 and this Chapter is continuous throughout the year.
- C. A.R.S. Title 5, Chapter 1, this Chapter, and the orders of the Department and Commission take precedence over the conditions of a race or the conditions of a race meet.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Editor spelling correction to subsection (C) (Supp. 88-4). R19-2-101 recodified from R4-27-101 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-102. Definitions

The definitions in A.R.S. § 5-101 apply to this Chapter. Additionally, unless the context requires otherwise, in this Article:

1. "Added money" means money a permittee adds to the nominating and starting fees in a race.
2. "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.
3. "Allowance race" means an overnight race for which a horse's eligibility and weight to be carried are determined according to specified conditions that include age, sex, earnings, and number of wins.
4. "Also eligible" means a horse, properly entered for a race, which is not drawn for inclusion in the race but becomes eligible according to preference or lot if an entry is scratched before the scratch-time deadline.
5. "Authorized agent" means a person appointed under R19-2-106(G).
6. "Breakage" means net pool minus payout.
7. "Breeder" means the owner or lessee of a horse's dam at the time the horse is foaled.
8. "Breeding place" means the place of birth of a horse.
9. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
10. "Carryover" means non-distributed pool monies that are retained and added to a corresponding pool in accordance with this Chapter.
11. "Claiming race" means a horse race in which each owner declares in advance the price at which the owner's horse will be offered for sale after the race.
12. "Complaint" means a written allegation of a violation of A.R.S. Title 5, Chapter 1, or this Chapter.
13. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
14. "Declaration" means the act of withdrawing an entered horse from a race.
15. "Entrance fee" means a fee set by a permittee that must be paid to make a horse eligible for a stakes race.
16. "Entry" means, according to its context, either:
 - a. A horse eligible and entered in a race, or
 - b. Two or more horses that are entered in a race as a single wagering unit and are:

- i. Owned, in whole or in part, by the same owner; or
 - ii. Trained by a trainer who owns an interest in another horse in the race.
17. "Equipment" means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), and all other paraphernalia that is or might be used on or attached to a horse while racing.
 18. "Field" means:
 - a. The entire group of horses in a race; or
 - b. Two or more starting horses running as a single wagering unit when there are more starting horses in a race than positions of the tote.
 19. "Foreign substance" means any drug, medicine, metabolite, or other substance that does not exist naturally in an untreated horse and that may have a pharmacological effect on the racing performance of a horse or may affect sampling or testing procedures. Foreign substances include but are not limited to stimulants, depressants, local anesthetics, narcotics, and analgesics.
 20. "Foul" means any action by a horse or jockey that interferes with another horse or jockey in the running of a race.
 21. "Grounds" means the entire area used by a permittee to conduct a race meet including, but not limited to, the track, grandstand, stables, concession areas, and parking facilities.
 22. "Handicap" means a race in which the weight to be carried by each entered horse is adjusted to equalize each horse's chance of winning.
 23. "Horse" means a filly, mare, colt, horse, gelding, and ridgling except when referring to sex, "horse" means a male that is five years or older and retains all reproductive organs.
 24. "Hurdle race" means a race over a track in which jumps or hurdles are used.
 25. "Immediate," for the purpose of suspension or revocation of a license issued under this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
 26. "Inactive person" means an individual who has never been licensed or whose license has expired, been revoked, or been suspended for more than 30 days.
 27. "Inquiry" means an investigation of possible interference in a contest conducted by the stewards before the stewards declare the result of the contest official.
 28. "In-today horse" means a horse that is entered and has drawn a position to run on one race day and also is entered for the next race day.
 29. "Lawfully issued prescription" means a prescription-only drug, as defined at A.R.S. § 13-3401, obtained directly from or under a valid prescription order written by a licensed physician acting in the course of professional practice.
 30. "Lessee" or "lessor" means a person who leases a horse for racing purposes.
 31. "Maiden" means a horse that at the time of starting has never won a race on the flat in any country on a recognized track or that was disqualified after finishing first.
 32. "Match race" means a race between two or more horses, each of which is the property of different owners, on terms agreed to by the owners and approved by the Department.

Arizona Racing Commission

33. "Minus pool" means there is not enough money, after deductions of state tax and statutory commissions, to pay the legally prescribed minimum on each winning wager.
34. "Net pool" means the sum of all wagers on a race minus refundable wagers and statutory commissions.
35. "Net take" means the amount of a track's commission minus allowed deductions.
36. "Nominating fee" means a fee set by a permittee that must be paid to make a horse eligible for a stakes or handicap race.
37. "Nomination" means naming a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may require paying a fee at the time of naming.
38. "Nominator" means the person in whose name a horse is nominated for a stakes or handicap race.
39. "Official laboratory" means the facility with which the Department contracts under A.R.S. § 5-105(A).
40. "Official race program" means a published listing of all contests and contestants for a specific performance.
41. "Off time" means the moment at which, on signal of the starter, the horses break and run.
42. "Overnight race" means a race for which entries close 96 or fewer hours before the time set for the first race of the day on which the race is to be run.
43. "Overpayment" means the amount by which purses paid exceed the amount due horsemen based on the net take and breakage.
44. "Owner" means any person possessing all or part of the legal title to a horse.
45. "Payout" means the amount of money payable to winning wagers.
46. "Performance" means a schedule of races run consecutively as one program.
47. "Place" means a horse finishes in one of the first three positions in a race.
48. "Pool" means the sum of all wagers on a race.
49. "Post position" means the position assigned to a horse for the start of a race.
50. "Post time" means the time set for horses in a race to arrive at the starting point.
51. "Preferred list" means a record of a horse with a prior right to starting usually because the horse was previously entered in a race that did not fill with the required minimum number of horses.
52. "Program trainer" means a licensed trainer identified in the official race program as the trainer of a horse that is actually under the control of and trained by another individual who may or may not hold a trainer's license in any jurisdiction and who is not identified in the official race program as the trainer of the horse.
53. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
54. "Purse" means the total dollar amount for which a race is contested.
55. "Purse race" means a race for money or other prize to which owners of horses engaged in the race do not contribute an entry fee.
56. "Quarter race" means a race on the flat of 1,000 yards or less.
57. "Race" means a contest among horses for purse, stakes, premium, or wager for money, that is run in the presence of racing officials of the track and a Department representative.
58. "Race meet" means the period for which a permit to conduct racing is granted to a permittee by the Commission.
59. "Race on the flat" means a race over a track on which no jumps or other obstacles are placed.
60. "Racing Regulation Fund" means the fund established under A.R.S. § 5-113.01 and administered by the Department to receive funding for regulation of racing from various pari-mutuel racing industry sources.
61. "Racing secretary" means the official who drafts conditions of races.
62. "Recognized track" means a track where pari-mutuel wagering is authorized by law or that is recognized by the American Quarter Horse Association.
63. "Restricted area" means an enclosed portion of a permittee grounds to which access is limited to licensees whose occupation or participation requires access.
64. "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each contest.
65. "Ridgling" means a male horse that has one or both testicles absent from the scrotum.
66. "Ruled off" means the act of:
 - a. Barring a licensee from the grounds of a permittee and denying the licensee all racing privileges; or
 - b. Preventing a horse from being entered because the stewards have determined that preventing the horse from racing is in the best interest of the health, safety, and welfare of licensees and the state.
67. "Scratch" means to withdraw an entered horse from a race after overnight entries have been closed.
68. "Scratch time" means the time set by the permittee for withdrawing entered horses from the races of a particular day.
69. "Stakes race" means a race for which the owner of an entered horse is required to pay a fee to which the track may add money or other prize to make up the total purse and for which nominations close more than 72 hours before the time for the first race of the day on which the stakes race is to be run.
70. "Starter race" means an allowance or handicap race restricted to horses that have previously started for a specified claiming price or less and for which the racing secretary may establish other conditions.
71. "Starting fee" means the amount of money, specified by the conditions of the race and set by the permittee, which must be paid by a horse's owner for the horse to start in a race.
72. "Starting horse" means a horse that leaves the paddock for the post, excluding:
 - a. A horse subsequently excused by the stewards, or
 - b. A horse for which the starting gate stall doors do not open in front of the horse at the time the starter dispatches the field.
73. "Steward" means an official of a race meet responsible for enforcing A.R.S. Title 5, Chapter 1 and this Chapter.
74. "Subscription" means the fee paid by the owner to nominate a horse for a stakes race.
75. "Supplemental fee" means a fee set by a permittee that must be paid by a horse's owner at a time prescribed by the permittee to make the horse eligible for a stakes race after the time for nominations is closed.
76. "Suspended" means that a privilege granted by the officials of a race meet or by the Commission or Department has been temporarily withdrawn.
77. "Sustaining fees" mean fees that must be paid periodically, as prescribed by the conditions of a race, to keep a horse eligible for the race.
78. "TCO2" means total carbon dioxide.

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79. "Tote or totalisator" means the machines from which pari-mutuel tickets are sold and the board on which the approximate odds for a race are posted.
80. "Track" means the course over which a race takes place.
81. "Trainer" means a person employed by an owner or lessee to condition a horse for racing.
82. "Underpayment" means the amount by which the amount due horsemen, based on the net take and breakage, exceeds the amount of purses paid.
83. "Walkover" means a race in which there are not two or more horses of separate interest sent to post.
84. "Weight" means the standard weight described in R19-2-118.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended paragraph (15), added new paragraphs (26) and (45) and renumbering accordingly effective June 6, 1986 (Supp. 86-3). Amended by adding paragraphs (19) and (32) and renumbering accordingly effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-102 recodified from R4-27-102 (Supp. 95-1). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-103. Permit Applications

- A. A person or persons, associations, or corporations desiring to hold or conduct a horse racing meeting within the state of Arizona shall file with the Commission its permit application that contains the information required in A.R.S. § 5-107 in paper copy and in an electronic medium. All electronic media submissions shall be compatible with the Department's computer system and software. If any addendum to the permit application cannot be submitted in an electronic medium, the applicant shall submit the addendum in a paper copy.
- B. The Department shall not issue a permit until the applicant has furnished evidence of compliance with A.R.S. § 23-901 et seq. (Workers' Compensation).
- C. Permit applicants shall submit to the Commission the names of the proposed track officials at least 60 days prior to the beginning of their meet, along with a short biographical sketch of each official not previously licensed in the same capacity by the Department.
- D. A permit application shall specify the number of races to be run on a daily basis.
- E. Racing shall be conducted only on those days granted by permit.
- F. Permit Application Time-frames.
 1. Administrative completeness review time-frame.
 - a. Within 728 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (A), (B), (C), and (D).
 - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
 - c. The Department shall deem an application package withdrawn if the applicant fails to file a complete application package within 180 days of being notified that the application package is incomplete.
 2. Substantive review time-frame. Within 30 days after receipt of a complete application package, the Commission,

with the recommendation of the Department, shall determine whether the applicant meets all substantive requirements and issue a written notice granting or denying the permit.

3. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a permit.
 - a. Administrative completeness review time-frame: 728 days;
 - b. Substantive review time-frame: 30 days;
 - c. Overall time-frame: 758 days.
4. Renewal and temporary permit time-frames. The administrative completeness review time-frame is 30 days, the substantive review time-frame is 30 days, and the overall time-frame is 60 days, excluding time for mailing. The renewal or temporary permit is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant. Temporary permits are valid until a full permit is awarded or until the Commission revokes the temporary permit.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-103 recodified from R4-27-103 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4).

R19-2-104. Permittee Responsibilities

- A. A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that a permittee is not in compliance with this Section, the steward shall require that the permittee immediately bring the grounds into compliance.
- B. The permittee shall prevent any person, corporation, firm, or association not licensed by the Department from performing any act at its track which requires a license under A.R.S. Title 5, Chapter 1, or this Article.
- C. Each permittee department head shall see that the permittee department head's employees are licensed and furnish a list of the employees upon request.
- D. A permittee shall take all steps necessary to deny the privileges of a license to anyone whose license has been revoked or suspended and to keep such a person off the grounds of the permittee and to prevent a person who has been ruled off from entering the grounds of the permittee.
- E. A permittee or its employees shall not obstruct a representative of the Department performing the representative's duties.
- F. A permittee shall not knowingly allow on its grounds any betting or other operations in contravention of any law of the state of Arizona or of the United States.
- G. The permittee shall immediately report all observed violations of any racing regulation or statute to the Department and shall cooperate with the Department and with state, federal, and local authorities in investigations of alleged violations.
- H. A permittee shall provide the following services at the track:
 1. A horse ambulance, approved by the Department, for the removal of crippled animals from the track.
 2. A physician or emergency paramedic certified under A.R.S. § 36-2205 on duty during racing hours.
 3. An ambulance, available during morning works and racing hours.
 4. First aid quarters, available during morning works and racing hours.
 5. A detention paddock (test barn) where all winners and other horses selected by the stewards are taken and kept under the supervision of the Department veterinarian

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- until saliva, urine, blood, and other samples have been obtained.
6. An adequate security force whose duties include:
 - a. Maintaining order.
 - b. Excluding from the grounds all handbooks, touts, and operators of gambling devices.
 - c. Excluding from the grounds all persons ruled off by the stewards or the Department.
 - d. Excluding from the grounds all persons not eligible for a license under A.R.S. § 5-108.
 - e. Immediately reporting to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
 7. A security guard stationed at the stable area entrance whose duties include:
 - a. Denying entrance to all persons not holding a license or credentials issued by the Department or a Departmental pass issued by the permittee.
 - b. Allowing any person seeking employment within the stable area to have access to that area for a period of one day, provided that:
 - i. The person is given a numbered card.
 - ii. A list of recipients of the numbered cards is provided to the track office of the Department upon request.
 - iii. The numbered card is retrieved by the security guard when the person leaves the stable area.
 - iv. The track office of the Department is notified of the retrieval.
 8. A furnished office, including utilities and necessary office equipment, for the exclusive use of Department employees and officials.
 9. A uniformed security official approved by the Department, on duty in the Department test barn during its regular business hours. The official shall provide security and monitor the collection procedure and sealing of samples taken from the horses.
 10. A copy of all tip sheets offered for sale in the parking area or elsewhere on the grounds of the permittee, furnished daily to the stewards not later than three hours before first post.
- I.** A person shall not sell tip sheets, pamphlets, or other printed matter purporting to predict the outcome of a race other than official programs, the Daily Racing Form, and newspapers in the betting area.
 - J.** Wagering shall be conducted upon the grounds of a permittee only under the pari-mutuel method as provided by statute and this Article and by the use of such mechanical or other equipment as the Department may require. Bookmaking or betting other than by the pari-mutuel method is prohibited.
 - K.** A permittee shall not allow the official racing of horses on any track under its control except as provided by subsection (P) below unless:
 1. The conditions of the race have been written by the racing secretary at the meeting.
 2. The entries have been made in accordance with the requirements set forth in R19-2-113.
 3. The race programmed as a part of a regular racing card conducted under the pari-mutuel system.
 - L.** On a daily basis, and as soon as the entries have been closed and compiled and the declarations have been made, the permittee posts a list of the entries and declarations in a conspicuous place.
 - M.** A permittee shall print on a daily racing program a list of all officials and directors of the permittee and of track and racing officials, together with such pertinent rules as the Department may designate.
 - N.** A permittee shall not allow an official to act until the official's appointment has been approved by the Department; provided that, in the case of sickness or inability to act, the provisions of R19-2-121(A)(5) apply.
 - O.** The permittee shall provide a photo finish and videotape device, approved by the Department, for the purpose of recording all races. The photographs and videotapes may be used to aid the stewards in determining the finishes of races. Permittees shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period of time or be transmitted to the Department for subsequent administrative or judicial proceedings.
 - P.** Notwithstanding subsection (K), wagering may be conducted, by permission of the Department, on electronically televised simulcasts provided:
 1. The simulcasts originate from a racing facility outside the state of Arizona.
 2. The race is televised on the grounds of the permittee.
 3. The televised race is included with the posted races for that racing day.
 4. The televised race complies with the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.).
 5. Monies wagered are computed in the total daily handle.
 6. An out-of-state facility, receiving a simulcast originating from a racing facility within the state of Arizona, operates under the approval and regulation of an official agency of that state.
 - Q.** Any automatic timing device installed by the permittee shall have the approval of the Department.
 - R.** Each commercial horse racing permittee shall furnish the Department with annual financial statements audited and certified by a firm approved by the auditor general.
 1. The firm shall conduct the audit in accordance with audit standards prescribed by the auditor general.
 2. The firm shall prepare the financial statements in accordance with generally accepted accounting practices.
 3. The firm shall use the following accounting practices:
 - a. Overpayments shall be treated as an asset to the extent that they are recoverable. Overpayments are reported as an asset titled "Purse Overpayments," immediately following current assets. If the permittee and the accountant determine that all or part of any overpayment is not recoverable, the dollar amount expensed and the basis of the determination shall be disclosed in the notes to the financial statements.
 - b. Underpayments shall be reflected as an account payable.
 - c. Wagering income shall be reported net of sales taxes.
 - d. Amounts which a permittee is seeking to recover through litigation shall not be reported as assets.
 4. The firm shall submit the following information with the financial statements in a form prescribed by the Department:
 - a. An analysis of the composition of and changes in accounts payable which include underpayments and asset accounts which include overpayments,
 - b. A summary of current year purse expense and over- or underpayment,
 - c. The total amount of salaries and bonuses expense,

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- d. Legal and accounting expense attributable to racing-related matters,
 - e. An explanation of the types of revenues and expenses classified in accounts titled "other," and
 - f. Other financial information requested by the Commission or Department.
5. Financial statements of permittees granted original permits prior to July 1, 1982, shall be on a fiscal year basis. Financial statements of permittees granted original permits after July 1, 1982, may be on a fiscal or calendar year basis at the discretion of the Director.
 6. The firm shall submit financial statements within 120 calendar days of the end of the fiscal or calendar year.
 7. The firm shall report overpayments and underpayments to the Department in a form prescribed by the Department within 10 working days after the end of each condition book period.
- S. Each permittee shall comply with the provisions of Article 2 of this Chapter.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsection (H) paragraph (9) effective August 2, 1985 (Supp. 85-4). Amended subsection (R) effective June 6, 1986 (Supp. 86-3). Amended effective March 20, 1990 (Supp. 90-1). Amended effective August 6, 1991 (Supp. 91-3). R19-2-104 recodified from R4-27-104 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).

R19-2-105. Charity Races

- A. A permittee shall provide the Commission with:
1. The name of any nonprofit organization or corporation selected by the permittee as a charity entitled to benefit from a charity racing day or race.
 2. A list of the names and addresses of all directors, officers, and shareholders holding 10% or more of the total number of outstanding voting shares of the charitable corporation.
 3. A brief description of the purposes and activities to be benefited by monies received from the charity racing day or race.
 4. A copy of an Internal Revenue Service letter of determination qualifying the particular charity as an exempt organization or corporation for federal income tax purposes.
- B. No permittee shall charge any expenses incurred by operation of racing against the pari-mutuel handle of a charity racing day or race except those prorated expenses incurred on the day of that particular charity racing day or race.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-105 recodified from R4-27-105 (Supp. 95-1).

R19-2-106. Licensing

- A. A person that participates in any capacity in a race meet, including a person who performs services in connection with the conduct of the race meet, shall obtain a license from the Department, except:
1. A person that performs services during a county fair meet and is identified by a steward as a volunteer; or
 2. A person that owns less than 10 percent of outstanding shares of stock, regardless of classification or type, of a permittee or licensee.
- B. License application.
1. To apply for a license, a person shall complete the license application prescribed by the Department, which requires the following information, and submit the completed application to a steward:
 - a. Name, including all aliases or other names ever used;
 - b. Mailing and local addresses;
 - c. Telephone number;
 - d. Date of birth;
 - e. Physical description;
 - f. Social Security or alien status number;
 - g. Documentation, as specified under A.R.S. § 41-1080(A), of lawful presence in the U.S.;
 - h. Complete criminal history information including any racing-related sanctions; and
 - i. License category for which application is made.
 2. The Department may issue written instructions regarding preparation and execution of the license application. The instructions may be a part of or separate from the application, or both.
 3. When an applicant submits a license application, the applicant shall also submit the fee established by the Department under R19-2-202(C). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each track and on its web site.
 4. An applicant who is at least 18 years old shall submit two full sets of fingerprints to the Department. The applicant shall ensure that the fingerprints are taken by the Department, a law enforcement agency, or other authority acceptable to the Department and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
 5. An applicant for a trainer license who has not been licensed as a trainer in any jurisdiction during the last 10 years shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in race meets by passing an examination, which may include written, oral, and skill demonstration parts, prescribed by the Department. An applicant who fails to pass the examination shall wait at least 90 days before retaking the examination.
- C. The Department shall presume that an applicant or licensee knows the law governing racing in Arizona. An applicant or licensee shall follow A.R.S. Title 5, Chapter 1 and this Chapter.
- D. License procedure.
1. Under delegation from the Director, on receipt of a license application, a steward shall grant or deny a temporary license and transmit the license application to the Director.
 2. In considering each application for a license, a steward may require the applicant, as well as individuals attesting to the applicant's abilities, to appear before the steward and show that the applicant is qualified to receive the license requested. The steward shall grant a temporary license only if the steward determines that the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and this Chapter.
 3. Licensing time-frames.
 - a. Administrative completeness review time-frame.
 - i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required under subsection (B).

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- ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.
 - iii. The Department shall deem a license application withdrawn if the applicant fails to file a complete license application within 15 days of the date on the notice that the license application is incomplete.
- b. Substantive review time-frame. Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.
 - c. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
 - i. Administrative completeness review time-frame: 85 days.
 - ii. Substantive review time-frame: five days.
 - iii. Overall time-frame: 90 days.
- 4. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Director denies a license to an applicant, a temporary license automatically becomes the license after 90 days.
 - 5. The Department shall perform a background investigation of an applicant who is at least 18 years old, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed under subsection (D)(3)(a).
- E. Denials.**
- 1. The Department shall base a decision to deny a license on an assessment of whether the applicant:
 - a. Has been or is intoxicated at the time of application or has a history as a user of a narcotic drug, as defined at A.R.S. § 36-2501(A)(8), within the grounds of the permittee, or
 - b. Fails to disclose the true ownership or interest in any horse.
 - 2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and a national database listing license information and rulings.
- F. General requirements and restrictions.**
- 1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.
 - 2. A licensee who is an official at more than one type of track (horse, harness, or greyhound) shall be licensed at each type of track. The requirement in this subsection does not apply to a pari-mutuel manager who may use the same license at any type of track.
 - 3. The Director or designee shall not license a person who is younger than 16 years old in any capacity other than as an owner, and shall not license a person who is younger than 18 years old as an official, trainer, or assistant trainer. A person who is younger than 18 years old is not eligible to be licensed as an owner unless the person's parent or guardian signs the owner's license application and assumes full financial responsibility for the owner.
- 4. When present in the barn area of a horse track, paddock area, or any other restricted area, a person shall wear in full view a photo identification badge issued by the Department or a pass issued by the permittee.
- G. Authorized agents.**
- 1. A person may hold a license only as an authorized agent or be licensed as an authorized agent and in another category.
 - 2. The principal shall sign a license application on behalf of an authorized agent and clearly identify the powers of the agent, including whether the agent is empowered to collect money from the permittee. The principal shall have the license application either notarized or signed in the presence of a Department employee and a copy filed with the horsemen's bookkeeper and the Department. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and the Department.
 - 3. To change an agent's powers or revoke an agent's authority, the principal shall describe the changed powers or revoked authority in writing that is either notarized or signed in the presence of a Department employee and filed with the Department and the horsemen's bookkeeper.
- Historical Note**
- Adopted effective August 5, 1983 (Supp. 83-4).
Amended subsections (G) and (I) effective January 25, 1985 (Supp. 85-1). Amended subsections (F) and (G) effective December 5, 1985 (Supp. 85-6). Amended subsections (F) and (G) effective February 19, 1987 (Supp. 87-1). Amended subsections (A) and (B) effective October 23, 1987 (Supp. 87-4). Amended subsections (E), (F) and (G) effective November 30, 1988 (Supp. 88-4).
Amended effective March 20, 1990 (Supp. 90-1).
Amended effective January 13, 1995 (Supp. 95-1). R19-2-106 recodified from R4-27-106 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 4483, effective December 4, 2004 (Supp. 04-4).
Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).
- R19-2-107. Stable Names**
- A.** A licensed owner who wishes to race under a stable name shall register the stable name with the Department and pay the fee listed in R19-2-106.
- 1. Only an owner may register or secure a license under a stable name.
 - 2. A name other than the legal name of an owner is a stable name.
- B.** When registering a stable name, a licensed owner shall identify any individual or business entity operating under the stable name.
- 1. An individual operating under a stable name shall possess and be able to produce the individual's owner's license upon request by a racing official.
 - 2. An individual operating under a stable name shall sign the authorized agent's application.
 - 3. A business entity operating under a stable name shall:
 - a. Register to do business according to the laws of the state of Arizona;

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- b. Submit a list that identifies each stockholder who owns more than 10% of the existing shares, or each partner in a partnership;
 - c. Notify the Department immediately of any change in ownership; and
 - d. Use the name under which the business entity does business in Arizona as its stable name.
- C.** If consistent with other laws, a licensed owner may change a stable name by registering the new stable name and paying the applicable fee in R19-2-106.
- D.** To abandon a registered stable name, a licensed owner shall provide written notice to the Department.
- E.** A licensed owner shall select a stable name that is distinguishable from other registered stable names.
- F.** Upon registration, the Department shall determine whether a prospective stable name will be:
- 1. Misleading to the public, or
 - 2. Unbecoming to the sport.
- G.** The Department shall not register a stable name that is misleading to the public or unbecoming to the sport.
- H.** A licensed owner shall register a separate name for each of the owner's stables.
- I.** A licensed owner operating under a stable name shall pay all entry fees for and penalties against the stable.
- J.** At the time of entry, a licensed owner shall ensure that the applicable stable name is furnished for the official program.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-107 recodified from R4-27-107 (Supp. 95-1). Amended by final rulemaking at 9 A.A.R. 4919, effective December 6, 2003 (Supp. 03-4).

R19-2-108. Leases

- A.** The lessee of a horse shall file a copy of the leasing arrangement with the Department. The leasing arrangement shall include:
- 1. The name of the horse,
 - 2. The name and address of the owner-lessor,
 - 3. The name and address of the lessee,
 - 4. The stable name, if any, of each party,
 - 5. The terms of the lease.
- B.** No corporation having more than 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation shall lease any horse owned or controlled by it to any person or partnership for racing purposes.
- C.** No owner's license shall be granted to a lessee of any corporation referred to in subsection (B) of these rules.
- D.** A corporation which leases horses for racing purposes in this state, its stockholders, and its members shall file with the Department, upon request, a report containing such information as the Department may specify.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-108 recodified from R4-27-108 (Supp. 95-1).

R19-2-109. Jockeys and Apprentice Jockeys

- A.** In this Chapter, unless the context requires otherwise:
- 1. A jockey shall pass a physical examination by a physician designated by a permittee. A physical examination is valid for 12 months. A steward may require that a jockey take an additional physical examination if the steward reasonably believes a jockey's physical condition may endanger himself, his mount, or others. A steward may refuse to allow a jockey to ride until the jockey success-

fully passes another physical examination. A steward or a steward's designee may require that a jockey provide blood or urine samples for analysis upon request under A.R.S. § 5-104(C).

- 2. Unless excused by the stewards, a jockey engaged to ride in a race shall report to the jockey room at least one hour before post time of the first race in which the jockey is scheduled to ride and, unless excused by the stewards, shall remain in the jockey room between races until all engagements for the day have been fulfilled.
 - 3. A jockey shall wear standard jockey attire in official races.
 - 4. Only a jockey, an attendant, and a racing official are permitted in the jockey room.
 - 5. A jockey is entitled to a mount fee as established by agreement between the jockey and the owner or trainer when the jockey is weighed out by the clerk of scales except when:
 - a. The jockey refuses to ride a mount without proper cause; and
 - b. A steward replaces the jockey with a substitute jockey, unless the jockey is being replaced because of an injury received after weighing out and before the start of a race.
 - 6. An owner or trainer may replace a jockey named at the draw by lot or by a steward without payment of a mount fee by notifying a steward or the steward's designee by 9:00 a.m. MST the entry day following the draw.
 - 7. An owner or trainer shall pay a mount fee to a replaced jockey that is equal to the fee paid to the jockey who rides the race unless:
 - a. The owner or trainer replaces the jockey by notifying a steward or the steward's designee no later than 9:00 a.m. MST on the next business day after the jockey is replaced. If this notice is made, the owner shall pay a losing fee to each jockey the owner replaced in a race. The Director may establish an earlier deadline for jockey changes in consultation with a permittee, steward, jockey, owner, and trainer, or their representatives at the race meet. The Director shall not establish a deadline for jockey changes later than noon of a race day at any race meet with an average daily handle of \$100,000.00 or less; or
 - b. The replaced jockey or jockey's agent waives the fee.
- B. Equipment.**
- 1. A steward shall ensure that a bridle used in a race does not exceed two pounds in weight.
 - 2. If a jockey uses a whip in a race, the jockey shall ensure that the whip is at least 1/4 inch in diameter and not more than one pound in weight or 30 inches in length including the popper.
 - 3. When a jockey races without a whip, notice that the jockey is racing without a whip shall be made in the official race program or announced to the general public through effective, usual, and customary means intended and expected to reach the majority of the racing public.
 - 4. A jockey, apprentice jockey, exercise rider, pony person, and any other person shall wear a properly fastened helmet at all times when mounted on a racing surface.
 - 5. A jockey, apprentice jockey, and exercise rider shall wear an industry-approved safety vest at all times when mounted on a racing surface.
- C. Weight; weighing.**
- 1. An owner shall deposit a losing mount fee with a permittee before a jockey is weighed out for a race. If an owner

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fails to comply with this subsection, a steward may declare the owner's horse out of the race.

2. A jockey shall weigh out and weigh in for a race without a whip or bridle.
 3. A jockey's weight is measured against the jockey's assigned weight as published in the official race program.
 4. A jockey shall not ride in a race if the jockey weighs out more than one pound less than the jockey's assigned weight published in the official race program.
 5. A jockey shall report the jockey's weight to the clerk of scales one hour before the time set for the first scheduled race of the race day.
 - a. A jockey shall not ride in a race if more than two pounds overweight without the consent of the owner or trainer of the horse the jockey is to ride.
 - b. A jockey shall not ride in a race if more than seven pounds overweight without the consent of a steward.
 - c. A steward shall not disqualify a horse because of any overweight the horse carries.
 - d. A permittee shall notify the public of any weight different from that published in the official race program through effective, usual, and customary mechanisms intended and expected to reach the majority of the wagering public.
 6. Immediately after pulling up, a jockey shall ride to the place of weighing in, dismount after obtaining permission from the official in charge, and wait to be weighed by the clerk of the scales.
 7. A jockey shall not intentionally touch any person or thing other than the jockey's own equipment before weighing in.
 - a. A jockey shall unsaddle the jockey's own horse, unless the jockey obtains permission from an official in charge.
 - b. An attendant shall touch a horse only by the horse's bridle unless the attendant obtains permission from an official in charge.
 - c. A person shall not touch the equipment of a jockey who has returned to the winner's circle to dismount until the jockey has been weighed in unless the person obtains permission from an official in charge.
 8. A jockey who is not able to ride to the place of weighing in because of an accident or illness that disables either the jockey or the horse shall walk or be assisted to the scales.
- D. Apprentice jockey.**
1. Licenses.
 - a. An applicant for an apprentice jockey license shall submit to the Department a certified copy of the applicant's birth certificate or other satisfactory evidence of date of birth.
 - b. A steward shall issue an apprentice jockey license if an applicant:
 - i. Is more than 16 years old and, if less than age 18 years old, a parent or guardian signs the license application assuming full financial responsibility for the applicant;
 - ii. Is approved by a starter for working a horse out of the gate;
 - iii. Successfully demonstrates to a steward the ability to gallop or exercise a horse; and
 - iv. Has the necessary tack and apparel.
 2. Expiration of license; weight allowance.
 - a. An apprentice jockey license expires when the apprentice jockey can no longer claim the weight allowances under subsection (D)(2)(b). When an apprentice jockey license expires, the apprentice jockey shall surrender the license to the Department. If an apprentice jockey license expires during the term of the current licensing cycle, the Department shall issue a jockey license at no additional cost.
 - b. An apprentice jockey who has not been licensed previously in any country may claim a weight allowance as follows in all overnight races except handicaps and stakes:
 - i. Five pounds for one year from the date of the apprentice jockey's fifth winner; or
 - ii. If the apprentice jockey has not ridden at least 40 winners within one year from the date of the apprentice jockey's fifth winner, five pounds for three years from the date of the apprentice jockey's first winner or until the apprentice jockey has ridden a total of 40 winners, whichever comes first.
 - c. The calculation of the time for which an apprentice jockey may claim a weight allowance shall not include time:
 - i. In the armed forces, or
 - ii. The apprentice jockey is physically incapacitated from performing as a jockey.
 - d. An apprentice jockey may ride quarter horses under the following conditions:
 - i. The apprentice jockey does not claim an apprentice jockey weight allowance in the race; and
 - ii. The Department does not consider a winner in the race for the purpose of computing the expiration of the right of the apprentice jockey to claim a weight allowance.
- E. Prohibited acts.**
1. A jockey shall not fail or refuse to fulfill an engagement for a race unless:
 - a. The race or race card is canceled, or
 - b. A steward excuses the jockey.
 2. A jockey shall not own, either in whole or in part, a horse registered for racing at a track where the jockey is riding.
 3. A jockey shall not engage in any pari-mutuel wagering transaction except through the owner of and on the horse that the jockey rides.
 4. A jockey attendant, jockey valet, or any licensee employed inside a jockey room shall not place a wager for themselves or another person while they are acting under the authority of their license.
 5. A jockey shall not ride against a horse trained by the jockey's spouse except as part of an entry.
 6. A jockey shall not whip a horse:
 - a. On the head, flanks, or any part of the horse's body other than the shoulders or hind quarters;
 - b. During the post parade except when necessary to control the horse;
 - c. Excessively or brutally causing welts or breaks in the skin;
 - d. When the horse clearly is out of the race or has obtained its maximum placing; or
 - e. Persistently even though the horse is showing no response to the whip.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-109 recodified from R4-27-109 (Supp. 95-1). Amended by final rulemaking at 5 A.A.R. 812, effective February 24, 1999 (Supp. 99-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1).

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Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-110. Jockey Agents

- A. When applying for a jockey agent license, an applicant shall be accompanied by a jockey that the applicant will represent as jockey agent.
- B. A person who has not previously been licensed as a jockey agent in any jurisdiction shall demonstrate the knowledge to be licensed as a jockey agent by passing an examination prescribed by the Department. An applicant who fails to pass the examination shall wait 60 days before retaking the examination.
- C. A jockey agent shall not contract riding engagements for more than three jockeys at the same time.
- D. The Department shall charge only one fee for a jockey agent's license no matter how many jockeys the jockey agent represents.
- E. A jockey agent shall not change a rider unless the stewards grant permission.
- F. A jockey agent shall not work in any other capacity at the track where the jockey agent is licensed without permission of the stewards and without being licensed in the other capacity.
- G. A jockey agent may enter a horse in a race if the jockey agent has the permission of the horse's trainer.
- H. Riding engagements shall be made only by a jockey or the jockey's jockey agent.
- I. A jockey agent shall not communicate with a jockey the jockey agent represents during racing hours. A jockey agent shall notify a jockey the jockey agent represents of riding engagements made during racing hours through the stewards or a designated official.
- J. A jockey may act as the jockey's own agent. If a jockey chooses to act as the jockey's own agent, the jockey shall:
 1. Notify the stewards of that intention,
 2. Comply with provisions of this Chapter governing jockey agents,
 3. Not obtain a jockey agent's license, and
 4. Be present at the time entries are drawn unless other arrangements have been made with the stewards.
- K. When a jockey or the jockey's jockey agent wishes to terminate the agent agreement, the jockey and jockey agent shall appear together before the stewards to advise the stewards that the agent agreement has been terminated.
- L. A jockey agent or jockey acting as the jockey's own agent shall honor a call given to an owner or trainer for a mount in a race. If the Department determines that a jockey agent or jockey violated this subsection, the Department shall fine the jockey agent or jockey, suspend the license of the jockey agent or jockey, or both.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-110 recodified from R4-27-110 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-111. Trainers

- A. A trainer shall know and follow the provisions of A.R.S. Title 5, Chapter 1 and this Chapter governing racing in the state of Arizona.
- B. A trainer and the trainer's employees shall comply with the decisions of the stewards on all questions to which the stewards' authority extends, subject to the right of appeal to the Department under R19-2-123.
- C. A trainer is responsible for the condition of horses under the trainer's care and shall protect the horses from acts of other parties.
- D. A trainer shall ensure that each person employed by the trainer at a licensed track is licensed by the Department and that the owner of each horse that is to be entered by the trainer in a race is licensed by the Department at least one hour before the scheduled post time of the race in which the horse is entered.
 1. A trainer shall refuse to act on behalf of any participant at a licensed track if the trainer has reasonable cause to believe that the participant is not licensed by the Department.
 2. A trainer shall not start a horse in a race if the trainer has reason to believe that an owner of the horse is not licensed by the Department. A trainer may enter a horse for an unlicensed owner in a race. If there are no horses on the also-eligible list for the race and the owner of the horse entered by the trainer is not licensed at least one hour before post time of the first race of the day, the trainer shall have the horse scratched. If there are horses on the also-eligible list, a trainer who entered a horse of an owner who remains unlicensed at the designated scratch time for the race shall have the horse scratched.
 3. A trainer shall report to the stewards the existence of the circumstances described in subsections (D)(1) and (2).
 4. A trainer shall present the trainer's horse in the paddock at least 17 minutes before post time or at another time specified by the stewards before the race in which the horse is entered.
- E. A trainer shall file all registration papers with the racing secretary within 48 hours of the trainer's arrival on the grounds of the permittee.
- F. If track colors are not in use, a trainer shall ensure that each of the trainer's horses has a set of colors registered in the office of the racing secretary and possessed by the jockey room custodian before the horses are entered in a race.
- G. A trainer shall pick up all registration papers and colors at the close of the race meet.
- H. A trainer shall notify the stewards before the transfer of a horse to or from another trainer during a race meet. The trainer shall not make a transfer until the transfer is approved by the stewards.
- I. A trainer shall not shoe a horse that is not under the trainer's care except by permission of the stewards.
- J. When a trainer is absent from the grounds where the trainer's horse is racing, the trainer shall provide a substitute licensed trainer to be responsible for the horse. If there is a violation of subsection (C) or R19-2-120(O)(1), the stewards shall take appropriate action against the responsible party. No provision of this Chapter relieves an absent trainer of responsibility or limits the absent trainer's responsibility under subsection (C). Both the absent and substitute trainers shall sign a "Trainers' Responsibility Form" provided by the Department, which shall be submitted to and approved by a steward.
- K. A trainer shall not have an ownership interest in a horse unless the trainer trains the horse and the horse is located at the track where the trainer trains. For purposes of this subsection, a reversionary interest created by an agreement transferring control of a horse is not an ownership interest.
- L. A trainer may employ an assistant trainer with the approval of the stewards. An assistant trainer shall comply with all requirements for a trainer prescribed by this Section.
- M. A trainer shall not train a horse for the benefit, credit, reputation, or satisfaction of an inactive person at a location under the jurisdiction of the Department.
 1. A trainer shall not:

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- a. Assume the responsibilities of an inactive person at a location under the jurisdiction of the Department,
 - b. Complete a race entry form for or on behalf of an inactive person or an owner for whom the inactive person works,
 - c. Pay or advance an entry fee for or on behalf of an inactive person or an owner for whom the inactive person works, or
 - d. Pay or provide consideration in any form to an inactive person or a person associated with the inactive person; and
2. If a trainer fails to comply fully with this subsection, the trainer shall not:
 - a. Be paid a salary directly or indirectly by or on behalf of the inactive person, and
 - b. Receive consideration in any form however denominated.
8. A person holding a license listed in A.R.S. § 5-104(C) shall not apply, inject, inhale, ingest, be under the influence of, possess, or use a narcotic, dangerous drug, or controlled or prohibited substance regulated under A.R.S. Title 13, Chapter 34 while on permittee grounds unless, on the request of a steward, the licensee can produce evidence that the licensee has a lawfully issued prescription for possession or use of the narcotic, dangerous drug, or controlled or prohibited substance.
 9. A jockey, apprentice jockey, exercise rider, or pony rider shall not consume any quantity of an alcoholic beverage on a race day before completing riding commitments for the day.
 10. A licensee or employee of a permittee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form that is intended to or might influence the results of a race or the conduct of a race meet.
 11. A licensee, while on the premises of a permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
 12. A licensee shall not engage in conduct that is prohibited by the Department or detrimental to the best interests of horse racing including, but not limited to, soliciting, aiding, or abetting another person to participate in conduct prohibited by the Department or detrimental to the best interests of horse racing.
 13. A licensee shall immediately submit to blood, urine, breath, or other tests ordered by the stewards if the stewards have reason to believe the licensee is under the influence of or in possession of a prohibited substance or has consumed alcohol in violation of subsection (8), (10) or (11).
 - a. A licensee ordered by a steward to submit to a test under this subsection shall provide a sample in the presence of the steward or the steward's designee and submit the sample to the steward or the steward's designee in a container furnished by the Department;
 - b. The steward or steward's designee shall immediately seal the sample container in the presence of the licensee being tested;
 - c. The steward or steward's designee shall mark the sample container with the following items: sample identification number; time, date, and location at which the sample was given; and signature of Department personnel sealing the container;
 - d. The steward or steward's designee shall submit the sample to the official laboratory for analysis;
 - e. If analysis of the sample provided under this subsection indicates the presence of a prohibited substance or alcohol, the licensee who provided the sample shall be subject to disciplinary action authorized under A.R.S. § 5-108.05(A);
 - f. The Department shall ensure that results and information obtained as a result of analysis of the sample provided under this subsection are accessible only to members of the Commission, the Director or designees, and the tested licensee until any disciplinary action or administrative proceeding is complete; and
 - g. Compliance with this subsection by the steward or steward's designee constitutes prima facie evidence that the chain of custody of the test sample is secure. The presiding officer or administrative law judge in an administrative proceeding of the Department or

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended subsection (D) paragraph (2) effective February 7, 1984 (Supp. 84-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-111 recodified from R4-27-111 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-112. Prohibited Acts

In addition to other prohibitions described in A.R.S. Title 5, Chapter 1 and this Chapter:

1. A licensee shall not enter, or cause or permit to be entered, or start a horse that the licensee knows or has reason to believe should be disqualified or may be ineligible to race.
2. A veterinarian or plater, licensed to practice on a track under the jurisdiction of the Department, shall not own, lease, or train a horse racing at the track on which the veterinarian or plater practices.
3. A licensee shall not enter a stall, shed row, tack room, or feed shed assigned to another licensee without prior approval from the licensee to whom the area is assigned. The Department shall discipline a licensee determined to have violated this subsection, including voiding the transfer of a horse to which the licensee has made a successful claim.
4. A licensee shall not subject or permit an animal under the licensee's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect, or abuse and shall not abandon, injure, maim, kill, administer a noxious substance to, or deprive the animal of necessary care, sustenance, or shelter.
5. A licensee shall not participate in an unauthorized race on a track while a race meet is in progress on the track.
6. A licensee shall not offer or receive money or other consideration for declaring an entry out of a purse or stakes race.
7. A licensee shall not possess, within the grounds of a permittee, an electrical, mechanical, or other device, except a whip, which may be used to affect the speed or racing condition of a horse. Possession includes, but is not limited to, having the device:
 - a. On the licensee's person;
 - b. In living or sleeping quarters;
 - c. In an assigned stall, tack room, or other area; and
 - d. In a motor vehicle or trailer.

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Commission shall admit the results of the tests as evidence.

14. A licensee shall promptly pay any financial obligation incurred in connection with racing in this state. If failure or refusal to pay a financial obligation incurred in connection with racing in this state results in the financial obligation being reduced to a judgment against a licensee, the Department shall take disciplinary action against the licensee as authorized under A.R.S. § 5-108.05.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended paragraphs (10) and (11) effective June 6, 1986 (Supp. 86-3). Amended paragraphs (10) and (11) effective August 3, 1987 (Supp. 87-3). Amended effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-112 recodified from R4-27-112 (Supp. 95-1). Amended effective January 12, 1996 (Supp. 96-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-113. Entries and Subscriptions**A. Entry.**

1. An owner, trainer, or authorized agent shall not register a horse for racing under this Chapter unless the horse is registered by the Jockey Club, American Quarter Horse Association, Arabian Horse Club Registry of America, Inc., Appaloosa Horse Club Inc., American Paint Horse Association, American Donkey and Mule Society, or American Mule Association.
2. An owner, trainer, or authorized agent shall list each person with an ownership interest in a horse on the back of the horse's registration papers.
3. An owner, trainer, or authorized agent may enter a horse in person, by telephone or telegram, or in writing.
4. An owner, trainer, or authorized agent shall declare at the time of entry whether the jockey will carry a whip.
5. A person shall not enter a horse in a race unless the horse is eligible in all aspects at the time of entry, except with permission of the stewards.
6. The stewards shall assume a horse entered for a purse is a starting horse unless the stewards declare the horse out of the race.
7. A person nominating a horse in a stakes race shall write the person's full name, mailing address, and telephone number on the nomination form.
8. A person shall not enter a horse in more than one race in one day.
9. An owner shall not transfer a horse to a new trainer after entry.
10. An owner shall not enter a horse unless the horse's performance records for the preceding calendar year:
 - a. Are printed in the Daily Racing Form Monthly Chart Book, or
 - b. The owner provides the horse's performance records to the racing secretary before entry.
11. An owner, trainer, or authorized agent shall sign and certify a horse's performance record and shall provide the following information for the horse's last four races to ensure that all of the horse's races are in the record:
 - a. Where and when the horse raced;
 - b. The distance, weight carried, and amount earned; and
 - c. The finishing position and time of the race.
12. If a race overfills, the racing secretary shall ensure that the second half of an entry has no starting preference over a single entry except in stakes, handicap, and qualifying races.
13. An owner entering two or more horses in a race shall indicate the owner's preference for the horse that is to start if the race overfills. The owner shall make the claim of preference by noting the preference on the entry blank. An owner who fails to make a claim of preference loses the preference.
14. The racing secretary shall ensure that a horse excluded because a race overfills receives no consideration.
15. Two or more horses entered in a race may be uncoupled for wagering purposes if approved by the stewards, and:
 - a. All horses are owned, in whole or in part, by the same person; or
 - b. All horses are trained by a trainer who owns an interest in one of the horses.
16. In a race in which spouses who are both licensed trainers have entered horses, the trainers are not required to list an overfill preference unless there is common ownership of the horses entered.
17. The racing secretary shall decide whether to use an also-eligible list for any race meet:
 - a. The racing secretary shall determine the number of also-eligibles if the number of entries in a race exceeds the capacity of the starting gate;
 - b. If the number of entries in a race exceeds the number of horses permitted to start, the racing secretary shall determine the starters in a drawing supervised by a steward and witnessed by those making entries. If any of the starters declare out, the racing secretary shall draw from the also-eligible list the number of horses needed to fill the vacancies in the race;
 - c. The racing secretary shall assign horses, other than quarter horses, that gain a position in a race from the also-eligible list, to the outside post positions in the order in which they are drawn from the list. The racing secretary shall assign a quarter horse to the stall of a horse that is declared out;
 - d. If a horse on the also-eligible list does not start because of insufficient declarations, the racing secretary shall place the horse on the preferred list unless the owner has declined to accept an opportunity to start the horse;
 - e. If a race in which a horse is entered overfills, the racing secretary shall not consider an in-today horse for the race unless the conditions for the race read "Arizona Breds Preferred," or the race is a stakes or handicap race.
 - f. The racing secretary shall not consider a horse on the also-eligible list as an in-today horse until it has been given a position in a race or an opportunity to run.
 - g. At tracks where entries are taken two or more days before the date of a race, an owner, trainer, or authorized agent may enter a horse for the next race date if the horse has been placed on the also-eligible list for the first race date. If the horse is drawn into a race from its position on the also-eligible list, the racing secretary shall declare the horse an in-today horse and withdraw the horse from the race on the next race day in favor of a horse on the also-eligible list for that race.
18. After a horse is entered in a race, a person shall withdraw the horse only with permission of the stewards.
19. The racing secretary shall post a copy of the preferred list each afternoon. The stewards shall recognize a claim of

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error in the preferred list only if the claim of error is made by 10:00 a.m. of the day after the preferred list is posted.

20. If an owner, trainer, or authorized agent does not declare a horse from the also-eligible list by the prescribed time, the racing secretary shall consider the owner or trainer willing to start the horse if another horse is scratched from the race. The racing secretary shall not place a horse on the preferred list if the owner or trainer does not accept the opportunity to start the horse.
21. A person shall not alter an entry after the closing of entries. The racing secretary may correct an error in an entry at any time.
22. If the name of a horse is changed, the racing secretary shall publish the new name and the former name in the official entries for the horse's first three starts after the name change. If the name of an Arizona-bred horse is changed, the racing secretary shall report the name change to the Department in writing within 30 days, listing both the new and former names.

B. Conditions for entry.

1. A person shall not enter a horse in a race unless the horse's certificate of foal registration, certificate of foreign registration, or racing permit is on file in the office of the racing secretary or permission is granted by the stewards. Foal certificates that are registered with the racing secretary and are in transit between the office of the racing secretary and the American Quarter Horse Association because of a transfer of ownership are considered to be in the possession of the racing secretary.
2. A horse that has reached its 14th birthday is ineligible to race in Arizona.
3. The stewards shall not permit a horse to run in a purse or stakes race unless the horse is entered in and eligible for the race.
4. The stewards may require a person in whose name a horse is entered to produce proof that the horse entered is not the property, either in whole or in part, of a person who is disqualified, or to produce proof of the extent of the person's interest in the horse. If the person fails to produce satisfactory proof, the stewards shall declare the horse out of the race if the stewards determine that declaring the horse is necessary to protect the public peace, safety, or welfare.
5. A person shall not enter a horse if the horse is on the stewards', paddock judge's, starter's, or veterinarian's list, or if the horse has been ruled off.
6. The racing secretary shall consider the performance record of a horse racing on the county fair circuit to determine the horse's eligibility at a commercial meet. A county fair racing secretary shall place a county fair win on the back of the horse's foal certificate.
7. The owner, trainer, or authorized agent shall ensure that a horse that has not started during the 45 days before a commercial meet has one official workout before starting at the commercial meet.
8. The racing secretary shall not allow a first-time starter to race until the horse has gate approval and at least two timed workouts, one of which is out of the gate and within 30 days before the race in which the horse is entered.
9. The racing secretary shall not allow a horse, other than a first-time starter, that has not started for one year or more to race unless the horse:
 - a. Completes at least two timed workouts within 60 days before the race in which the horse is entered; and

- b. One of the timed workouts is performed in the presence of the track veterinarian at a distance determined by the track veterinarian.

10. The racing secretary shall not allow a quarter horse to be entered for the first time in a race around a turn unless the horse has at least one timed workout around the turn.
11. The Department shall waive workout requirements for a county fair meet not run at a commercial track except the owner or trainer of a horse that has not started for one year or more shall complete a workout schedule with and determined by the state veterinarian before entry in the country fair meet.

C. Starts.

1. A person shall not start a horse in a race unless the horse is fully identified and tattooed, or otherwise authorized by the stewards. The Department shall hold a person, including the breeder, owner, trainer, and identifier, responsible for the accuracy of information the person provides regarding the identity of a horse.
2. An owner, trainer, or authorized agent shall not start a horse in a race until all stakes, forfeits, entry fees, and arrears due on the horse have been paid.
3. An owner, trainer, or authorized agent shall not start a horse in a race unless all persons having an ownership interest in the horse or an interest in the winnings of the horse have registered with the racing secretary.
4. The racing secretary shall display the post-position numbers of the horses in a race after overnight entries are closed and post positions are drawn. If a horse with an assigned post-position number does not start or run the track, the stewards may require an explanation from the owner, trainer, or jockey.

D. Fees.

1. Entrance to a purse race is free unless otherwise stipulated in the conditions of the race. If the conditions require an entrance fee, the fee is due at the time of entry.
2. The licensee entering a horse shall pay the nominating, sustaining, and starting fees. Except as provided in subsection (D)(4), the permittee shall not refund any fees paid to enter a horse in a race even if the horse dies, is withdrawn, or there is a mistake in the horse's entry if the horse was eligible at the time of entry.
3. If the conditions of a purse race require that an entrance fee be paid, the permittee shall not refund the entrance fee if the purse race is run even if a horse fails to start or dies except as provided in the conditions of the race.
4. The permittee shall distribute the entrance money, starting, and subscription fees as provided in the conditions of the race. If a race is not run, the permittee shall refund all stakes or entrance money.
5. The death of a nominator or subscriber does not void an entry, subscription, or right of entry.
6. A licensee shall not transfer a horse to an owner or trainer to avoid disqualification. As provided in A.R.S. § 5-108.05, the Department may fine or suspend the licensee making or receiving a transfer to avoid disqualification.

E. Closing.

1. The racing secretary shall close entries for a purse race at the time advertised in the condition book specifying the terms of the race and shall not accept an entry after that time. If a race fails to fill, additional time for entries may be granted by the stewards.
2. Unless contrary notice is provided by the permittee, nominations for stakes that close during or on the eve of a race meet close at the office of the racing secretary at the published time.

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3. The racing secretary shall not accept entries or declarations for stakes after the designated closing time.
 4. The racing secretary shall not accept an entry after a race has been drawn even if the number of horses on the also-eligible list is insufficient to provide a full field.
 5. The racing secretary shall consider a horse to be a scratch if the horse is withdrawn from a race after the overnight entries are closed. The scratched horse loses all of the horse's accrued preferences up to the date of the scratch unless the horse is excused by the stewards.
- F. Declarations.**
1. An owner, trainer, or authorized agent shall declare a horse from a stakes, handicap, or qualifying race in writing no later than one hour before post time of for the race.
 2. The racing secretary shall not give preference to a horse that is declared from the also-eligible list of a race. The horse may retain the position previously held on the preferred list if a full field is left in the race at scratch time.
3. Is not disqualified for failing to take a weight penalty in a race if the penalty results from the horse placing in a previous race after the race to which the weight penalty would be applicable is run.
 - G.** The stewards shall ensure that when a race is in dispute, both the horse that finished first and any horse claiming to have finished first incur the weight penalty that attaches to the winner of the race until the matter is decided.
 - H.** The stewards shall consider a horse that starts for a claiming price in optional or combination races to have started in a claiming race.
 - I.** When the conditions of a race indicate the race is to be run under "scale weights" or "weights for age," the stewards shall ensure that the race is run under the scale approved by the Department.
 - J.** The stewards shall ensure that in races of intermediate length, all horses carry weights for the shorter distances.
 - K.** In all races except handicap races and races in which conditions expressly provide otherwise:
 1. Two-year-old fillies are allowed three pounds,
 2. Fillies and mares that are three years old and older are allowed five pounds from January 1 through August 31 and three pounds from September 1 through December 31; and
 3. The provisions of subsections (K)(1) and (2) do not apply to quarter horse fillies and mares.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). Age reference to "16th birthday" in subsection (B)(2) corrected to read "6th birthday" (Supp. 93-1). R19-2-113 recodified from R4-27-113 (Supp. 95-1). Amended effective April 7, 1995 (Supp. 95-2). Amended effective March 7, 1996 (Supp. 96-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-114. Penalties and Allowances

- A.** After consideration of the reports, records, and statistics published by the Daily Racing Form and other racing statistical publications, the stewards shall determine eligibility, penalties, and allowances. The owner and trainer of a horse shall ensure that the horse is eligible and carries the correct weight.
- B.** Penalties and allowances are not cumulative unless the racing secretary declares penalties and allowances to be cumulative by the conditions of the race. Penalties and allowances take effect at the time a race starts except that in an overnight event, a horse shall have only the allowance to which it was entitled at the time of entry.
- C.** Penalties are obligatory. Allowances are optional in whole or in part. In an overnight event, if an allowance is claimed, a horse's owner or trainer shall claim the allowance at the time of entry.
- D.** The stewards shall not disqualify a horse if the failure of the horse's owner or trainer to claim a weight allowance results from an omission made by the racing secretary on the overnight listing of races. If an owner or trainer claims a weight allowance to which a horse is not entitled, the stewards shall disqualify the horse only if the incorrect weight is carried in the race. The Department shall subject a person who claims a weight allowance to which the person's horse is not entitled to discipline authorized under A.R.S. § 5-108.05.
- E.** The stewards shall ensure that a horse does not receive a weight allowance or is not relieved from a weight penalty as a result of having lost one or more races. This Section does not prohibit a maiden allowance or an allowance to a horse that has not won a race within a specified period or a race of a specified value.
- F.** The stewards shall ensure that a horse:
 1. Does not incur a weight penalty for placing in a race from which the horse is disqualified;
 2. Incurs a weight penalty if the horse places as a result of the disqualification of another horse; and

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-114 recodified from R4-27-114 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115. Claiming Races

- A.** Eligibility for claiming. In a claiming race, any horse is subject to being claimed for the horse's entered price by any licensed owner of a horse duly registered for racing at the track, the owner's licensed authorized agent, or the holder of a claiming authorization issued by the stewards.
- B.** Duration of race meets. For the purpose of claiming:
 1. A commercial race meet includes county fair race meets that may be run at the commercial track before, during, or after the commercial race meet; and
 2. A county fair race meet includes both spring and fall of the county fair circuit.
- C.** Steward claiming authorization.
 1. The following persons may apply to the stewards for claiming authorization:
 - a. A licensed owner whose last horse was lost by claim, death, or career-ending injury during a commercial or county fair race meet;
 - b. An individual licensed in partnership or other form of multiple ownership who wants to claim a horse in sole ownership;
 - c. A currently licensed individual who wants to join in a multiple ownership venture;
 - d. A licensed owner whose horse is not participating at an Arizona track during the current Arizona licensing cycle; and
 - e. An individual who submits an application for an owner's license under R19-2-106 and intends to obtain a first horse through claiming. If the stewards determine the individual is qualified for an owner's license except for the requirement of horse ownership, the stewards may authorize the individual to

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- claim a horse. The Department shall issue an owner's license to the individual if the individual is successful in claiming a horse.
2. To apply for claiming authorization, an individual shall submit to the stewards a written:
 - a. Application, using a form available from the Department; and
 - b. Acknowledgment that a successfully claimed horse will be entrusted to the care and custody of a licensed trainer only.
 3. Claiming authorization obtained under this subsection is valid for six months or until the authorized individual successfully claims a horse, whichever occurs first.
- D. Claiming restrictions.**
1. An authorized agent, even if representing more than one owner, shall not submit more than one claim in any race.
 2. An authorized agent shall not claim a horse for the authorized agent in the capacity as authorized agent.
 3. When a stable consists of horses owned by more than one person, the stable owners shall ensure that no more than one claim is submitted in a race by or on behalf of the stable owners.
 4. The stewards may, at their discretion, require a person making a claim for a horse to provide a written affidavit that the claim is made for the person's own account or as an authorized agent and not for any other person.
 5. A person shall not:
 - a. Enter into or offer to enter into an agreement to claim or not to claim a horse in a claiming race,
 - b. Attempt to prevent another person from claiming a horse in a claiming race, and
 - c. Attempt to prevent anyone from running a horse in a claiming race.
 6. The owner of one horse and the trainer of a second horse running in the same claiming race shall not make or offer to make an agreement not to claim each other's horses.
 7. A person shall not enter or allow to be entered in a claiming race a horse against which there is a lien unless written consent from the lien holder is first filed with the clerk of the track or the racing secretary.
 8. A person shall not assert an ownership interest in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.
 9. A person shall not claim or cause to be claimed, directly or indirectly, for the person's account, a horse in which the person has an ownership interest.
 10. An owner shall not claim a horse in the care and custody of the owner's trainer.
- E. Delivery of a claimed horse.**
1. The owner of a claimed horse shall ensure that the horse is delivered to the claimant after the claiming race is run. The claimant shall present to the owner the written claiming authorization obtained from the stewards under subsection (C).
 2. The owner of a claimed horse sent to the detention area for post-race testing shall deliver the horse to the claimant at the detention area. The owner of a claimed horse not sent for post-race testing shall deliver the horse to the claimant as instructed by the stewards.
 3. If the stewards do not send a claimed horse for post-race testing, the claimant may require post-race testing if physical delivery of the claimed horse has not occurred and the claimant pays for the testing. The trainer of a claimed horse sent for post-race testing shall maintain care and custody of the horse. If a post-race test of a claimed horse is positive for a prohibited substance, the claim may be voided at the direction of the stewards.
4. The owner of a claimed horse shall not refuse to deliver the horse to the claimant.
- F. Irrevocability of a claim.** A claimed horse shall race for the account of the horse's original owner but title to the horse shall transfer to the claimant when the horse becomes a starting horse. After title to the horse transfers to the claimant, the claimant becomes the owner of the horse regardless of whether it is alive or dead, sound or unsound, or injured before, during, or after the claiming race.
- G. Ownership restrictions.**
1. If a horse is claimed, the claimant:
 - a. Shall not sell or transfer the horse to anyone, wholly or in part, except in another claiming race, for 30 days from the day of claim; and
 - b. Shall not return the horse to the same stable or under control or management of the horse's former owner or trainer for 30 days from the day of claim unless the horse is reclaimed in another claiming race.
 - c. Shall ensure that the claimed horse does not race outside of Arizona until the race meet at which the horse was claimed is closed or for 60 days from the day of claim, whichever is less, except:
 - i. To fulfill a stakes engagement that transferred automatically to the claimant, or
 - ii. If the horse was claimed for a price that causes the horse to be ineligible to be reentered at the track where claimed.
 2. The stewards shall ensure that a horse claimed in another state and entered to race in Arizona is subject to the claiming restrictions in the state where the claim was made. Restrictions preventing the horse from racing in Arizona are applicable only until the close of the race meet at which the horse was claimed or for 60 days, whichever is less, except:
 - a. To fulfill a stakes engagement that transferred automatically to the claimant, or
 - b. If the horse was claimed for a price that causes the horse to be ineligible to be reentered at the track where claimed.
 3. In this subsection, the day following the claim is the first day.
- H. Claiming price.** The permittee shall ensure that the claiming price of each horse in a claiming race is published in the official race program. A person who wishes to claim a particular horse shall submit a claim for the amount published.
- I. Determining the winner of a claim.** If more than one claim is filed for the same horse, the stewards shall ensure that the successful claimant is chosen in a drawing that is conducted under the supervision and direction of the stewards.
- J. Responsibility for determining sex and age of horse.** The claimant shall determine the sex and age of a horse before submitting a claim for the horse and shall not rely on any designation of the horse's sex and age that appears in the official race program or any other racing publication.
- K. Claiming procedures.**
1. To make a valid claim, a person who has a claiming authorization obtained under subsection (C) shall:
 - a. Deposit with the horsemen's bookkeeper an amount equal to the claiming price;
 - b. Complete a written claim using a form furnished by the permittee and approved by the Department;
 - c. Identify the horse to be claimed by the spelling of the horse's name on the horse's certificate of registration or as spelled in the official race program;

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- d. Write the following information on the outside of an envelope provided by the permittee with the claim form:
 - i. Number of the race on which the claim is made; and
 - ii. Day, month, and year of the claiming race;
 - e. Seal the completed claim form in the completed envelope and ensure there are no identifying markers on the outside of the envelope except as described in subsection (K)(d); and
 - f. Deposit the completed claim form and envelope in the claim box at least 10 minutes before post time of the race on which the claim is made.
2. The stewards, or the stewards' designee, shall open the claim envelopes for a claiming race when the horses for the race enter the track on the way from paddock to post.
 3. The stewards shall ascertain from the horsemen's bookkeeper whether an amount equal to the claiming price is on deposit.
 4. After a claim form is deposited in the claim box as described in subsection (K)(1)(f), the claim is irrevocable by the claimant. The stewards shall ensure that a claim form deposited in the claim box is not withdrawn from the claim box except by the stewards at the time designated by the stewards.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsection (A) effective December 5, 1985 (Supp. 85-6). Amended effective March 20, 1990 (Supp. 90-1). Former Section R4-27-115 renumbered to R4-27-115, R4-27-115.02 through R4-27-115.07, and R4-27-115.09; new Section R4-27-115 renumbered from R4-27-115(A)(1) through (5) and (B) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115 recodified from R4-27-115 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.01. Repealed**Historical Note**

Adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.01 recodified from R4-27-115.01 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.02. Repealed**Historical Note**

Section R4-27-115.02 renumbered from R4-27-115(A)(6)(a), (b), and (d), (C)(3), (4), (6)(c)(i) and (ii), (10)(a) and (12) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.02 recodified from R4-27-115.02 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.03. Repealed**Historical Note**

Section R4-27-115.03 renumbered from R4-27-115(C)(1), (7) and (8), (F)(1), (2), and (3), (G)(1) and (2), (L), (M), and (N) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.03 recodified from R4-27-115.03 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.04. Repealed**Historical Note**

Section R4-27-115.04 renumbered from R4-27-115(H), (H)(1), (2), (3) and (4), and (I) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.04 recodified from R4-2-115.04 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.05. Repealed**Historical Note**

Section R4-27-115.05 renumbered from R4-27-115(C)(10) and (11) and (E) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.05 recodified from R4-27-115.05 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.06. Repealed**Historical Note**

Section R4-27-115.06 renumbered from R4-27-115(J)(1), (2), (3), and (4) and (K) and amended effective September 8, 1992 (Supp. 92-3). Amended effective December 17, 1993 (Supp. 93-4). R19-2-115.06 recodified from R4-27-115.06 (Supp. 95-1). Amended by final rulemaking at 10 A.A.R. 717, effective April 3, 2004 (Supp. 04-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.07. Repealed**Historical Note**

Section R4-27-115.07 renumbered from R4-27-115(C)(9) and (D) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.07 recodified from R4-27-115.07 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.08. Repealed**Historical Note**

Section R4-27-115.08 adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.08 recodified from R4-27-115.08 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.09. Repealed**Historical Note**

Section R4-27-115.09 renumbered from R4-27-115(C), (C)(2), (5), and (6) and amended effective September 8, 1992 (Supp. 92-3). R19-2-115.09 recodified from R4-27-115.09 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-115.10. Repealed**Historical Note**

Section R4-27-115.10 adopted effective September 8, 1992 (Supp. 92-3). R19-2-115.10 recodified from R4-27-115.10 (Supp. 95-1). Repealed by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-116. Arizona Bred Eligibility and Breeders' Award Payments

- A. A breeder shall file a notarized certificate affirming eligibility under A.R.S. § 5-113(F), with the Department. The certificate shall include name, color, and sex of the foal; name of the sire; name of the dam; date and location of foaling; The Jockey Club registration number or American Quarter Horse Association number; name, address, and telephone number of the

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breeder; a statement that the animal is eligible pursuant to A.R.S. § 5-113(F), and that the person shown as the breeder was the owner of the dam at the time of foaling; and such other information as may be required by the Department to determine eligibility and shall be signed by the breeder. The breeder shall submit a copy of The Jockey Club registration papers with certificates for thoroughbreds.

1. Certification is deemed to occur upon the Department's receipt of the completed certificate.
 2. The horse shall be certified by the Department at the time of the win to be eligible for an award.
- B.** A permittee shall recognize any horse for which there is an Arizona Bred Certificate on file with the Department or an association contractor as an Arizona bred horse.
- C.** For races that offer a guaranteed purse value of \$50,000 or less, the Department shall make an award based on the total amount earned by the winner, including nominating, sustaining, and starting fees. For races that offer a guaranteed purse value of more than \$50,000, the Department shall not include nominating, sustaining, or starting fees when calculating an award.
- D.** The Department shall calculate and pay breeders' awards to eligible breeders.
1. Definitions
 - a. "Quarterly Breeders' Award" means an amount of money based on the quarterly breeders' award payment factor determined by the Department each fiscal year by October 30.
 - b. "Substitute Breeders' Award" means an amount of money based on a substitute payment factor because of the lack of sufficient money to pay conventional Quarterly Breeders' Awards.
 - c. "Supplemental Breeders' Award" means an amount of money that corrects a shortfall between conventional Quarterly Breeders' Awards and Substitute Breeders' Awards.
 - d. "End-of-year Bonus Award" means an amount of money that may be paid to breeders from available monies that remain in the breeders' award fund after payment of Quarterly Breeders' Awards, Substitute Breeders' Awards and Supplemental Breeders' Awards.
 2. The Department shall pay awards at the end of each fiscal year quarter, provided that the total amount of the awards payments does not exceed the total amount of money available in the fund less the amount required to be set aside for contingent liabilities in subsection (D)(8).
 3. Quarterly Breeders' Awards. Before October 30 of each year, the Department shall determine a quarterly breeders' award payment factor that will be applied during the entire fiscal year. The payment factor determined by the Department is not subject to appeal.
 - a. The Department shall evaluate anticipated revenues for the breeders' award fund and anticipated purses for eligible Arizona-bred animals and set the payment factor at a level that permits recipients of quarterly breeders' awards to receive awards throughout the fiscal year based on the same payment factor.
 - b. The Department shall notify representatives of each breeders' association of the quarterly breeders' award payment factor in writing before October 30 of each year.
 - c. The Department shall calculate quarterly breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the quarterly breeders' award payment factor established for the fiscal year.
 4. Substitute Breeders' Awards. The Department shall make substitute breeders' awards if there are sufficient monies in the fund to allow for an award but not enough monies to provide for full payments of quarterly breeders' awards based on the quarterly breeders' award payment factor.
 - a. The Department shall determine the substitute payment factor by dividing the total amount of monies in the Arizona breeders' award fund at the end of the quarter less the amount required to be set aside for contingent liabilities in subsection (D)(8) by the total amount of purses won by eligible Arizona-bred animals during that quarter.
 - b. The Department shall calculate substitute breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the substitute payment factor for that quarter.
 5. End-of-year bonus pool. After payment of all quarterly breeders' awards and any substitute breeders' awards has been calculated, the Department shall determine the amount of monies remaining in the fund. The end-of-year-bonus pool is the amount of monies remaining in the Arizona breeders' award fund after the payment of all quarterly breeders' awards for the fiscal year less the amount required to be set aside for contingent liabilities in subsection (D)(8).
 6. Supplemental Breeders Awards. The Department shall first pay any monies in the end-of-year bonus pool in the form of supplemental breeders awards to recipients of substitute breeders' awards.
 - a. The Department shall pay supplemental breeders' awards in an amount equal to the difference between the substitute breeders' award and the quarterly breeders' award the breeder would have received if there had been enough in the fund to pay an award based on the quarterly award payment factor.
 - b. In the event the end-of-year bonus pool cannot pay supplemental breeders' awards to make up for the shortfall to all substitute breeders' award recipients, the Department shall pay supplemental breeders' awards to all breeders eligible to receive a supplemental breeders' award on a pro-rata basis.
 - c. A breeder is eligible to receive a supplemental breeders' award from the end-of-year bonus pool only if the breeder received a substitute breeders' award during that fiscal year.
 - d. The Department shall not make supplemental breeders' awards if all eligible breeders received quarterly breeders' awards during the fiscal year.
 7. End-of-year Bonus Awards. The Department shall pay end-of-year bonus awards if monies remain in the end-of-year bonus pool following any supplemental payments.
 - a. The Department shall determine an end-of-year bonus payment factor by dividing the monies in the end-of-year bonus pool by the total amount of purses won by an eligible animal during the fiscal year.
 - b. The Department shall calculate end-of-year bonus awards by multiplying the amount of each purse won by an eligible animal by the bonus payment factor.

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8. Contingent liabilities. The Department shall retain \$10,000 in the Breeders' Award fund for contingent liabilities.
9. The Department shall not make quarterly breeders' awards, substitute breeders' awards, supplemental breeders' awards or end-of-year bonus breeders' awards if the total amount available for distribution is less than \$10,000. In the event the Department does not pay an award because less than \$10,000 is available for distribution, the Department shall carry forward the amount in the fund for payment of awards when the Department next calculates awards.
10. Appeal of Director's Rulings
 - a. The Director shall make the final decision concerning a breeders' award.
 - b. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
 - c. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 41-1092.03 through 41-1092.11.
 - d. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-116(D)(10)(b).
 - e. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
- E. The permittees shall submit to the Department an Arizona Breeders' Award Report in the form prescribed by the Department. The report shall include name of the animal, name of the breeder, date of win, win purse amount, type of race, name of track, and such other information as may be required by the Department to calculate awards.
- F. The Arizona Thoroughbred Breeder's Association, Arizona Quarter Racing Association, Arizona Greyhound Breeder's Association, and such other associations as may represent breeders in this state may assist the Department in periodic reviews of eligibility lists and may provide such other assistance in administering the fund as may be required by the Department.
- G. At least every other three years the Commission shall select a committee, consisting of representatives of each breeders' association and the Department, which shall review this rule and submit written recommendations to the Commission.
2. Any objection to a horse that has run in a race on the grounds that it was not trained by a licensed trainer, or ridden by a licensed jockey, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary shall be made not later than the day after that upon which the race was run.
3. Any objection on the grounds of fraudulent or intentional misstatement or omission in the entry under which a horse has run, or on the grounds that the horse which ran was not the horse it was represented to be in the entry or at the time of the race, or was not of the age it was represented to be shall be received within three days after the race.
 - B. Every objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
 - C. Pending the determination of an objection, any money or prize which the horse objected to may have won, or may win in the race, shall be withheld until the objection is determined, and any sum payable to the owner of the horse objected to shall be paid to the horsemen's book keeper and held for the person who may be determined to be entitled to it.
 - D. Pending the disposition by the stewards, Department, or Commission of any question, both the horse which finished first and any horse which has claimed to be the winner of the race shall be liable to all the penalties attaching to the winner of that race until the matter is decided.
 - E. If an objection to a horse which has won or been placed in a race is declared valid, that horse may be disqualified in the place in which he finished and replaced at the discretion of the stewards.
 - F. The stewards shall have the power at any time, whether or not an objection has been made, to order an examination by such person or persons as they deem fit as to the age of any horse entered for a race, or which has run a race and shall withhold any money the horse may have won until such examination is made. If the horse is declared of wrong age, the expense of such examination shall be paid by the owner.
 - G. No person shall lodge an unsubstantiated objection with the stewards.
 - H. The stewards may require a cash deposit of \$200 to cover costs and expenses in determining an objection. The deposit posted herein may be forfeited if the objection should prove to be without foundation.
 - I. Every objection which is not decided by the stewards during the meeting shall be filed in writing with the Director.
 - J. Permission of the stewards shall be necessary before an objection may be withdrawn.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended subsection (A) effective December 5, 1985 (Supp. 85-6). Amended subsection (A) and added subsections (D) through (G) effective August 13, 1986 (Supp. 86-4). Amended subsection (D) effective February 19, 1987 (Supp. 87-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-116 recodified from R4-27-116 (Supp. 95-1). Amended effective January 10, 1997 (Supp. 97-1). Amended effective June 3, 1997 (Supp. 97-2).

R19-2-117. Objections

- A. Every objection shall be made by an owner or by such owner's authorized agent, a trainer, or the jockey of some other horse engaged in the same race, or by the officials of the course. Such objection shall be made to the stewards, who may require that the objection be made in writing with a copy thereof sent immediately to the Director.
 1. Any objection to a horse, pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the official numbers of the horse's place in the race are posted on the odds board.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-117 recodified from R4-27-117 (Supp. 95-1).

R19-2-118. Scale of Weights for Age

Generally:

1. For thoroughbreds in races exclusively for 3-year-olds and up, the weight is 118 to 124 pounds; for 2-year-olds, the weight is 117 to 120 pounds.
2. For quarter horses in races exclusively for 3-year-olds or 4-year-olds, the weight is 126 pounds; and in races exclusively for 2-year-olds, it is 120 to 122 pounds.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-118 recodified

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from R4-27-118 (Supp. 95-1).

R19-2-119. Running the Race and Winnings**A. Generally.**

1. The permittee shall conspicuously post all track rules and file a copy of the rules with the Department.
2. The permittee shall ensure that post times are based on the number of races run daily and that all races are off at regular intervals. The permittee shall set the intervals with the approval of the stewards.
3. The permittee shall pay purse monies earned by a horse to only the horse's registered owner or the owner's authorized agents.
4. In a stakes race that is a walkover, unless otherwise specified in the conditions of the race, the entry that appears for the race may walk over the track and be declared the winner. The permittee shall pay the walkover the entire stakes and the winning percentage of the purse.

B. Pre-race activity.

1. The paddock judge shall ensure that the number on the saddle cloth of a horse corresponds with the horse's number on the official race program.
2. When a horse arrives in the paddock, the trainer shall remove all blankets and bandages except bandages the horse will wear during the race.
3. The stewards shall scratch a horse that arrives late in the paddock and is not ready to step onto the track with other horses entered in the same race.
4. Each horse shall parade and carry the horse's weight from the paddock to the starting post.
5. If a horse is led to the post with permission of the paddock judge, the horse shall carry the horse's weight and pass the stewards' stand on the way to the post.
6. After the horses are ordered to the starting post and until the stewards direct the track gates to be reopened, the stewards shall exclude all persons except licensees designated by the stewards from the track.
7. After the horses enter the track, no more than 12 minutes shall elapse during the parade of the horses to the post, except with the approval of the stewards.
8. After passing the stand once, the horses may break formation, canter, warm up, or move in any other manner until the horses are within 100 yards of the post.

C. Races.

1. The Department shall ensure that all races are started by a starting gate approved by the Department.
 - a. A race may be started without a stall gate or a gate with the doors open may be used if necessary and with the permission of the stewards.
 - b. If a race is started without a stall gate, the official starter shall ensure there is no start until, and no recall after, a starter's assistant drops the starter's flag in response to the order of the official starter.
2. If there is an unavoidable delay in starting a race, the starter shall instruct the riders to dismount and lead their horses.
3. A horse may be excused by the stewards and, if excused, shall not be considered to have started in the race if the horse is:
 - a. Deemed unfit to start during the post parade, or
 - b. Injured by an accident in the gate.
4. A horse that misbehaves in the gate and causes an undue delay in the start of a race may be excused by the starter after consultation with the stewards. The horse shall not be considered to have started in the race, but shall be penalized by being put on the schooling list. As specified in R19-2-113(B)(1)(5), a horse on the starter's schooling

list is not eligible for entry in races until the starter, with the approval of the stewards, removes the horse from the schooling list.

5. A race shall not be run if conditions do not allow the horses to be plainly seen from the stand by the judges and stewards.
 6. Every horse in a race is entitled to racing room. A horse or jockey shall not deliberately pocket another horse. In a straightaway race, each horse shall maintain the position in the lane in which the horse starts as nearly as possible.
 7. If a horse is ridden or drifts out of its lane in a manner that interferes with or impedes another horse, a foul is committed. The stewards may disqualify the horse committing the foul if the outcome of the race is affected by the foul. The stewards may place the horse committing the foul behind the horse fouled. The provisions of this subsection apply to fouls caused by the horse or the jockey and fouls caused intentionally or unintentionally.
 - a. If part of an entry is disqualified, the stewards shall decide whether the disqualification extends to all of the entry. If the disqualification does not extend to all of the entry, the stewards shall specify the part of the entry to which the disqualification extends.
 - b. The stewards shall not penalize a jockey if the stewards rule that the foul under subsection (C)(7) was caused by the horse, despite obvious efforts of the jockey to maintain the horse in its lane position.
 - c. If the stewards rule that the foul under subsection (C)(7) was caused by the jockey failing to attempt to prevent the foul or willfully riding the horse out of its lane, the jockey shall be subject to imposition of penalties by the stewards.
 - d. In a race run around a turn, a horse that is in the clear may be taken to any part of the track. If the stewards determine that weaving back and forth in front of another horse is interference or intimidation, the jockey shall be penalized.
 8. A jockey shall not cause the jockey's horse to shorten stride with a view to making a complaint. If the stewards decide that an intentional foul was committed in the riding of a race or that a jockey was instructed or induced to ride in a manner that caused a foul, the stewards shall suspend all persons the stewards determine, following a hearing, are guilty of complicity in the foul.
 9. When a horse is disqualified by the stewards under A.R.S. Title 5, Chapter 1 and this Chapter, the stewards shall disqualify and replace every horse in the race that belongs wholly or in part to the same owner or is under the management of the same trainer, if the stewards find there is good cause to disqualify and replace the other horses.
 10. A horse shall be ridden across the finish line carrying the horse's assigned weight to participate in the purse distribution of a race unless the nomination blank for the race states otherwise.
 11. A whip shall not be carried on a 2-year-old in a race on the straightaway before March 1. After April 30, following satisfactory performance out of the gate with a whip and with approval of the starter, a whip may be carried in a race under this subsection.
 12. An owner, trainer, handler, or jockey shall not attempt to prevent a horse from running the horse's best and winning.
- D. Dead heats.**
1. When a race results in a dead heat, the heat shall not be run off.

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2. If a race results in a dead heat, all prizes to which the horses finishing in the dead heat would have been entitled shall be divided equally between them.
 3. When a dead heat is run for second place and an objection is made and sustained to the winner of the race, the horses that ran the dead heat shall be deemed to have run a dead heat for first place.
 4. If the dividing owners cannot agree which owner is to have a cup or other prize that cannot be divided, the question shall be determined by a drawing conducted by the permittee.
 5. Each horse that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as the winner for any penalty or disability incurred.
- E. Winnings or wins.**
1. To calculate the total winnings of a horse, include all prizes and wins:
 - a. Until the time for the start of a race regardless of the country in which the prize or win occurred;
 - b. Until the time of entry for a county fair race meet that does not have an also-eligible list; and
 - c. This subsection does not apply to a maiden race at a county fair race meet.
 2. Winnings include prizes earned by walking over or receiving forfeit.
 3. Winnings do not include second and third place money or the value of any non-monetary prize.
 4. Winnings during a year shall be computed from January 1 of the year.
 5. If the conditions of a race refer to a winner of a certain sum, the condition means a winner of that sum in a single race unless the conditions specify otherwise.
 6. In estimating the net value of a race to the winner, all sums contributed by the winner's owner or nominator shall be deducted from the amount won.
 7. Winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races shall be considered winners or losers on the flat, and winners or losers on the flat shall be considered winners or losers of steeplechases, hurdle races, thoroughbred races, or mixed quarter horse races.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). Section number corrected (Supp. 93-1). R19-2-119 recodified from R4-27-119 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-120. Veterinary Practices, Animal Medication, and Animal Testing**A. Veterinary practices.**

1. The state veterinarian and stewards have authority over a veterinarian licensed by the Department and practicing at a location under the Department's jurisdiction. The state veterinarian shall inform the stewards or Department of a licensed veterinarian who violates A.R.S. Title 5, Chapter 1 or this Chapter.
 2. Treatment restrictions.
 - a. The Department shall authorize only a veterinarian licensed under A.R.S. Title 32, Chapter 21 and by the Department to administer a prescription or controlled medication, drug, or other substance, including a medication, drug, or other substance administered by injection, to a horse at a location under the Department's jurisdiction.
- b. Subsection (A)(2)(a) does not apply to administration of the following substances if the substances are administered in levels that do not interfere with post-race testing:
 - i. A non-injectable nutritional supplement or other substance approved by the state veterinarian;
 - ii. A non-injectable substance on direction or by prescription of a licensed veterinarian; or
 - iii. A non-injectable, non-prescription, substance.
 - c. A licensee shall not possess a hypodermic needle, syringe, or other injectable device at a location under the Department's jurisdiction unless the hypodermic needle, syringe, or other injectable device has been approved by the Department. At a location under the Department's jurisdiction, a veterinarian shall use only one-time use, disposable, hypodermic needles and shall dispose of used needles in a manner approved by the Department.
 - d. A licensee who has a medical condition that makes it necessary for the licensee to have a hypodermic needle, syringe, or other injectable device at a location under the Department's jurisdiction shall make a written request for permission to the stewards or Department before bringing the device to a location under the Department's jurisdiction. The licensee shall attach to the written request for permission a letter from a licensed physician explaining why it is necessary for the licensee to possess the device and shall comply with all conditions and restriction established by the stewards or Department.
 - e. A private veterinarian employed by a horse owner shall not have contact with an entered horse on race day before the race in which the horse is entered except to administer furosemide according to standards established in this Section or if the contact is approved by the state veterinarian.
 - f. The trainer or owner of an entered horse shall ensure that the horse is present at a location under the Department's jurisdiction at least five hours before post time of a race in which the horse is entered.
 - g. Notwithstanding the provisions of this Section, any veterinarian may treat a horse if an emergency involving the life or health of the horse exists.
3. Veterinarians' records.
 - a. A veterinarian who treats a horse or performs another professional service at a location under the Department's jurisdiction or who treats a horse that is actively participating in a race meet even if the treatment is provided at a location not under the Department's jurisdiction, shall ensure that a treatment record is maintained on all horses for which the veterinarian prescribes, administers, or dispenses medication or performs other professional services. The veterinarian shall ensure that the treatment record includes at least the following information:
 - i. Name of horse treated;
 - ii. Name of medication, drug, or substance administered or prescribed and description of any other professional service performed;
 - iii. Date and time of treatment;
 - iv. Name of the horse's trainer;
 - v. Other information requested by the state veterinarian; and
 - vi. The treating veterinarian's signature.

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- b. The veterinarian shall ensure that treatment records are current at all times and make the treatment records available to the stewards or Department within 24 hours after a request is made. The veterinarian shall retain the treatment records for at least one year after the date of treatment.
 - c. The veterinarian shall retain a copy of all bills or statements provided to the owner or trainer of a treated horse for at least one year after the date of treatment and make the copies available to the Department within 48 hours after a request is made.
- B. Prohibited practices.**
1. A licensee shall not possess or use a medication, drug, or substance at a location under the Department's jurisdiction if:
 - a. There is no recognized analytical method to detect and confirm that the medication, drug, or substance has been administered to a horse;
 - b. Use of the medication, drug, or substance may:
 - i. Endanger the health and welfare of the horse to which it is administered,
 - ii. Endanger the safety of the rider of the horse to which it is administered, or
 - iii. Adversely affect the integrity of racing; or
 - c. The medication, drug, or substance has not been approved by the U.S. Food and Drug Administration for human or animal use and the Department has not approved use of the medication, drug, or substance.
 2. A licensee shall not possess or use a blood doping agent, including but not limited to the following, at a location under the Department's jurisdiction:
 - a. Erythropoietin,
 - b. Darbepoetin,
 - c. Oxyglobin®,
 - d. Hemopure®,
 - e. ITPP, or
 - f. AICAR.
 3. A veterinarian who uses extracorporeal shock wave or radial pulse wave therapy on a horse at a location under the Department's jurisdiction shall ensure that all of the following conditions are met:
 - a. The veterinarian is licensed under A.R.S. Title 32, Chapter 21 and by the Department;
 - b. The veterinarian informs the Department of the plan to use an extracorporeal shock wave or radial pulse wave therapy machine before the machine is used at a location under the Department's jurisdiction;
 - c. An extracorporeal shock wave or radial pulse wave therapy treatment is reported to the state veterinarian on a form prescribed by the Department no later than 24 hours after the time of treatment; and
 - d. A horse treated with extracorporeal shock wave therapy or radial pulse wave therapy does not race for at least 10 days following treatment.
 4. A licensee shall not use a nasogastric tube that is longer than six inches to administer a medication, drug, or other substance to a horse within 24 hours before post time of a race in which the horse is entered without permission of the state veterinarian.
 5. A licensee shall not participate in chemical or surgical desensitizing of the nerves of a horse intended to be entered in a race at a location under the Department's jurisdiction.
 - a. The racing secretary shall not accept registration papers for a desensitized horse,
- b. A licensee shall not enter a desensitized horse in a race at a location under the Department's jurisdiction, and
 - c. A licensee shall not race a horse that is desensitized at the time the horse arrives at the receiving barn or saddling paddock.
- C. Drug classification and penalties.**
1. If the stewards determine that a licensee has violated this Section, the stewards shall consult the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and the model rule, both of which are established by the Association of Racing Commissioners International (ARCI). After determining the classification level of the violation, the stewards shall impose a penalty on the licensee.
 2. The stewards shall investigate an alleged violation of this Section and determine a penalty on a case-by-case basis. The stewards shall consider at least the following factors when determining the penalty to impose:
 - a. The disciplinary record of the licensee involving a medication, drug, or substance;
 - b. The potential of the medication, drug, or substance to influence a horse's racing performance;
 - c. The legal availability of the medication, drug, or substance;
 - d. Whether there is reason to believe the responsible licensee knew of the administration of the medication, drug, or substance or intentionally administered the medication, drug, or substance;
 - e. The steps taken by the trainer to safeguard the horse to which the medication, drug, or substance was administered;
 - f. The probability of environmental contamination or inadvertent exposure due to human drug use;
 - g. The purse of the race in which the affected horse was entered;
 - h. Whether the medication, drug, or substance found was one for which the horse was receiving a treatment as disclosed to the Department;
 - i. Whether there was a suspicious betting pattern in the race in which the affected horse was entered; and
 - j. Whether the licensed trainer was acting under the advice of a licensed veterinarian.
 3. In making a penalty decision under this subsection, the stewards shall distinguish between a medication, drug, or substance that is routinely used to treat a horse and a medication, drug, or substance for which there is no reason that the medication, drug, or substance should be found in any concentration in a test sample taken from a horse on race day.
 4. If a licensed veterinarian administers or prescribes a medication, drug, or substance that is not listed in materials identified in subsection (C)(1), the licensed veterinarian shall timely forward the identity of the medication, drug, or substance to the ARCI Drug Testing Standards and Practices Committee or the Racing Medication and Testing Consortium for classification.
 5. The Department shall classify a medication, drug, or substance or a metabolite of the medication, drug, or substance found in a pre- or post-race sample that is not classified in the materials identified in subsection (C)(1) as ARCI Class 1 and impose a penalty commensurate with the Class 1 classification on the trainer or owner of the horse from which the sample was taken unless the trainer or owner provides information from the ARCI Drug Testing Standards and Practices Committee or the

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- Racing Medication and Testing Consortium that a different classification is applicable.
6. The Department shall provide written notice of a hearing to a licensee alleged to be involved in a violation of this Section. The Department shall provide an opportunity for the licensee to attend the hearing and written notice of the Department's order.
 7. In addition to a penalty issued by the stewards or the Department, the Department shall refer a veterinarian found to be involved in the administration of a medication, drug, or substance carrying a category "A" penalty, as specified in the materials identified in subsection (C)(1), to the Veterinary Medical Examining Board for consideration of further disciplinary action.
 8. If the stewards or Department believe a licensee may have committed an act that violates state criminal law, the Department shall make a referral to an appropriate law enforcement agency. Administrative action taken by the stewards or Department does not prohibit criminal prosecution. Criminal prosecution does not prohibit administrative action by the stewards or Department.
 9. If the license of a trainer is suspended, the suspended trainer shall not benefit financially during the period of suspension by transferring the custody, care, and control of a horse to another person. The Department shall approve all transfers of the custody, care, and control of a horse from one person to another.
- D. Prohibited medications.**
1. If the official laboratory finds a prohibited medication, drug, or other substance in a sample from a horse, the Department shall view this as prima facie evidence that the prohibited medication, drug, or other substance was administered to the horse. If a prohibited medication, drug, or other substance is found in a sample from a horse after the horse has raced, the Department shall conclude that the prohibited medication, drug, or substance was present in the horse's body while the horse participated in the race.
 2. The following medications, drugs, and substances are prohibited:
 - a. A medication or drug for which no acceptable threshold concentration has been established,
 - b. A therapeutic medication in excess of the established threshold concentration,
 - c. A substance present in a horse in excess of the concentration at which the substance could occur naturally, and
 - d. A substance foreign to a horse present at a concentration that could interfere with testing procedures.
 3. Except as otherwise provided in this Chapter, a licensee shall not administer or cause to be administered to a horse a prohibited medication, drug, or other substance during the 24 hours before post time for a race in which the horse is entered.
- E. Medical labeling.**
1. Except as provided in subsection (E)(2), a licensee at a location under the Department's jurisdiction shall not have in the licensee's personal property, including a vehicle, or under the licensee's care, custody, or control, a medication, drug, or other substance that is prohibited in a horse on a race day unless the medication, drug, or other substance is prescribed and labeled as specified in subsection (E)(3).
 2. Subsection (E)(1) does not apply to a veterinarian licensed under A.R.S. Title 32, Chapter 21 and this Chapter.
3. A licensed veterinarian shall ensure that a prescription is issued for a medication, drug, or other substance that is used or kept at a location under the Department's jurisdiction if federal or state law requires a prescription for the medication, drug, or other substance. The licensed veterinarian shall ensure that the medication, drug, or other substance has a securely attached prescription label containing the following information:
 - a. Name of the medication, drug, or other substance;
 - b. Name, address, and telephone number of the veterinarian prescribing or dispensing the medication, drug, or other substance;
 - c. Name of the horse for which the medication, drug, or other substance is prescribed;
 - d. Dose, dosage, duration of treatment, and expiration date of the prescribed medication, drug, or other substance; and
 - e. Name of the licensee to whom the medication, drug, or other substance is dispensed.
- F. Non-steroidal anti-inflammatory drugs (NSAIDs).**
1. A licensee who determines it is necessary to administer a NSAID to a horse, shall ensure that only the following NSAIDs are used:
 - a. Phenylbutazone,
 - b. Flunixin, or
 - c. Ketoprofen.
 2. A licensee who administers one of the NSAIDs listed in subsection (F)(1) to a horse shall ensure that:
 - a. The administration occurs at least 24 hours before the post time for a race in which the horse is entered; and
 - b. The serum or plasma threshold concentration of the NSAID does not exceed the following, which is consistent with administration of a single intravenous injection:
 - i. Phenylbutazone – 5 micrograms per milliliter;
 - ii. Flunixin – 20 nanograms per milliliter; and
 - iii. Ketoprofen – 10 nanograms per milliliter.
 3. A licensee shall ensure that administration of more than one of the NSAIDs listed in subsection (F)(1) to a horse is discontinued at least 48 hours before the post time for a race in which the horse is entered.
 4. A licensee shall not administer a NSAID to a horse within 24 hours before post time for a race in which the horse is entered.
 5. The Department shall subject a horse to which a NSAID has been administered to post-race blood or urine sampling supervised by the state veterinarian. The Department shall ensure that the samples are tested to determine the quantitative NSAID level and whether other medications, drugs, or substances are present. The Department shall take disciplinary action against the horse's trainer if the test results show:
 - a. The presence of more than one of the NSAIDs listed in subsection (F)(1) unless the second NSAID is Phenylbutazone in a concentration of less than .5 micrograms per milliliter of serum or plasma or Flunixin in a concentration of less than 5 nanograms per milliliter of serum or plasma; or
 - b. A NSAID not listed in subsection (F)(1).
- G. Furosemide.**
1. Unless the state veterinarian instructs otherwise, a licensee shall administer furosemide intravenously to an entered horse only after the state veterinarian places the horse on the Furosemide List.

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2. The following procedure applies to place a horse on or take a horse off the Furosemide List:
 - a. If the horse's trainer and veterinarian determine that it is in the horse's best interest to race with furosemide, the trainer and veterinarian shall notify the state veterinarian or designee, using a form prescribed by the Department, and request that the horse be placed on the Furosemide List;
 - b. The horse's trainer and veterinarian shall ensure that the state veterinarian or designee receives the notice required under subsection (G)(2)(a) no later than the time for entering the horse in a race;
 - c. After a horse is placed on the Furosemide List, the horse shall remain on the list until the horse's trainer and veterinarian submit a written request for removal to the state veterinarian, using a form prescribed by the Department. The horse's trainer and veterinarian shall ensure that the required request for removal is submitted no later than the time for entering the horse in a race;
 - d. After a horse is removed from the Furosemide List, the state veterinarian shall not allow the horse to be placed on the Furosemide List for 60 days unless the state veterinarian determines that failure to put the horse on the Furosemide List is detrimental to the welfare of the horse;
 - e. If a horse is removed from the Furosemide List a second time in 365 days, the state veterinarian shall not allow the horse to be placed on the Furosemide List for 90 days; and
 - f. The state veterinarian shall ensure that the provisions in subsections (G)(2)(d) and (e) are not applied to a horse that was mandated by the conditions of entry to race without furosemide in the horse's previous race. The horse may be placed on the Furosemide List, at the election of the horse's trainer or veterinarian, by following the procedures in subsections (G)(2)(a) and (b).
 3. On request by the Department, a veterinarian who administers furosemide to a horse shall surrender the syringe used in the administration for testing.
 4. A veterinarian shall administer furosemide to a horse only at a location under the Department's jurisdiction.
 5. If a location under the Department's jurisdiction is used for administration of furosemide, the trainer or veterinarian of a horse to which furosemide is to be administered shall ensure that the following conditions are met:
 - a. The horse is on the Furosemide List;
 - b. The horse is brought to the detention barn at least four hours before post time of a race in which the horse is entered;
 - c. The furosemide is administered no fewer than four hours before post time of a race in which the horse is entered;
 - d. The dose of furosemide administered is between 150 mg. and 500 mg.;
 - e. The dose of furosemide is administered by a single, intravenous injection; and
 - f. After the furosemide is administered, the horse remains in the detention barn in the care, custody, and control of the horse's trainer and under Department supervision until called to the saddling paddock.
 6. After furosemide is administered, the trainer or veterinarian of the treated horse shall deliver the following information to the state veterinarian, at least three hours before post time for a race in which the horse is entered, under oath and on a form prescribed by the Department:
 - a. Name of the horse to which furosemide was administered,
 - b. Name of the track at which the horse is entered to race,
 - c. Date and time the furosemide was administered,
 - d. Dosage of furosemide administered,
 - e. Side of the horse in which the furosemide was administered, and
 - f. Printed name and signature of the veterinarian who administered the furosemide.
 7. The state veterinarian shall ensure that a post-race urine, serum, or plasma sample from a horse is tested to determine the concentration of furosemide in the horse. If a horse was scheduled to race with furosemide, the post-race testing shall show:
 - a. A specific gravity of urine of 1.010 or greater, or
 - b. A concentration of no more than 100 nanograms of furosemide per milliliter of serum or plasma.
- H. Bleeder list.**
1. The state veterinarian or designee shall maintain a Bleeder List of all horses, regardless of age, for which the state veterinarian or designee observes external evidence of exercise-induced pulmonary hemorrhage from one or both nostrils during or after a race or workout.
 2. A horse placed on the Bleeder List shall be ineligible to race for the following periods:
 - a. First incident – 10 days;
 - b. Second incident within a 365-day period – 60 days;
 - c. Third incident within a 365-day period – 180 days; and
 - d. Fourth incident within a 365-day period – lifetime bar from racing.
 3. For the purpose of counting the number of days a horse is ineligible to run, the day the veterinarian witnessed the horse bleed externally is the first day of the required recovery period.
 4. The state veterinarian or designee shall not place a horse on the Bleeder List if furosemide is voluntarily administered to the horse under subsection (G) without an external bleeding incident.
 5. The Department shall authorize only the state veterinarian to remove a horse from the Bleeder List. To remove a horse from the Bleeder List, the state veterinarian shall certify the recommendation for removal in writing to the stewards.
 6. The state veterinarian or designee shall place a horse on the Bleeder List if the horse has been placed on a Bleeder List in another jurisdiction.
- I. Anti-ulcer medications.** A veterinarian who determines it is necessary to administer an anti-ulcer medication to a horse shall administer one of the following anti-ulcer medications, at the stated dosage, no less than 24 hours before post time for a race in which the horse is entered:
1. Cimetidine (Tagamet®) – 8 to 20 mg/kg PO BID-TID;
 2. Omeprazole (Gastrogard®) – 2.2 Grams PO SID; or
 3. Ranitidine (Zantac®) – 8 mg/kg PO BID.
- J. Environmental contaminants and substances of human use.**
1. The Department shall take disciplinary action against a trainer responsible for a horse that has more than 100 nanograms of caffeine in a milliliter of serum or plasma at the time of a pre- or post-race test.
 2. If a preponderance of the evidence presented during a hearing shows that a positive test conducted on a horse results from environmental contamination or inadvertent

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exposure to human use of a medication, drug, or other substance, the Department shall consider the evidence as a mitigating factor in determining the disciplinary action to take against the affected trainer.

K. Androgenic-anabolic steroids (AAS).

1. The Department shall take disciplinary action against a trainer responsible for a horse if a urine test conducted on the horse shows:
 - a. The presence of an AAS other than those listed in subsection (K)(2), or
 - b. A concentration of an AAS listed in subsection (K)(2) greater than the threshold concentration listed in subsection (K)(2).
2. The Department shall permit the presence of the following AAS at a concentration at or less than the indicated threshold in the urine of a horse:
 - a. 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol) in all horses regardless of sex - 1 ng/ml in urine or 100 pg/ml in serum or plasma;
 - b. Boldenone (Equipoise® is the undecylenate ester of boldenone) in:
 - i. Male horses other than geldings – 15 ng/ml in urine or 100 pg/ml in serum or plasma; and
 - ii. Geldings and female horses – 100 pg/ml in serum or plasma;
 - c. Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:
 - i. Geldings, fillies, and mares – 1 ng/ml in urine or 100 pg/ml in serum or plasma; and
 - ii. Intact males -- 500 pg/ml in serum or plasma; and
 - d. Testosterone in:
 - i. Geldings – 20 ng/ml in urine;
 - ii. Fillies and mares – 55 ng/ml in urine or 100 pg/ml in serum or plasma; and
 - iii. Intact males – 2,000 pg/ml in serum or plasma.
3. The state veterinarian shall ensure that a urine sample is identified with the sex of the horse from which the urine sample was obtained before the urine sample is forwarded to the official laboratory for testing.
4. The state veterinarian shall place a horse to which an AAS has been administered to assist in recovery from illness or injury on the Veterinarian's List to allow concentration of the AAS or metabolite in the horse's urine to be monitored. The state veterinarian may remove the horse from the Veterinarian's List when the concentration of the AAS or metabolite in urine is less than the threshold indicated in subsection (K)(2).

L. TCO2 testing and procedures

1. A steward or Department veterinarian may order that a blood sample be collected from a horse before or after a race to determine the TCO2 concentration in the serum or plasma of the horse. If it is determined that testing for TCO2 concentration is necessary, the state veterinarian shall ensure that the following procedure is used:
 - a. The state veterinarian shall ensure that at least two tubes of blood are obtained from the horse for TCO2 testing;
 - b. If the owner or trainer of a horse to be tested for TCO2 concentration wishes to have split sample testing performed, the owner or trainer shall request the split sample testing before the sample is collected;
 - c. The owner or trainer of a horse to be tested for TCO2 concentration who requests split sample test-

ing shall pay all costs related to obtaining, handling, shipping and analyzing the split;

- d. If the official laboratory determines that the concentration of TCO2 in the blood of a horse exceeds 37 millimoles per liter, the official laboratory shall inform the Department immediately of the positive finding; and
 - e. If the Department, in its discretion, determines the split sample cannot be tested within five days after the sample is collected, the determination of TCO2 concentration made by the official laboratory is final.
2. The stewards shall declare a horse ineligible to race if the owner, trainer, or other person responsible for the horse refuses or fails to permit a blood sample to be collected from the horse.
 3. If the result obtained by the official laboratory shows that a horse has a concentration of TCO2 greater than 37 millimoles per liter and the owner or trainer of the horse certifies in writing to the stewards within 24 hours after receiving notice of the test result that the concentration is normal for the horse, the owner or trainer may request that the horse be held in quarantine. If quarantine is requested, the permittee shall make guarded quarantine available for the horse for a period up to 72 hours as determined by the stewards.
 - a. The owner or trainer of the horse shall pay all expenses associated with maintaining the quarantine;
 - b. During quarantine, the state veterinarian shall ensure that the horse's TCO2 concentration is re-tested;
 - c. The stewards shall not allow the horse to race during the quarantine period but may allow the horse to be exercised and trained at times and in a manner that allows monitoring of the horse by the Department;
 - d. The stewards shall ensure that the horse is fed only hay, oats, and water during the quarantine period; and
 - e. If the state veterinarian is satisfied that the horse's TCO2 concentration, as registered in the original test, is physiologically normal for the horse, the stewards shall:
 - i. Permit the horse to race; or
 - ii. Require that the quarantine procedure in this subsection be repeated to verify that the horse's TCO2 concentration is physiologically normal.

M. Blood- and gene-doping agents.

1. The Department may subject a horse at a location under the Department's jurisdiction or under the care or control of a licensee to testing for blood- and gene-doping agents.
2. The state veterinarian is authorized to:
 - a. Take a urine, blood, or hair sample from a horse to test for blood- and gene-doping agents;
 - b. Select a horse for testing at random or with probable cause; and
 - c. Conduct the sampling at any time without advance notice.
3. The Department shall take disciplinary action against a licensee responsible for a horse if the results of a test conducted on a sample obtained under subsection (M)(2) shows the presence of:
 - a. Blood-doping agents including, but not limited to, Erthropoietin (EPO), Darbepoetin, Oxyglobin, Hemopure, Aransep, or any substance that abnormally enhances oxygenation of body tissues; or

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- b. Gene-doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia.
 - 4. Subsection (M)(3) does not apply to a therapeutic medication that has been approved by the U.S. Food and Drug Administration for use in a horse.
 - 5. A licensee at a location under the Department's jurisdiction shall cooperate with a veterinarian acting under subsection (M)(2) by:
 - a. Assisting to locate and identify a horse selected for testing,
 - b. Providing a stall or other safe location at which samples can be collected, and
 - c. Assisting the veterinarian to procure a sample properly.
 - 6. A veterinarian who obtains a sample under subsection (M)(2) shall split the sample as described in subsection (N).
- N. Testing.**
1. Reporting to the test barn.
 - a. The trainer of an official winning horse, or a designee of the trainer, shall take the horse to the test barn immediately after the race to have blood and urine samples taken.
 - b. The Department or stewards shall order random or extra testing of any horse at a location under the Department's jurisdiction if the Department or stewards determine that the testing is in the best interest of racing. The trainer of a horse ordered to testing, or a designee of the trainer, shall take the horse directly, or at a time designated by the stewards or state veterinarian, to the test barn to have blood and urine samples taken.
 - c. A track security guard shall monitor access to the test-barn area during and immediately after each race. A person who wishes to enter the test-barn area shall:
 - i. Be at least 18 years old,
 - ii. Be currently licensed by the Department,
 - iii. Display an identification badge issued by the Department, and
 - iv. Have a reason to be in the test-barn area that the track security guard determines is legitimate.
 2. Sample collection.
 - a. The state veterinarian or designee shall take blood and urine samples from a horse.
 - b. The state veterinarian shall ensure that blood samples are taken at a consistent time, preferably within one hour after a race.
 - c. The state veterinarian shall determine the minimum sample required for testing by the official laboratory:
 - i. If the sample obtained is less than the minimum required, the state veterinarian shall send the entire sample to the official laboratory;
 - ii. If the sample obtained is more than the minimum required but less than twice the minimum required, the state veterinarian shall secure the portion of the sample that is greater than the minimum required as a split sample; and
 - iii. If the sample obtained is more than twice the minimum required, the state veterinarian shall secure a portion of the sample equal to the minimum required as a split sample.
 3. Storage and shipment of split samples.
 - a. The state veterinarian shall secure a split sample obtained under subsection (N)(2)(c) and make the split sample available for testing.
 - b. To secure a split sample, the state veterinarian shall:
 - i. Maintain the split sample in the test barn in the same manner as the portion of the sample from which it is split;
 - ii. Transfer the split sample to a freezer at a secure location approved by the Department when the portion of the sample from which it is split is packaged and shipped to the official laboratory;
 - iii. Ensure that the split-sample freezer is closed and locked except when depositing or removing a split sample, conducting inventory of split samples, or checking the condition of split samples;
 - iv. Maintain a log that specifies the following information for each time the split-sample freezer is opened: name of each person present; purpose of opening the freezer; identification of the split sample deposited or removed; date and time the freezer is opened; time the freezer is closed; and verification that both locks were secure before and after opening the freezer; and
 - v. Document in the log and report immediately to the Department any evidence that the split-sample freezer malfunctioned or split samples are not frozen.
 - c. If the official laboratory determines that a sample submitted under this subsection tests positive for a foreign substance, the trainer or owner of the horse from which the sample was obtained may, within 72 hours, deliver a written request to the stewards that the sample split from the sample for which the positive result was obtained be sent for testing by a Department-approved laboratory selected by the trainer or owner. The trainer or owner who requests that a split sample be tested shall:
 - i. Witness the split sample being removed from the split-sample freezer, packed for shipping, and transferred to the carrier charged with delivery of the package;
 - ii. Be allowed to inspect the package containing the split sample to verify that the package has not been tampered with before transfer to the carrier charged with delivery of the package and is correctly addressed to the Department-approved laboratory selected by the trainer or owner;
 - iii. Sign a form provided by the Department verifying that the rights described under subsections (N)(3)(c)(i) and (ii) have been provided; and
 - iv. Pay for shipping and testing the split sample.
 - d. A trainer or owner who fails to appear at the time and place designated by the state veterinarian to witness a split sample being removed from the split-sample freezer, packed for shipping, and transferred to a delivery carrier waives the right to split-sample testing.
 - e. The state veterinarian shall ensure that a split sample is packed and shipped for testing to a Department-approved laboratory within 72 hours after a written request for split-sample testing is delivered to the stewards under subsection (N)(3)(c).
 - f. When preparing a split sample for shipment, the state veterinarian shall ensure that:

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- i. The split sample is removed from the split-sample freezer and packed for shipping in the presence of the trainer or owner of the horse from which the sample was obtained;
 - ii. The split sample is packed for shipping in a safe and secure manner;
 - iii. The exterior of the package containing the split sample is secured in a manner designed to prevent tampering; and
 - iv. The package containing the split sample is transported to the location where custody is transferred to the carrier charged with delivering the package to the Department-approved laboratory selected by the trainer or owner.
 - g. During the process of retrieving, packing, and shipping a split sample, the state veterinarian shall prepare a chain-of-custody verification form containing the following information:
 - i. Date and time the split sample is removed from the split-sample freezer,
 - ii. Number of the split sample,
 - iii. Address of the Department-approved laboratory selected by the trainer or owner of the horse from which the split sample was obtained,
 - iv. Name of the carrier charged with delivering the package,
 - v. Address at which custody of the package is transferred to the carrier charged with delivering the package, and
 - vi. Date and time that custody of the package is transferred from the Department to the carrier charged with delivering the package.
 - h. The state veterinarian shall ensure that both the state veterinarian and the trainer or owner of the horse from which the split sample was obtained sign the chain-of-custody verification form indicating that:
 - i. The correct split sample was removed from the split-sample freezer,
 - ii. The split sample was packed in accordance with subsection (N)(3)(f)(ii),
 - iii. The package containing the split sample was correctly addressed to the Department-approved laboratory selected by the trainer or owner, and
 - iv. There is no evidence of tampering on the package containing the split sample.
 - i. The state veterinarian shall keep the original of the chain-of-custody verification form and provide a copy to the trainer or owner of the horse from which the split sample was obtained.
4. Frozen samples. As specified in the Department's contract with the official laboratory, the Department has authority to require the official laboratory to retain and preserve by freezing the left-over portion of a sample submitted for testing.
 5. Laboratory minimum standards. The official laboratory and any Department-approved laboratory that conducts primary or split-sample testing shall meet the following minimum standards:
 - a. General adherence to the requirements for competence of testing and calibration specified by the International Organization for Standardization;
 - b. Have or have access to liquid chromatograph and mass spectrometer instruments for screening and confirmation purposes; and
 - c. Be able to detect medications, drugs, and other substances at the specific concentration or regulatory threshold established.
- O. Trainer responsibilities.**
1. The trainer of a horse at a location under the Department's jurisdiction shall:
 - a. Ensure that if the horse entered in an official workout, the horse is in physical condition for the workout;
 - b. Ensure that if the horse is entered in a race, the horse is in physical condition to perform creditably at the distance entered;
 - c. Prevent administration to the horse of a prohibited medication, drug, or other foreign substance;
 - d. Prevent administration to the horse of a permitted medication, drug, or other foreign substance in excess of the maximum allowable concentration;
 - e. Maintain knowledge of the medications, drugs, or other substances administered to the horse;
 - f. Report immediately to the stewards and state veterinarian knowledge of or reason to believe a prohibited medication, drug, or other foreign substance has been administered or a permitted medication, drug, or other foreign substance has been administered in excess of the maximum allowable concentration;
 - g. Maintain an assigned stable area in a clean, neat, and sanitary condition at all times;
 - h. Use the services of only a veterinarian licensed by the Department while at a location under the Department's jurisdiction;
 - i. Ensure the proper identity, custody, care, health, and safety of the horse;
 - j. Ensure that the horse has a valid health certificate and a negative Equine Infectious Anemia test certificate on file with the racing secretary;
 - k. Report no later than the time of entry to the horse identifier and racing secretary if the horse is gelded;
 - l. Report immediately to the state veterinarian when the horse has a reportable disease or unusual incidence of a communicable illness;
 - m. Report immediately to the stewards and state veterinarian when the horse has a serious injury or dies;
 - n. Comply with the provisions in subsection (R) governing postmortem examination;
 - o. Ensure that an entered horse is present at the horse's assigned stall for the pre-race inspection prescribed under subsection (P);
 - p. Ensure that the horse has proper bandages, equipment, and shoes;
 - q. Be present in the paddock at least 17 minutes before post time of a race for which the horse is entered or another time designated by the stewards;
 - r. Supervise saddling the horse in the paddock unless excused by the stewards;
 - s. Attend, or ensure that the owner or a licensed employee of the owner attend, collection of a blood or urine sample from the horse; and
 - t. Report no later than the time of entry to the state veterinarian and racing secretary that a mare is in foal.
 2. If the official laboratory reports that a horse tests positive for a prohibited medication, drug, or other foreign substance or for a permitted medication, drug, or other substance in excess of the maximum allowable concentration, the Department shall view the positive test as prima facie evidence that the trainer of the horse violated subsection (O)(1).

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3. A trainer whose horse has been claimed shall comply with all provisions of subsection (O)(1) until after the race in which the horse was claimed.
- P. Physical inspection of horses.**
1. A horse entered in a race at a location under the Department's jurisdiction is subject to inspection by a veterinarian before the race.
 2. A pre-race inspection of an entered horse shall be conducted by the track veterinarian.
 3. The trainer of an entered horse or a representative of the trainer shall present the horse for pre-race inspection as required by the track veterinarian. The trainer shall ensure that when the horse is presented for pre-race inspection:
 - a. All bandages are removed,
 - b. The horses' legs are clean,
 - c. The horse has not been placed in ice before the inspection, and
 - d. No device or substance that might impede veterinary clinical assessment is applied to the horse.
 4. The track veterinarian shall ensure that a pre-race inspection of an entered horse includes the following:
 - a. Proper identification of the horse inspected;
 - b. Observation of the horse in motion;
 - c. Manual palpation and passive flexion of both forelimbs;
 - d. Visual inspection of the entire horse and assessment of overall condition;
 - e. Observation of the horse in the paddock and saddling area, during the parade to post, and at the starting gate; and
 - f. Any other inspection the state veterinarian deems necessary.
 5. The track veterinarian shall maintain and regularly update a health and racing soundness record of each horse inspected.
 6. The trainer or owner of a horse at a location under the Department's jurisdiction shall allow the state or track veterinarian to have access to the horse regardless of whether the horse is entered in a race.
 7. If the state or track veterinarian determines that a horse is unfit for competition or is unable to determine the horse's racing soundness, the state veterinarian shall recommend to the stewards that the horse be scratched from a race in which the horse is entered.
 8. If a horse is scratched from a race based on the recommendation of the state or track veterinarian, the veterinarian shall ensure that the horse is placed on the Veterinarian's List described in subsection (Q).
- Q. Veterinarian's List.**
1. The track veterinarian shall maintain the Veterinarian's List of all horses determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity, or other medical condition.
 2. The trainer of a horse on the Veterinarian's List shall not enter the horse in a race unless approved the track and Department veterinarians.
 3. The trainer of a horse on the Veterinarian's List shall not enter the horse in a race until the horse has been on the Veterinarian's List at least 72 hours.
 4. The track veterinarian shall ensure that a horse is removed from the Veterinarian's List only when the track veterinarian determines the condition that caused the horse to be placed on the Veterinarian's List is resolved and the horse has been returned to racing soundness.
5. The trainer or owner of a horse on the Veterinarian's List shall comply with all provisions of this Chapter including testing.
- R. Postmortem Examination.**
1. The trainer or owner of a horse that dies or is euthanized at a location under the Department's jurisdiction shall submit the horse for a postmortem examination if requested by the Department.
 2. If required under subsection (R)(1) to submit a horse to the Department for postmortem examination, the trainer or owner of the horse shall ensure that all shoes and equipment are left on the horse's legs.
 3. If an analysis of blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination shows the presence of a prohibited medication, drug, or other substance or a permitted medication, drug, or other substance in excess of the maximum allowable concentration in the horse's body, the Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 and this Chapter against the trainer or owner of the horse.
 4. In proceeding with a postmortem examination of a horse, the Department shall coordinate with the horse's owner to determine and address any insurance requirements.
- Historical Note**
- Adopted effective August 5, 1983 (Supp. 83-4).
Amended by adding subsection (O) effective November 23, 1983 (Supp. 83-6). Amended by adding subsection (P) effective January 24, 1985 (Supp. 85-1). Amended by adding subsections (Q) and (R) effective September 24, 1986 (Supp. 86-5). Amended by adding subsections (S), (T), (U) and (V) effective February 19, 1987 (Supp. 87-1). Amended by adding subsections (W) and (X) effective October 14, 1988 (Supp. 88-4). Repealed effective March 20, 1990 (Supp. 90-1). R19-2-120 recodified from R4-27-120 (Supp. 95-1). New Section made by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).
- R19-2-121. Officials**
- A. Generally.**
1. In this Article, the term track official means the following persons employed by the permittee and approved and licensed by the Department: Director of Racing, one steward, pari-mutuel manager, patrol judges, clerk of the scales, starter, timer, placing judge, paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, handicapper, horsemen's bookkeeper, jockey room custodian, and chief of security.
 2. The term Department official means the following persons appointed by the Department: two stewards, state pari-mutuel supervisor, state veterinarian, identifier, and investigator. Other track officials may be appointed by the Department for a county fair race meet.
 3. A person may serve in more than one position as a track or Department official if the person can do so without detriment to any of the other positions and the person has the consent and approval of the Department except that neither the racing secretary nor the permittee director of racing may serve as a steward.
 4. A ruling by the stewards is controlling if made by a majority of the stewards participating in making the ruling.
 5. Vacancies.
 - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy before

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- post time of the first race of the day or immediately if the vacancy occurs after post time of the first race. An appointment made by the stewards is effective only for the day on which the appointment is made unless the permittee fails to fill the vacancy on the following day and notifies the stewards of its action not less than one hour before post time of the first race of the following day. A permittee shall promptly report the appointment of an official to the Department.
- b. As required under subsection (E)(1), three stewards shall view the running of a race. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making an appointment under this subsection shall report the appointment in writing to the Department.
 - c. In case of emergency, the stewards may appoint a substitute official to fill a vacancy for only as long as the emergency exists.
6. The Department shall not license or appoint minors as officials.
 7. A person with a financial interest in the result of a race, such as an ownership interest in any entered horse or a wager, shall not act as an official at the race meet in which the race occurs.
- B. Prohibited acts.**
1. An official or an official's assistant shall not purchase pari-mutuel tickets on races.
 2. An official or an official's assistant shall not consume alcoholic beverages while on duty.
 3. An official shall not accept, directly or indirectly, a bribe, gift, or other form of gratuity that is intended to or might influence the results of a race or the conduct of a race meet.
 4. An official or employee of a permittee shall not write or solicit horse insurance at a race meet.
 5. An official or employee of a permittee at a race meet shall not buy or sell a contract upon a jockey or apprentice jockey for another official or employee of a permittee or for another individual, either directly or indirectly.
- C. An official or employee or a permittee shall report all observed violations of this Chapter to the stewards.**
- D. Complaints.**
1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall submit the grievance or complaint in writing to the stewards within five days of the alleged act or omission giving rise to the grievance or complaint. The stewards shall consider the matter, take appropriate action, and make a full written report of the stewards' action to the Department.
 2. A person with a grievance or complaint against an official or employee of the Department shall report the grievance or complaint in writing to the Director or designee within five days of the alleged act or omission giving rise to the grievance or complaint.
 3. The Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 against an official or employee of the Department who fails to comply with this Chapter.
- E. Stewards.**
1. Two stewards appointed by the Director, and one steward appointed by the permittee and licensed by the Department, shall supervise each race meet.
 - a. The stewards shall be in attendance at the office of the racing secretary or on the grounds of the permittee on any day in which entries are being taken or racing is being conducted and represent the Department in all matters pertaining to the enforcement and interpretation of this Chapter.
 - b. The stewards shall advise the Director of all hearings and rulings made.
 - c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director so an alternate steward may be named to act in the steward's place.
 2. The stewards shall enforce A.R.S. Title 5, Chapter 1 and this Chapter.
 3. The stewards shall interpret A.R.S. Title 5, Chapter 1 and this Chapter and decide all questions not specifically covered by A.R.S. Title 5, Chapter 1 and this Chapter. In all interpretations and decisions, an order of the stewards supersedes an order of the permittee.
 - a. The stewards shall have control over and free access to all stands, weighing rooms, enclosures, and all other places within the grounds of the permittee.
 - b. The stewards shall investigate and render a decision promptly on each objection properly made to them under R19-2-117. Even if all stewards agree on a ruling, only a majority need to sign the ruling.
 - c. The stewards shall supervise all entries and declarations. The stewards may refuse entries or the transfer of entries for violation of A.R.S. Title 5, Chapter 1 or this Chapter.
 - d. The stewards shall regulate and control the conduct of officials and other persons attending or participating in a race meet.
 - e. When necessary to maintain safety and health conditions and protect public confidence in the sport of racing, the stewards shall:
 - i. Authorize a person to enter in or on and examine the buildings, stables, rooms, motor vehicles, trailers, or other places within the grounds of a permittee;
 - ii. Inspect and examine the person, personal property, and effects of any person within the grounds of a permittee; and
 - iii. Seize any items prohibited under R19-2-112(7) or (8) or any other illegal article.
 - f. Under subsection (E)(6), the stewards may impose a civil penalty in an amount not to exceed \$2,500 on any person subject to the stewards' control for violation of A.R.S. Title 5, Chapter 1 or this Chapter. After a hearing, the stewards may suspend a person violating A.R.S. Title 5, Chapter 1 or this Chapter for up to six months and may rule off a licensee violating A.R.S. Title 5, Chapter 1 or this Chapter. The stewards may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by the stewards to the Director, recommending further action, including license revocation.
 - g. If a laboratory report or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the horse, suspend the trainer or other person involved, refer the matter to the Director, and impose a fine.
 - h. Every person or entry expelled or ruled off by any recognized turf authority for fraudulent or improper

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- practice or conduct is ruled off all permittee locations in the state.
- i. Unless specifically ordered otherwise, if the stewards suspend one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
 - j. When a person is suspended, the stewards shall rule off every horse wholly or partly owned by the person for as long as the person's suspension continues. The suspended person shall not, whether acting as agent or otherwise, subscribe for, enter, or run a horse in any race, in either the person's name or that of another person. The stewards shall disqualify a horse if the horse is wholly or partly owned by the suspended person or under the suspended person's care, management, training, or supervision, or the suspended person has an interest in the horse's winnings. At the time it is discovered, the stewards shall void an entry from a suspended person or of a horse that stands ruled off. The suspended person shall forfeit the entry or subscription money and return the money or prize won.
4. The stewards may excuse a horse that has left the paddock for the post if the stewards consider the horse to be disabled or unfit to run. In claiming races, if there is a claim entered on an excused horse, the claim is invalid.
 5. The stewards shall determine the finish of a race by the relative position of the noses of each horse. At the end of a race, the stewards shall immediately notify the pari-mutuel department of the numbers of the first four horses.
 - a. The stewards shall promptly display the numbers of the first four horses in each race in the order that they finished. If the stewards differ as to the order in which the horses finished, the conclusion of the majority of the stewards shall prevail.
 - b. The stewards may review a photo-finish picture provided by the permittee to aid the stewards in determining the finish of a race.
 - i. If the photo-finish picture furnished by the permittee is not adequate or usable, the stewards shall make the final decision.
 - ii. If the stewards consider it advisable to review the photo-finish picture, the stewards may post the placements that the stewards determine are unquestionable without waiting for a picture. After reviewing the picture, the stewards shall make the other placements. The stewards shall not declare the race official until the stewards have determined which horses finished first, second, third, and fourth.
 - c. The stewards shall correct an error before the display of the official sign or recall the official sign if it is displayed through error.
 6. The stewards shall adhere to the following procedure when the stewards have reason to believe that a person has violated A.R.S. Title 5, Chapter 1 or this Chapter:
 - a. The stewards shall summon the person to a hearing with all the stewards present;
 - b. The stewards shall give 24-hours' written notice of the hearing to the person, using a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign the notice and return the notice to the stewards. The stewards shall retain the original notice and include the notice as part of the case file. The stewards shall give a copy of the notice to the person summoned;
 - c. Except as provided in subsection (E)(6)(g), the stewards shall not impose a penalty without a hearing;
 - d. If a summoned person fails to appear at a scheduled hearing, the person waives the right to a hearing before the stewards;
 - e. The stewards shall permit the summoned person to present witnesses on the person's behalf;
 - f. The stewards shall take appropriate action, including suspension, civil penalty, or both, if there is substantial evidence to find a violation of A.R.S. Title 5, Chapter 1 or this Chapter. The stewards shall promptly forward the written decision or ruling to the Director and to the summoned person;
 - g. The stewards may summarily declare a horse scratched and may suspend a license pending a stewards' hearing if the stewards make a specific finding that the action is in the best interest of the public health, safety, and welfare;
 - h. The stewards shall recover and forward to the Department any license the stewards suspend;
 - i. The stewards shall act by majority vote on all matters within the stewards' jurisdiction;
 - j. The stewards have the power to modify, change, or remit any ruling imposed by the stewards; and
 - k. A licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.
 7. During a term of suspension of an owner, trainer, or other person at a location under the jurisdiction of the Department, the stewards and permittee shall ensure that a ruling against the owner, trainer, or other person is enforced.
- F. Racing secretary.**
1. The racing secretary shall report to the stewards all violations of A.R.S. Title 5, Chapter 1 and this Chapter or of the regulations of the permittee that come to the racing secretary's attention.
 2. The racing secretary shall keep a complete record of all races.
 3. The racing secretary or authorized representative shall inspect all documents dealing with owners and trainers, partnership agreements, appointments of authorized agents, and adoption of stable names. The racing secretary may demand production of the documents to verify their validity and authenticity and to ensure that A.R.S. Title 5, Chapter 1 and this Chapter has been followed.
 4. The racing secretary shall write the conditions of all races and publish the conditions sufficiently before closing time for entries to allow the conditions to be read by all owners and trainers. The racing secretary shall not alter the conditions of the races after closing time.
 - a. The racing secretary shall not write race conditions that conflict with A.R.S. Title 5, Chapter 1 or this Chapter.
 - b. The racing secretary shall include in the race conditions or post a list of eligible horses before the time of entry for every graded quarter-horse race. The racing secretary shall not add a horse to this list after entering has begun without the consent of those who have entered eligible horses.
 5. The racing secretary shall act as the official handicapper in all races.
 - a. The racing secretary shall assign weight to all horses entered in a handicap race.
 - b. The racing secretary shall post the weights assigned in a handicap race before 10:30 a.m. on the day set for publication.

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6. The racing secretary shall determine the character and condition of substitute and extra races and submit the substitute and extra races to the stewards for approval.
 - a. If a stakes or overnight handicap race does not fill, the unfilled race may be replaced by another overnight race carrying a guaranteed purse consistent with the daily average purse.
 - b. If a race is canceled, the racing secretary may split any race programmed for the same day that previously was closed.
 - c. The racing secretary shall give preference to races printed in the condition book over substitute and extra races.
 7. The racing secretary or designee shall conduct the drawing of horses in all races and immediately post an overnight listing of the horses in each race.
 8. The office of the racing secretary shall keep the preferred list of all horses.
 9. The racing secretary shall not allow a horse to start in a race unless the horse is entered in the name of the legal owner and the owner's name appears on the back of the horse's registration papers or on a legal lease or bill of sale attached to the horse's registration papers.
- G. Assistant racing secretary.** The assistant racing secretary shall, under the racing secretary's supervision, assist the racing secretary to perform the racing secretary's duties.
- H. Starter.**
1. The starter has:
 - a. Complete jurisdiction over the starting of any field of horses,
 - b. Authority to give orders necessary to ensure a fair start, and
 - c. Authority to recommend to the stewards that a person be fined or suspended for violating the starter's orders.
 2. The starter may place a horse on a schooling list. The racing secretary shall not accept an entry on a horse until the horse is removed from the schooling list by the starter.
 3. The starter may recommend to the stewards that a horse be ruled off if the horse is unmanageable at the starting gate or refuses to break properly, after a reasonable schooling period.
- I. Starter's assistant.**
1. The starter's assistant may help horses into the starting gate.
 2. The starter's assistant may handle or otherwise restrain unruly or fractious horses before the start.
- J. Clerk of the scales.**
1. The clerk of the scales include shall:
 - a. Weigh all jockeys out and in;
 - b. Post promptly the names of jockeys who are overweight at weigh out;
 - c. Notify a trainer that the trainer's jockey is overweight;
 - d. Report all late scratches, changes in riders, overweight jockeys, and corrected weights for posting on a bulletin board located in a place conspicuous to the wagering public; and
 - e. Record winning records of apprentice jockeys and attest to the date and track on the jockey's apprentice certificate.
 2. A jockey shall not pass the scale more than seven pounds overweight without consent of the stewards.
 3. A jockey shall not be more than one pound short at weigh in.
4. The clerk of the scales shall report to the stewards any violation of weight requirements or any attempt to alter specified weights.
- K. Paddock judge.** The paddock judge shall:
1. Check all contestants for each race,
 2. Keep a record of all equipment carried by all horses in each race under the paddock judge's jurisdiction,
 3. Not allow a change of equipment unless the change is approved by the stewards;
 4. Ensure that only the owner or trainer of a horse or an employee of the owner or trainer touch a horse in the paddock without permission of the paddock judge; and
 5. Report any irregularities to the stewards.
- L. Patrol judge.**
1. The patrol judge shall:
 - a. View the portion of the track allotted to the patrol judge, and
 - b. Report to the stewards any irregular incident occurring during a race.
 2. The stewards may require a patrol judge to submit a written report on each race.
 3. The number of patrol judges in use at a track may vary with the size of the track and need to ensure clean racing.
- M. Timers.** Timers shall:
1. Accurately record the time of each race,
 2. Accurately record the fractional times of each race if required, and
 3. Use an electrical timing device approved by the Department in all races restricted to quarter horses.
- N. Jockey room custodian.** The jockey room custodian shall:
1. Maintain the jockey room in proper order as a restricted area;
 2. Ensure that jockeys conduct themselves in accordance with A.R.S. Title 5, Chapter 1 and this Chapter;
 3. Ensure that jockeys are on time for races;
 4. Supervise the valets employed to assist the jockeys;
 5. Assist the clerk of scales to ensure jockeys have proper equipment and carry the correct weight; and
 6. Report immediately to the stewards any horse's colors not in the jockey room custodian's possession for the day's racing.
- O. Horsemen's bookkeeper.**
1. The horsemen's bookkeeper shall receive all stakes, forfeits, entrance monies, fees (including jockey fees), and purchase money in claiming races.
 2. The horsemen's bookkeeper shall pay all money on deposit to the persons entitled to it within 14 days after the close of a race meet.
 3. The horsemen's bookkeeper shall be bonded in an amount determined by the Director.
 4. The horsemen's bookkeeper shall segregate and hold as trust funds all fees paid in added money events, early closing events, stakes, and futurities until the event is contested. The horsemen's bookkeeper shall submit proof of segregation by bank letter or bank statement to the Department through the bank's authorized representative.
 5. The horsemen's bookkeeper shall not pay purse money earned by a horse to anyone except the horse's registered owner or the owner's authorized agent. The Department shall authorize the release of purse monies only after the results of laboratory analysis are obtained.
 6. If the stewards notify the horsemen's bookkeeper that there is an objection or a post-race sample tests positive for a foreign substance, the horsemen's bookkeeper shall hold the purse monies until the Department authorizes release of the purse monies.

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P. Veterinarians.

1. The Department shall approve two official veterinarians who are licensed to practice veterinary medicine by the state of Arizona. Each permittee shall employ one of the official veterinarians, who is called the track veterinarian. The Department shall employ the other official veterinarian, who is called the state veterinarian.
2. The state veterinarian shall be in charge of all sample collection.
3. An official veterinarian shall inspect each horse in the receiving barn or paddock and shall recommend to the stewards that a horse be scratched if the veterinarian finds the horse is unsafe to race or physically unfit to produce a satisfactory result in a race.
4. The track veterinarian shall examine all horses before a race.
5. Either the state veterinarian or track veterinarian shall place a horse deemed to be unsafe, unsound, or unfit on a suspension list approved by the stewards.
6. A veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to horses participating in racing.
 - a. The veterinarian shall include the following in the record:
 - i. The name of the horse treated,
 - ii. The nature of the horse's ailment,
 - iii. The type of treatment prescribed and performed for the horse, and
 - iv. The date and time of the treatment;
 - b. The veterinarian shall keep the record for practice engaged in at all licensed tracks;
 - c. The veterinarian shall produce the record without delay on request of the stewards or the Department;
 - d. A veterinarian engaged in private practice at a location under the jurisdiction of the Department shall be licensed by the Arizona State Board of Veterinarian Medical Examiners and the Department;
 - e. A veterinarian who administers to or prescribes for horses on the premises of a permittee shall be licensed by the Department except, as specified in R19-2-120(A)(2)(g), in case of emergency; and
 - f. When recommended by the state veterinarian, the Department shall evaluate new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.
7. If an official veterinarian determines that an injured horse should be destroyed, the official veterinarian shall destroy the horse quickly, humanely, and out of sight of the public unless any delay will prolong suffering by the horse.

Q. Horse identifier.

1. The horse identifier or designee shall examine all horses registered for racing at tracks under the jurisdiction of the Department.
2. The horse identifier shall ensure that all horses starting at any track in Arizona are tattooed unless otherwise authorized by the stewards.
3. The horse identifier may make photographs or permanent identification records for horses referred to in subsection (Q)(1). The horse identifier shall include the tattoo number, markings, cowlicks, dimples, and other characteristics on the horse's identification record.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended subsections (A) and (D) effective November

30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-121 recodified from R4-27-121 (Supp. 95-1). Amended effective September 14, 1995 (Supp. 95-3). Amended effective January 12, 1996 (Supp. 96-1). Amended effective August 7, 1996 (Supp. 96-3). Spelling correction made in subsection (1) "permittee" changed to "permittee" to reflect rules on file with the Office of the Secretary of State (Supp. 98-3). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-122. Transfers

- A.** Any change in the ownership or lease of a horse registered with the racing secretary must be effected by a bill of sale or lease agreement.
 1. A copy of the bill of sale or lease agreement shall be filed in the track office of the Department and with the racing secretary.
 2. The stewards shall be advised of any change in the ownership or trainer transfer of a horse registered with the racing secretary.
 3. A horse shall not be transferred to a new trainer after entry.
 4. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al."
- B.** If a horse is sold with all its engagements or any part of them, the seller shall not strike it from such engagements.
 1. In all private sales, the written acknowledgment of both parties that the horse was sold with all, or part of, its engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those engagements so specified shall be sold with the horse.
 2. In all public auctions, the advertised conditions of the sale are sufficient evidence of sale with all engagements. If certain engagements are specified, only those engagements so specified shall be sold with the horse.
 3. If a horse is transferred with its engagements, that horse shall not be eligible to start in any stakes race unless, at the time of the running of the stakes or prior thereto, the transfer of the horse and its engagements is exhibited upon demand to the racing secretary.
 4. No transfer of a horse or an engagement shall be made for the purpose of avoiding disqualification.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-122 recodified from R4-27-122 (Supp. 95-1).

R19-2-123. Procedure before the Department

- A.** Appeal of stewards' rulings and referrals.
 1. A person aggrieved by a ruling of the stewards may appeal to the Director. An appeal shall be filed in writing to the office of the Director within three days after receipt of the steward's ruling.
 2. An appeal shall be signed by the person making the appeal or by the person's attorney and shall contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
 3. The stewards may refer any ruling to the Director, recommending further action, including revocation of a license suspended by the stewards. On receipt of a referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct other proceedings the Director deems appropriate.

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4. If the Director decides that hearing or other proceeding is appropriate, the Director shall fix a time and place for a hearing. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
- B. Appeal of stewards' inquiry and objection rulings.**
1. Failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial that may be appealed by filing a written appeal to the office of the Director within 10 days after the date the objection is denied.
 2. A person making an appeal or the person's attorney shall sign the appeal and ensure that it contains the grounds for appeal and reasons for believing the person is entitled to a hearing.
 3. After an appeal is filed under subsection (B)(2), the Director shall fix a time and place for hearing or refer the matter to a hearing officer. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
 4. Nothing contained in this Section shall affect distribution of pari-mutuel pools.
 5. The Department shall retain purse money affected by an appeal until an order regarding the appeal is issued by the Director.
- C. License denial, suspension, or revocation.**
1. The Director may deny a license without prior notice to a license applicant. However, if the applicant files an appeal with the Director within 30 days after receipt of the denial notice, the Director shall fix a time and place for a hearing on the matter and give written notice of the hearing to the applicant at least 30 days before the date set for the hearing, unless the 30 days' notice is waived in writing by the applicant.
 2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. The Director shall give written notice of the hearing at least 30 days before the date set for hearing unless the 30 days' notice is waived in writing by the licensee.
 3. Unless specifically ordered otherwise, if the Director suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
- D. Director's hearings.**
1. A party appearing before the Director or the Director's designee shall be afforded an opportunity to a hearing and to respond and present evidence and argument on all issues.
 2. An individual appearing before the Director or the Director's designee has the right to appear in person or by counsel. A corporation appearing before the Director shall appear only through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Director may act on the evidence without further notice to the party. The Director may reopen a proceeding if a party to the proceeding submits a written petition to the Director within 15 days after the proceeding.
- E. Hearing officer.** If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Director may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Director 45 days after the hearing officer submits the decision to the Director.
- F. Depositions.**
1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Director a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Director shall grant permission to take the deposition if the Director is able to determine from the deposition petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
 2. The Director may, at the Director's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
 3. A party taking a deposition under this subsection shall return and file the deposition with the Director within 30 days after permission for taking the deposition is granted.
- G. Service.**
1. The Department shall make service of a decision, order, or other process in person or by mail. The Department shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served at the address shown by the records of the Department.
 2. The Department shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Arizona Rules of Civil Procedure.
 3. Service on an attorney who has appeared on behalf of a party constitutes service on the party. A person required to serve papers on the Director or Commission shall file the papers in the office of the Department and serve a copy on the Attorney General.
 4. Proof of service may be made by the affidavit or oral testimony of the person making service.
- H. Rehearing, review, or appeal.**
1. Except as provided in subsection (H)(7), a party aggrieved by a final administrative decision rendered by the Director, may file with the Director within 30 days after service of the final administrative decision, a written motion for rehearing or review. A party filing a motion for rehearing or review of the decision shall specify in the motion the particular grounds on which the motion is made.
 2. A motion for rehearing or review may be amended at any time before it is ruled on by the Director. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Director may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
 3. The Department may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
 - a. Irregularity in the administrative proceedings, or an order or abuse of discretion that deprived a party of a fair hearing;
 - b. Misconduct of the hearing officer, Director, or the prevailing party;

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- c. Accident or surprise that could not have been prevented by ordinary prudence;
 - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - e. Excessive or insufficient penalty;
 - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
 - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
4. The Director may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (H)(3). The Director shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
 5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard, the Director may, on the Director's initiative, order a rehearing or review for any reason for which the Director might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard, the Director may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Director shall ensure that the order granting a rehearing or review specifies the grounds for the order.
 6. When a motion for rehearing or review is based on affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Director for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
 7. If the Director makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Director shall issue the decision as a final decision without an opportunity for a rehearing or review.
 8. If the provisions of this Section are in conflict with the provisions of a statute providing for rehearing of decisions of the Director, the statutory provisions shall govern.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-123 recodified from R4-27-123 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-124. Procedure before the Commission

- A. Appeal of Director's rulings.
 1. A person aggrieved by a ruling of the Director may appeal to the Commission. An appeal shall be filed in writing to the office of the Commission within 30 days after service of the Director's ruling.
 2. The appeal shall be signed by the person making the appeal or by the person's attorney and contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
 3. When an appeal is filed, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct other proceedings the Commission deems appropriate.
- B. Permit denial, suspension, or revocation.
 1. As required under A.R.S. § 5-108.01(A), the Commission shall hold a hearing on an application for an original or renewal permit. The Commission shall provide 30 days' notice of the hearing.
 2. The Commission shall revoke or suspend a permit only after notice and opportunity for hearing. The Commission shall give notice of the hearing in writing at least 30 days before the date set for hearing, unless the 30 days' notice is waived in writing by the permittee.
 3. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.
 4. A party appearing before the Commission shall be afforded an opportunity for a hearing and to respond and present evidence and argument on all issues.
 5. An individual appearing before the Commission has the right to appear in person or by counsel. A corporation appearing before the Commission shall appear through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Commission may act on the evidence without further notice to the party. The Commission may reopen a proceeding if a party to the proceeding submits a written petition to the Commission within 15 days after the proceeding.
- C. Hearing officer. If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Commission may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Commission 45 days after the hearing officer submits the decision to the Commission.
- D. Depositions.
 1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Commission a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Commission shall grant permission to take the deposition if the Commission is able to determine from the petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
 2. The Commission may, at the Commission's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
 3. A party taking a deposition under this subsection shall return and file the deposition with the Commission within 30 days after permission for taking the deposition is granted.
- E. Service.
 1. The Commission shall make service of a decision, order, or other process in person or by mail. The Commission shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served, at the address shown by the records of the Department. The Commission shall mail a

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notice of a hearing before the Commission by certified mail to the last known address of the party shown by the records of the Department.

2. Proof of service may be made by the affidavit or oral testimony of the person making the service.
 3. The Commission shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Rules of Civil Procedure.
 4. Service upon an attorney who has appeared on behalf of a party constitutes service upon the party. A person required to serve papers upon the Commission, shall file an original and five copies in the office of the Department and serve a copy on the Attorney General.
- F. Rehearing or review.**
1. Except as provided in subsection (F)(7), a party aggrieved by a final administrative decision rendered by the Commission may file with the Commission within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of a decision shall specify the particular grounds on which the motion is made.
 2. A motion for rehearing or review may be amended at any time before it is ruled upon by the Commission. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Commission may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
 3. The Commission may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
 - a. Irregularity in the administrative proceedings, or an order or abuse of discretion that deprived a party of a fair hearing;
 - b. Misconduct of the hearing officer, Commission, or the prevailing party;
 - c. Accident or surprise that could not have been prevented by ordinary prudence;
 - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
 - e. Excessive or insufficient penalty;
 - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
 - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
 4. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (F)(3). The Commission shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
 5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard, the Commission may, on its own initiative, order a rehearing or review for any reason for which the Commission may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard, the Commission may grant a motion for rehearing or review for a reason not stated in

the motion. In either case, the Commission shall ensure that the order granting a rehearing or review specifies the grounds for the order.

6. When a motion for rehearing or review is based upon affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Commission for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for a rehearing or review.
8. To the extent that the provisions of this Section are in conflict with the provisions of any statute providing for rehearing of decisions of the Commission, the statutory provisions shall govern.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-124 recodified from R4-27-124 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-125. Arizona Stallion Awards

- A. Definitions**
1. "Arizona stallion" means an uncastrated, adult male horse that stands the entire breeding season in Arizona.
 2. "Breeding year" means the period beginning January 1 and ending July 31.
 3. "Fiscal year" means the period beginning July 1 and ending June 30.
 4. "Owner" means the person who possesses the stallion at the time of the person's certification application for the fiscal year, according to the records of the Department.
- B. Owner and lessee eligibility.** For an owner or the lessee of an Arizona stallion to be eligible for an award of funds for a fiscal year:
1. The owner or lessee shall:
 - a. Apply for stallion certification by the due date set by the breeders association for complying with the requirement in subsection (D);
 - b. Submit the breeder report required in subsection (E); and,
 - c. Comply with subsection (F) if applicable.
 2. In the event of death or the retirement of a stallion, the owner or lessee remains eligible for awards if the requirements in subsection (D) are followed.
 3. The stallion shall be certified at the time its eligible Arizona-bred offspring earn purse money in races listed in subsection (H).
- C. Qualifications for Arizona stallion certification.** To qualify for Arizona stallion certification for the fiscal year, an owner or lessee shall:
1. Permanently domicile the stallion in Arizona from January 1 through July 31. During this time, the owner or lessee may move the stallion outside of Arizona for racing or for medical treatment;
 2. Register the stallion with the Arizona breed registry that corresponds to the stallion's national breed registry; and

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3. Notify the appropriate Arizona breed registry within 10 days of the stallion entering or leaving Arizona during the breeding year.
- D. Application procedure for stallion certification**
1. By the due date set by the appropriate Arizona breeders association, and approved by the Commission in accordance with subsection (D)(2)(b), an owner or lessee may apply for Arizona stallion certification for the fiscal year. The owner or lessee shall:
 - a. File an official application form with the Arizona breeders' association for each stallion owned or leased; and
 - b. Pay a certification fee for each stallion when the application form is filed.
 2. The Arizona breeders association shall:
 - a. Forward a legible copy of the completed application to the Department;
 - b. Set an application due date and reasonable certification fee, if these actions are authorized by the Commission in a contract permitted under A.R.S. § 5-114(D).
 3. The Commission shall review and approve or reject each contract for stallion certification.
- E. Breeding report**
1. A quarter horse stallion owner or lessee shall submit a legible copy of the annual "Stallion Breeding Report" to the breeders association monitoring quarter horse stallions by November 30 of the current breeding year.
 2. Except as provided in subsection (F), a thoroughbred stallion owner or lessee shall submit a legible copy of the annual "Report of Mares Bred" to the breeders association monitoring thoroughbred stallions by August 1 of the current breeding year.
- F. Thoroughbred stallion bred to quarter horse mares**
1. If a thoroughbred stallion is being bred to quarter horse mares, an owner or lessee shall send the application, fees, and breeding report required in subsections (D) and (E)(1) to the breeders association monitoring quarter horse stallions.
 2. If a thoroughbred stallion is being bred to thoroughbred and quarter horse mares, an owner or lessee shall send the application, fees, and breeding reports required in subsections (D) and (E) to both of the Arizona breeders associations.
- G. Disqualification and Reinstatement**
1. If a stallion owner or lessee fails to comply with applicable requirements in subsections (B), (C), (D), (E), and (F) the Department shall disqualify the owner or lessee from receiving an award of fund monies during the affected fiscal year.
 2. To reinstate eligibility for subsequent years, the owner or lessee shall pay the certification fee prescribed in subsection (D)(1)(b) and comply with applicable requirements in subsections (B), (C), (D), (E), and (F).
- H. Award races. Except for maiden claiming and maiden allowance races at Arizona racetracks, the following are eligible races:**
1. Quarter horses:
 - a. All races with a purse value of \$10,000 or more;
 - b. All allowance races;
 - c. At the Turf Paradise meet, all claiming races with a claiming price of \$3,500 or more; and
 - d. At other Arizona racetracks, all claiming races with a claiming price of \$2,500 or more.
 2. Thoroughbreds:
 - a. The Prescott Futurity, the Prescott Derby, and all races with a purse value of \$15,000 or more;
 - b. The Inaugural, the Mile High, and all allowance races;
 - c. At the Turf Paradise meet, all claiming races with a claiming price of \$6,000 or more; and
 - d. At other Arizona racetracks, all claiming races with a claiming price of \$3,500 or more.
- I. Fund distribution procedures**
1. The Arizona breeders associations shall submit to the Department, at least annually, a written report that contains the following information:
 - a. The names of certified Arizona stallions for the fiscal year;
 - b. The names of certified Arizona-bred offspring of the Arizona stallions. Arizona-bred horses may be certified by following the procedures prescribed in R19-2-116(A) and (B);
 - c. The first, second, and third place finishes of each certified Arizona-bred horse, sired by a certified Arizona stallion, in each eligible race; and,
 - d. The earnings in each race of each Arizona-bred horse sired by a certified Arizona stallion.
 2. The Department shall:
 - a. Hold 10% of the monies accumulated prior to the 1996-97 fiscal year for contingent liabilities;
 - b. Calculate a payment factor at the end of each fiscal year by dividing the total monies available, under subsections (I)(2)(d), (e), (f), or (g), by the total dollar value of purses, not to exceed \$30,000 per horse per race, won in eligible races during the fiscal year;
 - c. Multiply the payment factor by the total purse amount won in eligible races during the fiscal year;
 - d. Distribute to eligible owners or lessees 40% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1996-97 fiscal year;
 - e. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1997-98 fiscal year;
 - f. Distribute to eligible owners or lessees 25% of the amount accumulated in the fund prior to the 1996-97 fiscal year and the amount earned by the fund during the 1998-99 fiscal year; and,
 - g. Distribute to eligible owners or lessees the amount earned by the fund during the fiscal year for the years after the 1998-99 fiscal year.
 3. The owner or lessee shall designate, on a form provided by the Department, the single payee to whom Arizona stallion award checks shall be issued when there is more than one owner of a stallion.
- J. Appeal of Director's rulings**
1. The Director shall make the final decision concerning a stallion award.
 2. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
 3. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 1092.03 through 41-1092.11.
 4. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-125(J)(2).
 5. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.

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Historical Note

Adopted effective November 7, 1996 (Supp. 96-4).

R19-2-126. Race Horse Adoption Grants

- A.** The Commission shall provide financial grants to nonprofit enterprises to promote the adoption of retired race horses. The Commission shall distribute all of the retired race horse adoption surcharge funds generated from A.R.S. § 5-104(G) to nonprofit enterprises.
- B.** Procedures.
1. A nonprofit enterprise that wishes to receive a financial grant shall submit a Department-generated application form to the Commission. In 2005, the Commission shall set the date by which applications are to be received. After 2005, the Commission shall accept applications until March 1 of each year. The nonprofit enterprise shall provide the following information:
 - a. A written description of the nonprofit enterprise,
 - b. Proof of nonprofit status,
 - c. The proposed use of the grant,
 - d. A description of the nonprofit enterprise's procedures to acclimate the horses as required by subsection (C)(6),
 - e. A description of the nonprofit enterprise's adoption procedures as required by subsection (C)(7),
 - f. A copy of the application form and adoption agreement required by subsections (C)(7)(a) and (c), and
 - g. A copy of the transfer of registration or bill of sale required by subsection (C)(8).
 2. If the Commission finds that the adoption program of a nonprofit enterprise is in the best interest of the racing industry and this state, the Commission shall decide whether to make a grant to the nonprofit enterprise, the amount of the grant, and the date of disbursement of the grant.
 3. A recipient of a grant shall report annually to the Commission on a form provided by the Department to gather the following information:
 - a. The number of horses the nonprofit enterprise received;
 - b. The number of horses adopted;
 - c. The number of horses returned by an adoptee and reason for each return;
 - d. The actual use of the grant;
 - e. A list of people who adopted the horses, or a copy of the contract between the nonprofit enterprise and each adoptee; and
 - f. The most recent Articles of Incorporation filing with the Arizona Corporation Commission.
- C.** Minimum qualifications.
1. The enterprise shall be nonprofit.
 2. The enterprise shall not:
 - a. Allow a horse to be used for racing, wagering, or slaughter; or
 - b. Place a horse with a humane society or research facility;
 3. The enterprise shall not euthanize an adoptable horse unless, as determined by a licensed veterinarian, it is medically necessary for humane reasons.
 4. The enterprise shall be affiliated with a racetrack that conducts horse racing. Affiliation is satisfied when the general manager or other executive from the racetrack submits to the Commission a written recommendation on behalf of the enterprise.
 5. The enterprise shall require that a licensed veterinarian perform a complete check-up on each horse before releasing the horse to an adoptee. The enterprise shall ensure

that each horse receives all medical care necessary to maintain its good health.

6. The enterprise shall employ procedures for acclimating a horse that include:
 - a. Exposure to the public,
 - b. Exposure to a new diet, and
 - c. Training for off-track life.
7. The enterprise shall employ procedures for adopting-out horses that include:
 - a. An application process for prospective adoptees;
 - b. A visual check of each prospective adoptee's farm with written documentation of the visit;
 - c. A written adoption agreement between the enterprise and adoptee;
 - d. At a minimum, follow-ups conducted by phone or visit after seven and 30 days with written documentation; and
 - e. Procedures for the return of a horse.
8. Before assuming care of a horse, the enterprise shall obtain a transfer of registration or bill of sale for the horse.
9. The enterprise shall make available a person to complete and submit all filing requirements and to answer questions from a prospective or current adoptee.
10. The enterprise shall keep a file on each horse that includes:
 - a. The transfer of registration or bill of sale;
 - b. The vaccination record, health record, and all veterinarian reports;
 - c. The adoptee's application form;
 - d. The written adoption agreement between the enterprise and adoptee; and
 - e. The written documentation of pre-adoption check and follow-ups.
11. The enterprise shall state in the adoption agreement the rules and responsibilities required of the adoptee.
12. The enterprise shall make the records required in subsection (C)(11) available for inspection by a representative of the Department.
13. The enterprise shall allow the Department to inspect the facilities, farm, or location of the adopted horses.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1566, effective June 4, 2005 (Supp. 05-2).

ARTICLE 2. RACING REGULATION FUND**R19-2-201. Racing Regulation Fund**

The Racing Regulation Fund, established by A.R.S. § 5-113.01, and administered by the Department of Racing, shall collect funding for regulation of racing from the pari-mutuel racing industry from the sources listed below. The Department shall review assessments from each source at least twice a year for the purposes of meeting its budget.

1. Annual license fees established by the Department and set forth in R19-2-202, except for those fees deposited to the Greyhound Adoption Fund pursuant to A.R.S. § 5-113(H).
2. A regulatory assessment based on the number of dark days on which wagering is conducted in excess of live racing days for each racetrack permittee issued a racing permit. The assessment shall be in an amount established by the Department and set forth in R19-2-204.
3. A regulatory assessment from all racetracks that have been issued a commercial racing permit to be paid from the amount deducted by the permittee from pari-mutuel pools. The assessment amount may be deducted from

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pari-mutuel pools in addition to the amounts the permittee is authorized to deduct in A.R.S. § 5-111(C). The assessment shall be based on amounts wagered on live and simulcast races from in-state and out-of-state wagering handled by the permittee in an amount established by the Department, and as set forth in R19-2-205. A permittee shall not reduce the amounts payable to the Department under this subsection for hardship tax credits under A.R.S. § 5-111(I) or for capital improvement credits under A.R.S. §§ 5-111.02 and 5-111.03.

4. License fees collected pursuant to A.R.S. § 5-230(A).
5. The overpayment of a regulatory assessment by a permittee shall be credited to and may be deducted from any regulatory assessment payment due from the permittee in the current fiscal or the following fiscal year.

Historical Note

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 3260, effective November 16, 2012 (Supp. 12-4).

R19-2-202. Licensing Fees

- A. When an applicant submits a license application pursuant to R19-2-106 or R19-2-306, the applicant shall also submit the fee listed in subsections (C) and (D). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each licensing location.
- B. A license shall be for a period of no less than one year except as stated in subsection (B)(1)(a).
 1. Horse racing licenses expire each year on June 30 except that:
 - a. Apprentice jockey licenses expire as provided in R19-2-109(D)(2); and
 - b. All licenses issued prior to July 1, 2013, will expire on June 30, 2014.
 2. Greyhound licenses expire each year on January 31 except that all licenses issued prior to February 1, 2013, will expire on January 31, 2014.
 3. Pari-mutuel licenses expire each year on January 31 except that all licenses issued prior to February 1, 2013, will expire on January 31, 2014.
- C. Annual License Fees
 1. Group 1 (assistant starter/valet, coolout, exercise rider, groom, leadout, occupational, OTB [owner, manager], outrider, pari-mutuel [including OTB], pony person, security) - \$15.
 2. Group 2 (authorized agent-partial, greyhound hauler, jockey agent, vendor employee) - \$50.
 3. Group 3 (county fair manager, county fair treasurer, official) - \$100.
 4. Group 4 (assistant trainer, commercial track key people: owner [10% or more], general manager, assistant general manager, chief financial officer; owner, RBO [kennel, racing or breeding], stable name, temporary claim to owner, trainer) - \$150.
 5. Group 5 (apprentice jockey, authorized agent – full, combination RBO [racing/breeding combination], farrier/plater, jockey, owner/trainer, veterinarian) - \$200.
 6. Group 6 – fees above \$200
 - a. Tote companies - \$1,250;
 - b. All other vendors (video, photo finish, concessionaires, security) - \$500.
- D. Annual Permittee Fees.
 1. Commercial racing permit (40 or fewer days of live racing or no live racing) - \$1,000;

2. Commercial racing permit (more than 40 days of live racing) - \$2,500;
3. County fair permit - \$250.

Historical Note

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1752, effective July 1, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 68, effective January 1, 2013 (Supp. 12-4).

R19-2-203. Repealed**Historical Note**

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Repealed by exempt rulemaking at 18 A.A.R. 3260, effective November 16, 2012 (Supp. 12-4).

R19-2-204. Regulatory Assessment for Dark Day Simulcasting

- A. The Department shall collect an annual regulatory assessment from each racetrack permittee conducting horse or greyhound racing in Arizona and which qualifies under A.R.S. § 5-112 for dark day simulcasting.
- B. Each permittee shall pay an amount established by the Department based on the number of dark days on which wagering is conducted in excess of the number of live days approved in the racing permit issued the permittee.
 1. The Department shall at the start of the year on or before July 1 assess each permittee \$25 per dark day based upon the total number of dark days approved in the permittee's racing permit. The calculation will be determined by the number of dark days approved by the Arizona Racing Commission in excess of the number of live days approved each year during the period of the permit.
 2. The permittee shall transmit the total dark day assessment to the Racing Regulation Fund no later than July 15 of each year.

Historical Note

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).

R19-2-205. Regulatory Wagering Assessment of Pari-mutuel Pools

- A. The Department shall establish and collect a regulatory wagering assessment payable from the amounts deducted from pari-mutuel pools by the permittee, in addition to the amounts the permittee is authorized to deduct in A.R.S. § 5-111(C) from amounts wagered on all live and simulcast races from in-state and out-of-state wagering authorized by the Department to the permittee. A permittee shall not reduce the amounts payable to the Department under this subsection for hardship tax credit under A.R.S. § 5-111(I) or for capital improvement credits under A.R.S. §§ 5-111.02 and 5-111.03.
- B. The regulatory wagering assessment for each racing meeting on all in-state and/or out-of-state, on-track, off-track, live, import and/or export wagers and/or wager types (the "RWA") shall be 0.75 percent from May 1 to September 30 of each year and, the RWA shall be 0.85 percent beginning October 1 of each year through April 30 of the next year.
- C. Each permittee shall transmit its assessment daily, unless otherwise approved by the Department, to the Racing Regulation Fund beginning July 1, 2011. A report detailing the assessment shall be transmitted to the Director at the time the assessment is transmitted.
- D. The Department may audit the permittee's pari-mutuel accounts periodically under the authority of A.R.S. § 5-

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104.01. The permittee shall cooperate fully with the Department during these audits.

Historical Note

New Section made by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 1316, effective July 1, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 68, effective January 1, 2013 (Supp. 12-4).

Amended by exempt rulemaking at 19 A.A.R. 1767, effective July 1, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 725, effective March 1, 2014 (Supp. 14-1). Amended by exempt rulemaking under Laws 2014, Ch. 9, § 3, at 21 A.A.R. 640, effective April 20, 2015 (Supp. 15-2). Amended by exempt rulemaking under A.R.S. § 1005(16), at 23 A.A.R. 837, effective March 20, 2017 (Supp. 17-1).

ARTICLE 3. GREYHOUND RACING**R19-2-301. Power and Authority**

- A. All powers of the Department and Commission not specifically defined in these rules are reserved to the Department and Commission under the law creating the Department and Commission and specifying its powers and duties.
- B. The jurisdiction of the Department and Commission over matters covered by the statutes and the rules is continuous throughout the year.
- C. The statutes of the state of Arizona and the rules and the orders of the Department and Commission take precedence over the conditions of a race or of a racing meeting.
- D. The Director may sustain, reverse, or modify any penalty or decision imposed by the stewards.
- E. The Commission may sustain, reverse, or modify any penalty or decision imposed by the Director.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). R19-2-301 recodified from R4-27-301 (Supp. 95-1).

R19-2-302. Definitions

The definitions in A.R.S. § 5-101 apply to this Chapter. Additionally, in this Article, unless the context otherwise requires:

1. "Added money" means the money a permittee adds to the nominating and starting fees in a race.
2. "Adequate feed" means the quantity of foodstuffs that a greyhound of a specific age and weight requires daily to maintain a reasonable level of nutrition.
3. "Age" means the age of a greyhound computed from the day the greyhound is whelped.
4. "Authorized agent" means a person appointed under R19-2-306(G).
5. "Breeder" means the owner or lessee of a greyhound's dam at the time the greyhound is whelped.
6. "Breeding farm" means a facility at which greyhounds are bred and raised.
7. "Breeding place" means the place at which a greyhound is whelped.
8. "Business day" means a day on which live racing is conducted or a day on which entries are taken.
9. "Complaint" means a written allegation of a violation of this A.R.S. Title 5, Chapter 1 or this Chapter.
10. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted.
11. "Declaration" means the act of withdrawing an entered greyhound from a race.
12. "Entrance fee" means a fee set by a permittee that must be paid to make a greyhound eligible for a stakes race.
13. "Entry" means a greyhound eligible and entered in a race.
14. "Equipment" means muzzles and number blankets.
15. "Exercise areas" means fenced locations where greyhounds are released to exercise for a short period of time before being returned to the greyhounds' kennel housing crates or run housing.
16. "Field" means the entire group of greyhounds in a race.
17. "Foreign substance" means any drug, medicine, metabolite, or other substance that does not exist naturally in an untreated greyhound's body and that may have a pharmacological effect on the racing performance of a greyhound or may affect sampling or testing procedures. Foreign substances include but are not limited to, stimulants, depressants, local anesthetics, narcotics, and analgesics.
18. "Grounds" means the entire area used by a permittee to conduct race meets including, but not limited to, the track, grandstand, kennels, concession areas, and parking facilities.
19. "Immediate," for the purpose of suspension or revocation of a license issued under this Chapter, means the first date that the suspension or revocation does not negatively impact another licensee, as determined by the Department.
20. "Inquiry" means an investigation of potential interference in a contest conducted by the stewards before the stewards declare the result of the contest official.
21. "Kennel housing" means a facility where greyhounds are housed indoors.
22. "Kennel owner" means a person who has a contract or agreement with a permittee to provide dogs to the permittee's facility.
23. "Lawfully issued prescription" means a prescription-only drug, as defined at A.R.S. § 13-3401, obtained directly from or under a valid prescription order written by a licensed physician acting in the course of professional practice.
24. "Lessee" or "lessor" means a person who leases a greyhound for racing or breeding purposes.
25. "Lure" means a mechanical device consisting of a stationary rail installed around a track and a reasonable decoy that is electrically driven around the track at a uniform distance ahead of racing greyhounds.
26. "Maiden" means a greyhound that at the time of starting has never won a race in any country on a recognized track or that was disqualified after finishing first.
27. "Manager/Agent," for purposes of R19-2-327, means a person managing a racing kennel, breeding farm, or other operation.
28. "Match race" means a race between two or more greyhounds, each of which is the property of a different owner, on terms agreed to by the owners and approved by the Department.
29. "Matinée" means a schedule of races conducted on a track in daylight hours.
30. "Minus pool" means there is not enough money, after deductions of state tax and statutory commissions, to pay the legally prescribed minimum on each winning wager.
31. "Net pool" means the sum of all wagers on a race minus refundable wagers and statutory commissions.
32. "Night performance" means a schedule of races conducted on a track during night hours.
33. "Nominating fee" means a fee set by a permittee that must be paid to make a greyhound eligible for a stakes race.
34. "Nomination" means naming a greyhound or the greyhound's pup to compete in a specific race or series of

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- races, eligibility for which may require paying a fee at the time of naming.
35. "Nominator" means the person in whose name a greyhound is nominated for a stakes or handicap race.
 36. "Off time" means the moment at which, on signal of the starter, the greyhounds break and run.
 37. "Official race program" means a published listing of all contests and contestants for a specific performance.
 38. "Other operation" means a facility where greyhounds are trained or kept.
 39. "Overnight race" means a race for which entries close 96 or fewer hours before the time set for the first race of the day on which the race is to be run.
 40. "Owner" means any person possessing all or part of the legal title to a greyhound, or any person possessing all or part of the legal interest in a racing kennel, breeding farm, or other operation.
 41. "Payout" means the amount of money payable to winning wagers.
 42. "Performance" means a schedule of races run consecutively as one program.
 43. "Place" means a greyhound finishes in one of the first three positions in a race.
 44. "Post position" means the position assigned to a greyhound for the start of a race.
 45. "Post time" means the time set for greyhounds in a race to arrive at the starting point.
 46. "Prohibited substance" means any substance regulated by A.R.S. Title 13, Chapter 34.
 47. "Purse" means the total dollar amount for which a race is contested.
 48. "Purse race" means a race for money or other prize to which owners of greyhounds engaged in the race do not contribute an entry fee.
 49. "Race" means a contest among greyhounds for purse, stakes, premium, or wager for money that is run in the presence of racing officials of the track and a Department representative.
 50. "Race meet" means the period for which a permit to conduct racing is granted to a permittee by the Commission.
 51. "Race on the flat" means a race over a track on which no jumps or other obstacles are placed.
 52. "Racing Regulation Fund" means the fund established under A.R.S. § 5-113.01 and administered by the Department to receive funding for regulation of racing from various pari-mutuel racing industry sources.
 53. "Racing kennel" means a kennel located off-track and operated under contract, or agreement with a permittee to provide greyhounds to the permittee's facility.
 54. "Recognized track" means a track where pari-mutuel wagering is authorized by law.
 55. "Restricted area" means an enclosed portion of a racing facility to which access is limited to licensees whose occupation or participation requires access.
 56. "Result" means the part of the official order of finish used to determine the pari-mutuel payout of pools for each contest.
 57. "Ruled off" means the act of:
 - a. Barring a licensee from the grounds of a permittee and denying the licensee all racing privileges; or
 - b. Preventing a greyhound from being entered because the stewards have determined that preventing the greyhound from racing is in the best interest of the health, safety, and welfare of licensees and the state.
 58. "Run housing" means a fenced area where greyhound puppies and non-racing greyhounds live and are permitted to move about freely.
 59. "Scratch" means to withdraw an entered greyhound from a race after post positions in that race have been drawn and the time for making substitutions or replacements in the race has passed.
 60. "Scratch time" means the time set by the permittee for withdrawing entered greyhounds from the races of a particular day.
 61. "Stakes race" means a race for which the owner of an entered greyhound is required to pay a fee to which the track may add money or other prize to make up the total purse and for which nominations close more than 72 hours before the time for the first race of the day on which the stakes race is to be run.
 62. "Starting fee" means the amount of money, specified by the conditions of the race and set by the permittee, which must be paid by a greyhound's owner for the greyhound to start in a race.
 63. "Starting greyhound" means a greyhound that leaves the paddock for the post, excluding:
 - a. A greyhound subsequently excused by the stewards, or
 - b. A greyhound for which the starting box door does not open in front of the greyhound at the time the starter dispatches the field.
 64. "Subscription" means the fee paid by the owner to nominate a greyhound for a stakes race.
 65. "Supplemental fee" means a fee set by a permittee that must be paid by a greyhound's owner at a time prescribed by the permittee to make the greyhound eligible for a stakes race.
 66. "Suspended" means that a privilege granted by the officials of a race meet or by the Commission or Department has been temporarily withdrawn.
 67. "Sustaining fee" means a fee that must be paid periodically, as prescribed by the conditions of a race, to keep a greyhound eligible for the race.
 68. "Tote or totalisator" means the machines from which pari-mutuel tickets are sold and the board on which the approximate odds for a race are posted.
 69. "Track" means the course over which races take place.
 70. "Trainer" means a person employed by an owner or lessee to condition greyhounds for racing.
 71. "Turn-out pens" means the enclosed or fenced areas where racing greyhounds are briefly released from their kennel housing crates for the purpose of urinating and defecating.
 72. "Walkover" means a race in which there are not two or more greyhounds of separate interest sent to post.
 73. "Weighing in" means the act of recording the weight of a greyhound taken after a race is completed, in accordance with this Article.
 74. "Weighing out" means the act of recording the weight of a greyhound before post time or time of a race in which the greyhound is entered.
 75. "Whelped" means the birth of a greyhound.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective November 30, 1988 (Supp. 88-4).
 Amended effective March 20, 1990 (Supp. 90-1).
 Amended effective February 28, 1995; R19-2-302 recodified from R4-27-302 (Supp. 95-1). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R.

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3412, effective November 30, 2013 (Supp. 13-4).

R19-2-303. Permit Applications

- A. A person or persons, associations, or corporations desiring to hold or conduct a greyhound racing meeting within the state of Arizona shall file with the Commission its permit application that contains the information required in A.R.S. § 5-107 in paper copy and in an electronic medium. All electronic media submissions shall be compatible with the Department's computer system and software. If any addendum to the permit application cannot be submitted in an electronic medium, the applicant shall submit the addendum in a paper copy.
- B. The Department shall not issue a permit until the applicant has furnished evidence of compliance with A.R.S. § 23-901 et seq. (Workers' Compensation).
- C. Permit applicants shall submit to the Commission the names of the proposed track officials at least 60 days prior to the beginning of their meet, along with a short biographical sketch of each official not previously licensed in the same capacity by the Department.
- D. A permit application shall specify the number of races to be run on a daily basis.
- E. Racing shall be conducted only on those days granted by permit.
- F. Permit Application Time-frames.
 - 1. Administrative completeness review time-frame.
 - a. Within 728 days after receiving an application package, the Department shall determine whether the application package contains the information required by subsections (A), (B), (C), and (D).
 - b. If the application package is incomplete, the Department shall issue a written notice that specifies what information is required and return the application. If the application package is complete, the Department shall provide a written notice of administrative completeness.
 - c. The Department shall deem an application package withdrawn if the applicant fails to file a complete application package within 180 days of being notified that the application package is incomplete.
 - 2. Substantive review time-frame. Within 30 days after receipt of a complete application package, the Commission, with the recommendation of the Department, shall determine whether the applicant meets all substantive requirements and issue a written notice granting or denying a permit.
 - 3. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
 - a. Administrative completeness review time-frame: 728 days.
 - b. Substantive review time-frame: 30 days.
 - c. Overall time-frame: 758 days.
 - 4. Renewal and temporary permit time-frames. The administrative completeness review time-frame is 30 days, the substantive review time-frame is 30 days, and the overall time-frame is 60 days, excluding time for mailing. The renewal or temporary permit is considered administratively complete unless the Department issues a written notice of deficiencies to the applicant. Temporary permits are valid until a full permit is awarded or until the Commission revokes the temporary permit.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-303 recodified from R4-27-303 (Supp. 95-1). Amended

effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4).

R19-2-304. Permittee Responsibilities

- A. A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that compliance does not exist, the steward shall require that the permittee immediately bring the grounds into compliance.
- B. A permittee shall not allow a person, corporation, firm, or association not licensed by the Department to do or perform any act at the permittee's track that requires a license under A.R.S. Title 5, Chapter 1, or these rules.
- C. A permittee shall ensure that employees of the permittee are licensed and shall furnish the Department a list of the employees upon request.
- D. A permittee shall take all steps necessary to deny access to the permittee grounds by a person who has been ruled off or whose license has been revoked or suspended.
- E. A permittee or any of its employees shall not obstruct in any way a representative of the Department acting in the performance of official duties.
- F. A permittee shall not knowingly allow on its grounds any betting or other operation in contravention of any law of Arizona or the United States.
- G. A permittee who knows of a violation of any racing rule or statute shall immediately report the violation to the Department and shall cooperate with the Department and state, federal, and local authorities in investigation of the violation.
- H. A permittee shall provide the following services at the track:
 - 1. An adequate security force that shall:
 - a. Maintain order;
 - b. Exclude from the grounds all handbooks, touts, and operators of gambling devices;
 - c. Exclude from the grounds all persons ruled off by the stewards or the Department;
 - d. Exclude from the grounds all persons not eligible for a license, pursuant to A.R.S. § 5-108, and all other undesirables; and
 - e. Report immediately to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
 - 2. A security guard stationed at the kennel area entrance that shall:
 - a. Deny entrance to all persons not holding a license or credentials issued by the Department or a Department pass issued by the permittee; and
 - b. Allow any person seeking employment with the permittee to have access to the kennel area for a period of one day, if:
 - i. The person is given a numbered card or temporary badge,
 - ii. A list of recipients of the numbered cards or temporary badges is provided to the track office of the Department upon request, and
 - iii. The numbered card or badge is retrieved by the security guard when the person leaves the restricted area.
 - 3. During a race meeting, a permittee shall provide 24-hour security at the entrance to the kennel compound. The permittee shall establish a system to monitor those who enter and leave the compound ensuring that only licensed personnel, authorized visitors, and those whose duties clearly require entry to the area are permitted access. A public safety officer or Department employee in the per-

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- formance of official duties shall be granted access to the kennel compound. An unlicensed visitor shall be accompanied by a licensee or security personnel and shall obtain a temporary badge before entering the kennel compound. The licensee requesting the admittance of a visitor is responsible for the conduct of the visitor and shall ensure that the visitor complies with all Department rules.
4. A furnished office, including utilities and necessary office equipment, for exclusive use of Department employees and officials.
 5. A uniformed security official approved by the Department shall be on duty in the test area during its regular business hours to:
 - a. Provide security, and
 - b. Monitor the collection procedure and sealing of samples taken from the greyhounds.
 6. Adequate space and facilities so that the testing personnel may perform inspections, tests, and other collection procedures.
 7. First aid quarters available during racing hours.
- I.** A permittee shall ensure that wagering conducted upon the grounds of the permittee is done only under the pari-mutuel method as provided by statute and these rules and by the use of mechanical or other equipment as required by the Department. A permittee shall ensure that there is no bookmaking or betting other than by the pari-mutuel method.
- J.** A permittee shall not allow the official racing of greyhounds on any track under its control unless:
1. All track rules are posted conspicuously and a copy of the track rules is filed with the Department,
 2. The conditions of the race are written by the racing secretary at the meeting,
 3. The entries are made in accordance with the requirements in R19-2-316, and
 4. The race is programmed as a part of a regular racing card conducted under the pari-mutuel system.
- K.** A simulcast originating from a racing facility within the state of Arizona may be permitted provided the out-of-state facility receiving the signal operates under the approval and regulation of an official agency of that state.
- L.** Each day as soon as the entries have been closed and compiled and the declarations have been made, a permittee shall post a list of the entries in a conspicuous place.
- M.** A permittee shall print a racing program each day that contains a list of permittee, track and racing officials, and permittee directors, along with pertinent rules designated by the Department.
- N.** A permittee may not allow an official to act until the official's appointment has been approved by the Department; provided, however, that in the case of sickness or inability to act, the provisions of R19-2-309(A)(5) apply.
- O.** A permittee shall provide a photo finish and videotape device approved by the Department to record all official races. The photographs and videotapes may be used to aid the stewards in determining the finishes of races. A permittee shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period or transmitted to the Department for use in administrative or judicial proceedings.
- P.** The Department shall approve any automatic timing device installed by a permittee.
- Q.** All permittees shall provide annual financial statements audited and certified by a firm approved by the auditor general.
1. The audit shall comply with audit standards prescribed by the auditor general.
 2. The financial statements shall be prepared in accordance with generally accepted accounting practices.
- R.** The following information shall accompany the financial statements on a form provided by the Department:
1. The total amount of salaries and bonuses expense,
 2. Legal and accounting expenses attributable to racing-related matters,
 3. An explanation of the types of revenues and expenses classified in accounts titled "other,"
 4. Additional information requested by the Commission or the Department, and
 5. Financial statements submitted within 120 calendar days of the end of the calendar year.
- S.** Each permittee shall comply with the provisions of Article 2 of this Chapter.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended subsection (Q) effective June 6, 1986 (Supp. 86-3). Amended effective March 20, 1990 (Supp. 90-1). Amended effective August 6, 1991 (Supp. 91-3). R19-2-304 recodified from R4-37-304 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3).

R19-2-305. Charity Races

- A.** A permittee shall provide the Commission with:
1. The name of any nonprofit organization or corporation selected by the permittee as a charity entitled to benefit from a charity racing day or race.
 2. A list of the names and addresses of all directors, officers, and shareholders holding 10% or more of the total number of outstanding voting shares of the charitable corporation.
 3. A brief description of the purposes and activities to be benefited by monies received from the charity racing day or race.
 4. A copy of an Internal Revenue Service letter of determination qualifying the particular charity as an exempt organization or corporation for federal income tax purposes.
- B.** No permittee shall charge any expenses incurred by operation of racing against the pari-mutuel handle of a charity racing day or race except those prorated expenses incurred on the day of that particular charity racing day or race.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-305 recodified from R4-27-305 (Supp. 95-1).

R19-2-306. Licensing

- A.** A person that participates in any capacity in a race meet, including a person who performs services in connection with the conduct of the race meet, shall obtain a license from the Department, except:
1. A person that performs services during a county fair meet and is identified by a steward as a volunteer; or
 2. A person that owns less than 10 percent of outstanding shares of stock, regardless of classification or type, of a permittee or licensee.
- B.** License application.
1. To apply for a license, a person shall complete the license application prescribed by the Department, which requires the following information, and submit the completed application to a steward:

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- a. Name, including all aliases or other names ever used;
 - b. Mailing and local addresses;
 - c. Telephone number;
 - d. Date of birth;
 - e. Physical description;
 - f. Social Security or alien status number;
 - g. Documentation, as specified under A.R.S. § 41-1080(A), of lawful presence in the U.S.;
 - h. Complete criminal history information including any racing-related sanctions; and
 - i. License category for which application is made.
2. The Department may issue written instructions regarding preparation and execution of the license application. The instructions may be a part of or separate from the application, or both.
 3. When an applicant submits a license application, the applicant shall also submit the fee established by the Department under R19-2-202(C). The Department shall ensure that a schedule of license and fingerprint processing fees is displayed prominently at each track and on its web site.
 4. An applicant who is at least 18 years old shall submit two full sets of fingerprints to the Department. The applicant shall ensure that the fingerprints are taken by the Department, a law enforcement agency, or other authority acceptable to the Department and in a format acceptable to the Arizona Department of Public Safety and the Federal Bureau of Investigation.
 5. An applicant for a trainer license shall demonstrate knowledge and skill in protecting and promoting the safety and welfare of animals participating in race meets by passing an examination, which may include written, oral, and skill demonstration parts, prescribed by the Department. An applicant who fails to pass the examination shall wait at least 90 days before retaking the examination.
- C.** The Department shall presume that an applicant or licensee knows the law governing racing in Arizona. An applicant or licensee shall follow A.R.S. Title 5, Chapter 1 and this Chapter.
- D.** License procedure.
1. Under delegation from the Director, on receipt of a license application, a steward shall grant or deny a temporary license and transmit the license application to the Director.
 2. In considering each application for a license, a steward may require the applicant, as well as the applicant's endorsers, to appear before the steward and show that the applicant is qualified in every respect to receive the license requested. The steward shall grant a license only if the applicant meets all the requirements in A.R.S. Title 5, Chapter 1, and this Chapter.
 3. Licensing time-frames.
 - a. Administrative completeness review time-frame.
 - i. Within 85 days after receiving a license application, the Department shall determine whether the license application contains the information required under subsection (B).
 - ii. If the license application is incomplete, the Department shall issue a written notice that specifies what information is required and return the license application. If the license application is complete, the Department shall provide a written notice of administrative completeness.
 - iii. The Department shall deem a license application withdrawn if the applicant fails to file a complete license application within 15 days of the date on the notice that the license application is incomplete.
 - b. Substantive review time-frame. Within five days after determining that a license application is administratively complete, the Department shall determine whether the applicant meets all substantive requirements and the Director, or designee, shall issue a written notice granting or denying a license.
 - c. Overall time-frame. For the purpose of A.R.S. § 41-1073, the Department establishes the following time-frames for issuing a license:
 - i. Administrative completeness review time-frame: 85 days.
 - ii. Substantive review time-frame: five days.
 - iii. Overall time-frame: 90 days.
4. Temporary license. All licenses are temporary for 90 days under A.R.S. § 5-108(F). Unless the Director denies a license to an applicant, a temporary license automatically becomes the license after 90 days.
5. The Department shall perform a background investigation of an applicant who is at least 18 years old, including fingerprint processing through the Department of Public Safety and the FBI, and reviewing records of a national database containing license information and rulings, information systems, courts, law enforcement agencies, and the Department within the time-frame prescribed in subsection (D)(3)(a).
- E.** Denials.
1. The Department shall base a decision to deny a license on an assessment of whether the applicant:
 - a. Has been or is intoxicated at the time of application or has a history as a user of a narcotic drug as defined at A.R.S. § 36-2501(A)(8) within the grounds of the permittee, or
 - b. Fails to disclose the true ownership or interest in any greyhound.
 2. When a license is denied, the Director shall report the reason for the denial in writing to the applicant and a national database listing license information and rulings.
- F.** General requirements and restrictions.
1. A licensee who is employed in more than one license category or who changes from one category to another shall be licensed in each category.
 2. A licensee who is an official at more than one type of track (horse, harness, or greyhound) shall be licensed at each type of track.
 3. The Director or designee shall not license a person who is younger than 16 years old in any capacity other than as an owner, and shall not license a person who is younger than 18 years old as an official, trainer, or assistant trainer. A person who is younger than 18 years old is not eligible to be licensed as an owner unless the person's parent or guardian signs the owner's license application and assumes full financial responsibility for the owner.
 4. When present in the kennel area of a greyhound track, paddock area, or any other restricted area, a person shall wear in full view a photo identification badge issued by the Department or pass issued by the permittee.
- G.** Authorized agents.
1. A person may hold a license only as an authorized agent or be licensed as an authorized agent and in another category.

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2. The principal shall sign a license application on behalf of an authorized agent and clearly identify the powers of the agent, including whether the agent is empowered to collect money from the permittee. The principal shall have the license application either notarized or signed in the presence of a Department employee and a copy filed with the track bookkeeper. If there is a separate power of attorney, the principal shall file a copy of the instrument with the bookkeeper and the Department.
3. To change an agent's powers or revoke an agent's authority, the principal shall describe the changed powers or revoked authority in writing that is either notarized or signed in the presence of a Department official, and filed with the Department and the track bookkeeper.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsections (G) and (I) effective January 25, 1985 (Supp. 85-1). Amended subsections (F) and (G) effective December 5, 1985 (Supp. 85-6). Amended subsections (F) and (G) effective February 19, 1987 (Supp. 87-1). Amended subsections (A) and (B) effective October 23, 1987 (Supp. 87-4). Amended subsections (E), (F) and (G) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). Amended effective January 13, 1995 (Supp. 95-1). R19-2-306 recodified from R4-27-306 (Supp. 95-1). Amended effective January 6, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 4483, effective December 4, 2004 (Supp. 04-4). Amended by exempt rulemaking at 17 A.A.R. 1484, effective July 20, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-307. Kennel Names

- A. A licensed owner who wishes to race under a kennel name shall register the kennel name with the Department and pay the fee listed in R19-2-202(C).
 1. Only an owner may register or secure a license under a kennel name.
 2. A name other than the legal name of the owner is a kennel name.
- B. When registering a kennel name, a licensed owner shall identify all individuals or entities operating under the kennel name.
 1. An individual operating under a kennel name shall possess and produce the individual's owner's license on request by a racing official.
 2. An individual operating under a kennel name shall sign the application for an authorized agent.
 3. A business entity operating under a kennel name shall:
 - a. Register to do business according to the laws of Arizona;
 - b. Submit a list that identifies each stockholder who owns more than 10% of the existing shares or each partner in a partnership;
 - c. Notify the Department immediately of any change in ownership;
 - d. Use the name under which the business entity does business in Arizona as the business entity's kennel name.
- C. If consistent with other laws, a licensed owner may change a kennel name by registering the new kennel name and paying the fee listed in R19-2-202(C).
- D. To abandon a registered kennel name, a licensed owner shall provide written notice to the Department.
- E. A licensed owner shall select a kennel name that is distinguishable from other kennel names.

- F. When application is made to register a kennel name, the Department shall determine whether the prospective kennel name will be:
 1. Misleading to the public, or
 2. Unbecoming to the sport.
- G. The Department shall not register a kennel name that is misleading to the public or unbecoming to the sport.
- H. A licensed owner shall register a separate name for each of the owner's kennels.
- I. The Department shall register only one kennel under a particular kennel name.
- J. A licensed owner operating under a kennel name shall pay all entry fees for and penalties against the kennel.
- K. At the time of entry, a licensed owner shall ensure that the applicable kennel name is furnished for the official race program.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-307 recodified from R4-27-307 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-308. Owners, Kennel Owners, and Trainers

- A. An owner, kennel owner, and trainer shall comply with the rules in this Article.
- B. The decisions of the stewards on all questions to which the stewards' authority extends, are final, subject to the right of appeal to the Department pursuant to R19-2-322.
- C. When a trainer or assistant trainer is absent from the kennel or grounds where the trainer's greyhounds are racing, the trainer or assistant trainer shall provide a substitute licensed trainer or assistant trainer responsible for the greyhounds. Both the absent and substitute trainer shall sign a "Trainers' Responsibility Form" approved by the stewards.
- D. An owner, kennel owner, trainer, assistant trainer, race track employee, or other licensee shall not accept, directly or indirectly, any bribe, gift, or gratuity in any form with the intent to influence the result of any race.
- E. The trainer of an entered greyhound shall bring the greyhound to the weighing-in room at the appointed time unless the stewards grant additional time for extenuating circumstances. If the greyhound is not brought to the weighing-in room at the appointed time, the stewards shall scratch the greyhound and the trainer may be fined for failing to do so.
- F. A trainer shall report any greyhound, under the trainer's care or supervision, that is off racing form or is in poor physical condition to the racing secretary, who shall immediately notify the stewards. A reported greyhound shall not enter or start until approved by the track veterinarian and schooled to the satisfaction of the stewards. A trainer who violates this rule is subject to a civil penalty or suspension or to ruling off.
- G. An owner, kennel owner, or trainer shall ensure that no medicine, antiseptic, fluid, or other matter containing any color that may cause the marring of identification marks is used on any part of a greyhound.
- H. An owner, kennel owner, trainer, or other licensee with an interest in any greyhound at a meeting licensed by the Commission, who places a wager with or through any handbook, shall be:
 1. Ejected from the grounds of the permittee;
 2. Refused admission to the grounds of all other licensed permittees in the state of Arizona; and
 3. Denied entry of any greyhound by all permittees in Arizona.

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- I. A trainer shall not have an ownership interest in a greyhound located at the track at which the trainer trains unless the trainer trains the greyhound. For purposes of this rule, a reversionary interest in a greyhound, pursuant to a lease or other agreement that transfers control of the greyhound, is not an ownership interest.
- J. The kennel owner or trainer shall ensure that each greyhound owner is licensed before the greyhound runs in a race.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective November 30, 1988 (Supp. 88-4).
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-308 recodified from R4-27-308 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-309. Officials**A. Generally.**

1. In this Article, the term track official means the following persons employed by a permittee and approved and licensed by the Department: Director of Racing, one steward, pari-mutuel manager, clerk of scales, starter, timer, paddock judge, track veterinarian, track superintendent, racing secretary, assistant racing secretary, chart writer, kennel master, and operator of the mechanical lure.
2. In this Article, the term Department official means the following persons appointed by and representing the Department: two stewards, state pari-mutuel supervisor, state veterinarian, and an investigator.
3. A person may serve in more than one position as a track or Department official if the person can do so without detriment to any of the other positions and the person has the consent and approval of the Department except that neither the racing secretary nor the permittee director of racing may serve as a steward.
4. A ruling by the stewards is controlling if made by a majority of the stewards.
5. Vacancies.
 - a. When a vacancy occurs among officials other than stewards, the stewards shall fill the vacancy before post time of the first race of the day or when the vacancy occurs. An appointment made by the stewards is effective only for the day it is made unless the permittee fails to fill the vacancy on the following day and notifies the stewards of its action not less than one hour before post time of the first race of the following day. A permittee shall promptly report the appointment of an official to the Department.
 - b. If a vacancy occurs among the stewards, the stewards present shall appoint one or two persons to serve as temporary stewards. The stewards making an appointment under this subsection shall report the appointment in writing to the Department.
 - c. In case of emergency, the stewards may appoint a substitute official to fill a vacancy for only as long as the emergency exists.
6. The Department shall not appoint or license minors as officials.
7. A person with an interest in the result of a race because of an ownership interest in an entered greyhound or a wager shall not act as an official at the race meet.

B. Prohibited acts.

1. An official or the official's assistant shall not purchase pari-mutuel tickets on races.

2. An official or the official's assistant shall not consume alcoholic beverages while on duty.
3. A licensee or an employee of a permittee shall not accept, directly or indirectly, a bribe, gift, or gratuity in any form that is intended to or might influence the results of any race or the conduct of any race meet.
4. An official or employee of a permittee shall not write or solicit dog insurance at a race meet.

C. An official or employee of a permittee shall report all observed violations of this Chapter to the stewards.**D. Complaints.**

1. A person with a grievance or complaint against a track official, an employee of the permittee, or a licensee shall submit the grievance or complaint to the stewards in writing within five days of the alleged act or behavior omission giving rise to the grievance or complaint. The stewards shall consider the matter, take whatever action is deemed to be appropriate, and make a full written report of their action to the Department.
2. A person with a grievance or complaint against an official or employee of the Department shall submit the complaint or grievance to the Director or designee in writing within five days of the alleged act or omission giving rise to the complaint or grievance.
3. The Department shall take disciplinary action allowed under A.R.S. Title 5, Chapter 1 and this Chapter against an official or employee of the Department who fails to comply with this Chapter.

E. Stewards.

1. Two stewards appointed by the Director and one steward appointed by the permittee and licensed by the Department shall supervise each race meet.
 - a. The stewards shall be in attendance at the office of the racing secretary or on the grounds of the permittee on any day that entries are taken or racing is conducted and represent the Department in all matters pertaining to the enforcement and interpretation of A.R.S. Title 5, Chapter 1 and this Chapter.
 - b. The stewards shall advise the Director of all rulings made and hearings held.
 - c. If a steward is unable to perform the steward's duties for more than one day, the steward shall immediately notify the Director so an alternate steward may be named to act in the steward's place.
2. The stewards shall enforce A.R.S. Title 5, Chapter 1 and this Chapter.
3. The stewards shall interpret A.R.S. Title 5, Chapter 1 and this Chapter and decide all questions not specifically covered by A.R.S. Title 5, Chapter 1 and this Chapter. In all interpretations and decisions, an order of the stewards supersedes an order of the permittee.
 - a. The stewards shall have control over and free access to all stands, enclosures, and all other places within the grounds of the permittee.
 - b. The stewards shall investigate and render a decision promptly on each objection properly made to them under R19-2-320. Even if all stewards agree on a ruling, only a majority of the stewards need to sign the ruling.
 - c. The stewards shall supervise all entries and declarations. The stewards may refuse entries or the transfer of entries for violation of A.R.S. Title 5, Chapter 1 and this Chapter.
 - d. The stewards shall regulate and control the conduct of officials and other persons attending or participating in any manner in a race meet.

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- e. When necessary to maintain safety and health conditions and protect public confidence in the sport of racing, the stewards shall:
 - i. Authorize a person to enter in or on and examine the buildings, kennels, rooms, motor vehicles, trailers, or other places within the grounds of a permittee;
 - ii. Inspect and examine the person, personal property, and effects of any person within the grounds of a permittee; and
 - iii. Seize any items prohibited under R19-2-311(6) and (7) or any other illegal article.
 - f. Under subsection (E)(6), the stewards may impose a civil penalty in an amount not to exceed \$1,000 on any person subject to the stewards' control for violation of A.R.S. Title 5, Chapter 1 or this Chapter. After a hearing, the stewards may suspend a person violating A.R.S. Title 5, Chapter 1 or this Chapter for up to 60 days and may rule off a licensee violating A.R.S. Title 5, Chapter 1 or this Chapter. The stewards may impose both a civil penalty and suspension for the same violation. The stewards may refer any ruling made by the stewards to the Director, recommending further action, including license revocation.
 - g. Unless specifically ordered otherwise, if the stewards suspend one license held by an individual, all licenses held by the individual are suspended.
 - h. If a laboratory report or other evidence shows the administration or presence of a foreign substance, the stewards shall immediately investigate the matter and may disqualify the affected greyhound, suspend the trainer or other person involved, refer the matter to the Director, and impose a fine.
 - i. A person or greyhound expelled or ruled off by a recognized racing authority for corrupt, fraudulent, or improper practice or conduct is ruled off wherever this Chapter has force.
 - j. When a person is suspended, the stewards shall rule off every greyhound wholly or partly owned by the person for as long as the suspension continues. The suspended person shall not, whether acting as agent or otherwise, subscribe for, enter, or run a greyhound in any race, in either the person's name or that of another person. The stewards shall disqualify a greyhound if the suspended person is wholly or partly the owner, the greyhound is under the suspended person's care, management, training, or supervision, or if the suspended person has any interest in the winnings of the greyhound. At the time it is discovered, the stewards shall void an entry from a suspended person or for a greyhound that stands ruled off. The suspended person shall forfeit the entry or subscription money and return the money or prize won.
4. The stewards may excuse a greyhound that has left the paddock for the post if the stewards consider the greyhound to be disabled or unfit to run.
 5. The stewards shall determine the finish of a race by the relative position of the muzzles or noses of each greyhound. At the end of a race, the stewards shall immediately notify the permittee pari-mutuel department of the numbers of the first four greyhounds.
 - a. The stewards shall promptly display the numbers of the first four greyhounds in each race in order that they finished. If the stewards differ as to the order in which the greyhounds finished, the conclusion of the majority of the stewards shall prevail.
 - b. The stewards may review the photo-finish picture provided by the permittee to aid the stewards in determining the finish of a race.
 - i. If the photo-finish picture furnished by the permittee is not adequate or usable, the stewards shall make the final decision.
 - ii. If the stewards consider it advisable to review a photo-finish picture, the stewards may post the placements that the stewards determine are unquestionable without waiting for a picture. After reviewing the picture, the stewards shall post the other placements. The stewards shall not declare a race official until the stewards have determined the greyhounds finishing first, second, third, and fourth.
 - c. This Chapter shall not prevent the stewards from correcting an error before the display of the sign "official" or from recalling the sign "official" if it is displayed through error.
6. The stewards shall adhere to the following procedure when the stewards have reason to believe that a person has violated A.R.S. Title 5, Chapter 1 or this Chapter:
 - a. The stewards shall summon the person to a hearing with all the stewards present;
 - b. The stewards shall give 24-hours' written notice of the hearing to the person using a form supplied by the Department. The stewards shall time and date the notice, and the person notified shall sign the notice and return it to the stewards. The stewards shall retain the original notice and include the notice as part of the case file. The steward shall give a copy of the notice to the person summoned;
 - c. Except as provided in subsection (E)(6)(g), the stewards shall not impose a penalty without a hearing;
 - d. If a summoned person fails to appear at a scheduled hearing, the person waives the right to a hearing before the stewards;
 - e. The stewards shall permit the summoned person to present witnesses on the person's behalf;
 - f. The stewards shall take appropriate action, including suspension, civil penalty, or both if there is substantial evidence to find a violation of A.R.S. Title 5, Chapter 1 or this Chapter. The stewards shall promptly forward the written decision or ruling to the Director and to the summoned person;
 - g. The stewards may summarily declare a greyhound scratched and may suspend a license pending a stewards' hearing if the stewards make a specific finding that the action is in the best interest of the public health, safety, and welfare;
 - h. The stewards shall recover and forward to the Department any license the stewards suspend;
 - i. The stewards shall act by majority vote on all matters within the stewards' jurisdiction;
 - j. The stewards have the power to modify, change, or remit any ruling imposed by the stewards; and
 - k. A licensee shall promptly pay to the Department any civil penalty imposed by the stewards for deposit with the state treasurer.
 7. During a term of suspension of an owner, trainer, or other person at a location under the jurisdiction of the Department, the stewards and permittee shall ensure that a ruling against the owner, trainer, or other person is enforced.

F. Racing secretary.

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1. The racing secretary shall report to the stewards all violations of A.R.S. Title 5, Chapter 1 and this Chapter or of the regulations of the permittee that come to the racing secretary's attention.
 2. The racing secretary shall keep a complete record of all races.
 3. The racing secretary or designee shall inspect all documents dealing with owners and trainers, partner agreements, appointments of authorized agents, and adoption of kennel names. The racing secretary may demand production of documents to verify their validity and authenticity and to ensure that A.R.S. Chapter 5, Article 1 and this Chapter has been followed.
 4. The racing secretary shall write the conditions of all races and publish the conditions sufficiently before closing time for entries to allow the conditions to be read by all owners and trainers. The racing secretary shall not alter the conditions of the races after closing time. The racing secretary shall not write race conditions that conflict with A.R.S. Title 5, Chapter 1 or this Chapter.
 5. The racing secretary shall act as the official handicapper in all races.
 6. The racing secretary shall determine the character and condition of substitute and extra races and shall submit the substitute and extra races to the stewards for approval.
 - a. A substitute or extra race shall not carry a lower guaranteed purse than the race the substitute or extra race replaces; and
 - b. If a race is canceled, the racing secretary may split any race programmed for the same day that previously was closed.
 7. The racing secretary or designee shall conduct the drawing of greyhounds for all races and immediately post an overnight listing of the greyhounds in each race.
 8. The racing secretary shall not allow a greyhound to start in a race unless the greyhound is entered in the name of the greyhound's legal owner and the owner's name appears on the greyhound's registration papers or on a legal lease or bill of sale attached to the greyhound's registration papers.
- G.** Assistant racing secretary. The duty of the assistant racing secretary shall, under the racing secretary's supervision, assist the racing secretary to perform the racing secretary's duties.
- H.** Starter.
1. The starter has:
 - a. Complete jurisdiction over the start of any field of greyhounds,
 - b. Authority to give orders necessary to ensure a fair start, and
 - c. Authority to recommend to the stewards that a person be fined or suspended for violating the starter's orders.
 2. The starter shall ensure that a greyhound starts from a starting box approved by the Department. The starter shall ensure there is no start until, and no recall after, the doors of the starting box have opened. The starter shall report any cause of delay to the stewards.
 3. A false start due to faulty action of the starting box, break in the machinery, or other cause, is void. The greyhounds may be started again as soon as practicable or the race may be canceled at the discretion of the stewards.
- I.** Clerk of the scales.
1. The clerk of the scales shall:
 - a. Weigh all greyhounds in and out with the greyhound's muzzle, collar, and lead strap;
 - b. Post the scale sheet of weights promptly after weighing;
 - c. Prevent any greyhound from passing the scales or running with an overweight or an underweight of more than two pounds. The clerk of scales shall promptly notify the paddock judge, who shall report to the stewards, any infraction of this Chapter regarding weight or weighing; and
 - d. Report all late scratches and weights on a bulletin board located in a place conspicuous to the wagering public.
 2. As each greyhound is weighed in, the clerk of scales shall attach an identification tag to the greyhound's collar indicating the number of the race in which the greyhound is entered and the greyhound's post position. The clerk of the scales shall remove the identification tag when the greyhound is weighed out and blanketed.
 3. The clerk of the scales shall report to the stewards any violations of this Chapter regarding weight requirements or any attempt to alter specified weights.
 4. The clerk of scales shall keep a list of all greyhounds known as "weight losers" and notify the presiding steward of the greyhound's weight loss before each race.
- J.** Paddock judge and kennel master.
1. Identification of greyhounds.
 - a. The paddock judge shall check all greyhounds for each race.
 - b. The paddock judge shall ensure that a greyhound does not start in a schooling or purse race unless the greyhound is fully identified and checked against the card index system of identification maintained by the permittee. The paddock judge shall complete an identification card for each greyhound before the greyhound is entered for a schooling or purse race.
 - c. A permittee shall keep and maintain a card index system for identification of each greyhound that races at a race meet. The permittee shall ensure that the cards in the index system of identification contain the names of the owner and trainer and the breeding, weight, color, sex, and characteristic markings, tattoos, scars, and other identification features peculiar to the greyhound.
 2. Under supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time and determine whether the kennels are in perfect repair and nothing has been deposited in the kennels for the greyhounds to consume. The kennel master shall ensure that the kennels are sprayed, disinfected, and kept in proper sanitary condition. The kennel master or assistant shall receive the greyhounds from their trainers, one at a time, ensure that the greyhounds are placed in their kennels, and remain on guard from that time until the greyhounds are removed for the last race.
 3. The paddock judge shall ensure that only a greyhound's licensed owner, trainer, or assistant trainer present the greyhound to the clerk of the scales for weigh in before a race.
 4. After the greyhounds are placed in the lockout kennels, only the kennel master, track official, person approved by the Department, or a designated representative of the Department is allowed in or near the lockout kennels.
 5. Before post time, the paddock judge shall carefully compare the identification card with the greyhound while the greyhound is in the paddock.
 6. Before the greyhound leaves the paddock for the starting box, the paddock judge shall ensure that the greyhound is

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equipped with a regulation muzzle and blanket. The paddock judge shall approve the muzzles and blankets and carefully examine the muzzles and blankets in the paddock before the greyhound leaves for the post.

7. The paddock judge shall keep on hand, ready for use, extra muzzles of all sizes, lead straps, and collars.
8. The paddock judge shall report all practices and irregularities in violation of A.R.S. Title 5, Chapter 1 or this Chapter to the stewards.

K. Timer.

1. The timer or a steward shall accurately record the official time of each race, which begins when the doors of the starting box open.
2. A permittee shall install an automatic timing device approved by the Department. The timer shall use the time shown on the timing device as the official time of a race if the timer is satisfied that the timing device is functioning properly. If the timing device is not functioning properly, the timer shall use the time shown on the stopwatch the timer operates. The track announcer shall announce the time to the public if the stopwatch time is used as the official time of the race.

L. Chart writer.

1. The chart writer shall compile the information necessary for an official race program printed for each racing day. The official race program shall list the names of the greyhounds scheduled to run in each of the races for that day. The names of the greyhounds shall appear in the order of post position designated by numerals placed at the left and in line with the names of the greyhounds. The numerals shall also be prominently displayed on each greyhound.
2. The chart writer shall ensure that all past performances of a greyhound shown in the official race program appear in dated, chronological, order of the greyhound's races or official schoolings, with the last performance appearing on the first line. The chart writer shall also ensure that the official race program contains the name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races, number of times finishing first, second, and third, names of the owner and trainer, distance of the race, the track record, and any other information that will enable the public to judge the greyhound's ability properly.
3. When the name of a greyhound is changed, the chart writer shall ensure that both the new name and the former name are published in the official entries and official race program for the greyhound's next three starts.

M. Veterinarians.

1. The Department shall approve two official veterinarians who are licensed to practice veterinary medicine in the state of Arizona. Each permittee shall employ one official veterinarian, who is known as the track veterinarian. The Department shall employ the other official veterinarian, who is called the state veterinarian.
2. The state veterinarian shall be in charge of all sample collection.
3. The track veterinarian shall be present during all official races and schooling races. The track veterinarian shall observe each greyhound as the greyhound enters the lock-out kennel, examine the greyhound when it enters the paddock before the race, and recommend to the stewards that a greyhound be scratched when the veterinarian deems the greyhound unsafe to race or physically unfit to produce a satisfactory effort in a race.

4. The track veterinarian shall place a greyhound deemed unsafe, unsound, or unfit on a suspension list and post the suspension list in a conspicuous place available to all owners, trainers, and officials.
5. After a greyhound is placed on a suspension list, the greyhound shall not race until the greyhound is removed from the suspension list by the track veterinarian with the approval of the state veterinarian.
6. At a time chosen by the Department, the state veterinarian shall inspect the condition of every kennel at the track of a permittee and file a report with the Department regarding the inspection. The state veterinarian shall include in the report the general physical condition of the dogs, sanitary conditions of the kennels, segregation of bitches in season, segregation of sick dogs, the types of medicine found in use, and other matters or conditions the state veterinarian deems worthy of note.
7. The entry of a greyhound on the state veterinarian's suspension list is accepted only after final approval by both the track and state veterinarians and after a minimum of three days from the date the greyhound was placed on the veterinarians' list.
8. A veterinarian licensed by the Department shall keep a written record of the veterinarian's practice on the grounds of a permittee relating to greyhounds participating in racing.
 - a. The veterinarian shall include the following in the record:
 - i. The name of the greyhound treated,
 - ii. The nature of the greyhound's ailment,
 - iii. The type of treatment prescribed and performed for the greyhound, and
 - iv. The date and time of the treatment.
 - b. The veterinarian shall keep the record for practice engaged in at all licensed tracks.
 - c. The veterinarian shall produce the record without delay on request of the stewards or the Department.
 - d. A veterinarian engaged in private practice at a location under the jurisdiction of the Department shall be licensed by both the Arizona State Board of Veterinarian Medical Examiners and the Department.
 - e. Except in case of an emergency, a veterinarian who administers to or prescribes for a greyhound on the premises of a permittee shall be licensed by the Department.
 - f. The Department shall evaluate all new and experimental medications and drugs and determine whether the medications and drugs may be used on the grounds of a permittee.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended subsections (A) and (E) effective November 30, 1988 (Supp. 88-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-309 recodified from R4-27-309 (Supp. 95-1). Amended effective August 7, 1996 (Supp. 96-3). Amended by final rulemaking at 11 A.A.R. 5534, effective February 4, 2006 (Supp. 05-4). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-310. Lead-outs

- A. Owners, trainers, or attendants shall not be allowed to lead their greyhounds from the paddock to the starting box except in schooling races. The greyhounds shall be led from the paddock to the starting box by lead-outs provided by each permittee and licensed by the Department.

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1. Lead-outs shall be assigned to post position by the paddock judge or his or her designee by lot before the first race of each race program; a record thereof shall be maintained.
 2. Lead-outs shall be required to present a neat appearance and conduct themselves in an orderly manner and must be attired in clean uniforms provided by the permittee.
 3. The lead-out shall handle the greyhound in a humane manner, put the greyhound in its proper box before the race, and then retire to an assigned place.
- B.** Lead-outs are prohibited from holding any conversation with the public either in the paddock, en route to the starting post, or while returning to the paddock.
- C.** No lead-out shall be permitted to have any interest in the greyhounds racing for said permittee.
- D.** Lead-outs are prohibited from wagering on the result of any greyhound racing at the track to which they are assigned.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).

Amended effective March 20, 1990 (Supp. 90-1). R19-2-310 recodified from R4-27-310 (Supp. 95-1).

R19-2-311. Prohibited Acts

In addition to other prohibitions described in A.R.S. Title 5, Chapter 1 and this Chapter:

1. A licensee shall not enter, or cause or permit to be entered, or start a greyhound that the licensee knows or has reason to believe should be disqualified or may be ineligible for to race.
2. A veterinarian licensed to practice on a track under the jurisdiction of the Department shall not own, lease, or train a greyhound racing at the track on which the veterinarian practices.
3. A licensee shall not subject or permit an animal under the licensee's control, custody, or supervision to be subjected to any form of cruelty, mistreatment, neglect, or abuse and shall not abandon, injure, maim, kill, administer a noxious substance to, or deprive the animal of necessary care, sustenance, or shelter.
4. A person shall not participate in any unauthorized race on a track while a race meet is in progress on the track.
5. A person shall not offer or receive any money or other consideration for declaring any entry out of a purse or stakes race.
6. A person shall not possess, within the grounds of a permittee, an electrical, mechanical, or other device, other than ordinary equipment, that may be used to affect the speed or racing condition of a greyhound. Possession includes, but is not limited to, having the device or equipment:
 - a. On the person;
 - b. In living or sleeping quarters;
 - c. In an assigned kennel, feed room, or other area; and
 - d. In a motor vehicle or trailer.
7. A person other than a physician or veterinarian licensed by the Department shall not possess, within the grounds of a permittee, a foreign or prohibited substance, injectable vial, hypodermic needle, syringe, or any other instrument that may be used for injection, without written permission of the stewards. Possession includes, but is not limited to, having the substance or instrument:
 - a. On the person;
 - b. In living or sleeping quarters;
 - c. In an assigned kennel, feed room, or other area; and
 - d. In a motor vehicle or trailer.
8. A person holding a license listed in A.R.S. § 5-104 shall not apply, inject, inhale, ingest, be under the influence of, possess, or use a narcotic, dangerous drug, or controlled or prohibited substance regulated under A.R.S. Title 13, Chapter 34 while on permittee grounds, unless, on the request of a steward, the licensee can produce evidence that the licensee has a lawfully issued prescription for possession or use of the narcotic, dangerous drug, or controlled or prohibited substance.
9. A licensee or employee of a permittee shall not accept, either directly or indirectly, a bribe, gift, or gratuity in any form that is intended to or might influence the results of any race or the conduct of a race meet.
10. A licensee shall not engage in conduct prohibited by the Department and shall not engage in conduct that is detrimental to the best interests of greyhound racing including, but not limited to, soliciting, aiding, or abetting another person to participate in conduct prohibited by the Department or detrimental to the best interests of greyhound racing.
11. A licensee, while on the grounds of a permittee, shall not create a disturbance, be intoxicated, interfere with a racing operation, or act in an abusive or threatening manner to a racing official or other person.
12. Only a veterinarian licensed by the Department shall administer to or prescribe for a greyhound on the grounds of a permittee.
 - a. A veterinarian who prescribes or administers a drug or treatment to a greyhound at a track shall report the drug or treatment prescribed or administered to the Department in the manner required by the Department.
 - b. Notwithstanding the provisions of this Section, any veterinarian may treat a greyhound if an emergency involving a threat to the life or health of the greyhound exists.
13. Notwithstanding the provisions of subsection (18)(a), a person shall not administer or cause to be administered, internally or externally, a foreign substance to a greyhound entered in a race for at least 24 hours before the scheduled post time for the first race of the day on which the greyhound is to run.
14. The Racing Commission has established permissible levels of the following foreign substances, as defined by R19-2-302(17), for the urine of a greyhound:
 - a. Procaine: six micrograms per milliliter, and
 - b. Barbiturates: one microgram per milliliter.
15. A person shall not race a greyhound that is desensitized by the application of cold, chemical, or mechanical freezing devices at the time of arrival at the paddock.
16. The stewards shall discipline a licensee, as provided under A.R.S. Title 5, Chapter 1 and this Chapter, who is found guilty of using live rabbits, cats, or fowl in the training of racing greyhounds and report all incidents of this nature to the Department.
17. A licensee shall promptly pay any financial obligation incurred in connection with racing in this state. If failure or refusal to pay a financial obligation incurred in connection with racing in this state results in the financial obligation being reduced to a judgment against a licensee, the Department shall take disciplinary action against the licensee as authorized under A.R.S. § 5-108.05.
18. Test samples.
 - a. Animal testing.
 - i. A greyhound in any race may be subjected, by order of a steward or the state veterinarian, to

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- urine, blood, or other tests to determine whether a foreign substance is present.
- ii. An individual approved by the Department shall take required samples of urine, blood, or other test substances.
 - iii. A steward may authorize the splitting of any sample.
 - iv. The state veterinarian may require blood or urine samples to be stored in a frozen state for future analysis.
 - v. The owner, trainer, or a representative of the owner or trainer shall be present while samples are taken and prepared for testing.
 - vi. The owner, trainer, or a representative of the owner or trainer shall sign documents evidencing the procedure described in this subsection was followed.
- b. Human testing.
- i. As set forth in A.R.S. § 5-104(C) and this Section, a licensee shall immediately submit to blood, urine, breathe, or other tests ordered by the stewards if the stewards have reason to believe the licensee is under the influence of or in possession of a prohibited substance or has consumed alcohol in violation of subsection (11).
 - ii. The stewards shall ensure that a test sample is taken in the presence of a steward or the steward's designee, placed in a container furnished by the Department, and immediately sealed by the steward or steward's designee in the presence of the licensee being tested.
 - iii. The stewards shall ensure that a container in which a sample is placed is marked with the following items:
 - (1) Sample identification number;
 - (2) Time, date, and location where the sample was given; and
 - (3) Signature of Department personnel sealing the container.
 - iv. The stewards shall ensure that a container in which a sample is placed is submitted to the official laboratory for analysis to determine the presence of alcohol or a prohibited substance.
 - v. The Department shall discipline a licensee, as authorized under R19-2-309(E)(3)(f) and A.R.S. § 5-108.05(A), if laboratory analysis of the licensee's sample shows the presence of a prohibited substance and the licensee does not have a lawfully issued prescription for the substance.
 - vi. The Department shall ensure that results and information obtained as a result of analysis of a sample provided under this subsection are accessible only to members of the Commission, the Director or designees, and the tested licensee until any disciplinary action or administrative proceeding is complete.
 - vii. Compliance with this Chapter by the stewards or stewards' designee constitutes prima facie evidence that the chain of custody of the test samples is secure. The presiding officer or administrative law judge in an administrative proceeding of the Department or Commission shall admit the results as evidence.
19. A trainer, assistant trainer, and other person charged with the custody and care of a greyhound shall protect and guard the greyhound against the administration, either internally or externally, of a foreign substance, except as provided in subsection (12). A test indicating the presence of a foreign substance in the blood or urine of a greyhound in the custody and care of a trainer, assistant trainer, or other person shall give rise to a presumption that the trainer, assistant trainer, or other person failed to fulfill the duties specified.
 20. A person shall not interfere with the collection or procedures conducted under this subsection.
 21. The owner of a greyhound disqualified in a race because of an infraction of this Chapter shall forfeit and return any portion of the purse or stakes and any trophy received from the race and forfeit any entry or subscription money.
 - a. The racing secretary shall redistribute among remaining entries in the race all winnings that are forfeited under this subsection by the owner of a disqualified greyhound.
 - b. If laboratory analysis performed under subsection (18)(a) indicates the presence of a foreign substance in the blood or urine of a greyhound, the greyhound shall be disqualified and may be declared unplaced for every purpose except pari-mutuel wagering.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective November 30, 1988 (Supp. 88-4).
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-311 recodified from R4-27-311 (Supp. 95-1). Citations corrected in subsections 12 and 17 at the request of the Arizona Department of Racing (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-312. Registration and Transfers

- A. The National Greyhound Association of Abilene, Kansas, (NGA) is the official breeding registry of all greyhounds. The Greyhound Publications, Inc., Information System is the official recordkeeping agency of all greyhound performances and maintains the past performance lines on every greyhound raced at a track licensed by a racing jurisdiction. The Department may certify any greyhound whose registration is attributable to arbitrary, discriminatory, or other unreasonable action or inaction on the part of either agency.
- B. If for any reason the Greyhound Information System ceases operation, the kennel owner is responsible for furnishing the racing secretary with the last six past performance lines when applicable.
- C. The registry and recordkeeping agencies are self-funding, and may charge reasonable fees for their services.
- D. A greyhound shall not be entered for racing or schooling at any official track unless it:
 1. Is tattooed or permanently identified in a manner acceptable to the NGA;
 2. Is registered in the NGA stud book; and
 3. Has its last six performance lines, if applicable, and racing history made available to the racing secretary from the Greyhound Information System.
- E. The NGA breeding registry furnishes all necessary information to the Greyhound Information System when greyhounds are registered and named. A reasonable fee per start shall be deducted from the weekly purses by the track and paid to the Greyhound Information System.
- F. Each track shall provide a copy of the official chart of its races to the Greyhound Information System.

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- G. The NGA Breeding Registry and transfer files and the Greyhound Publications, Inc., Information System shall be available to Department officials upon request.
- H. In case of emergency, written authority from the NGA to sign declarations of partnerships shall be given to the racing secretary.
- I. An owner of a greyhound cannot assign the owner's share or any part of it without the written consent of the other partners. The consent shall be filed with the racing secretary.
- J. A certificate of registration for a greyhound shall be filed with the racing secretary at the race track where the greyhound is to be schooled, entered, or raced.
- K. The certificates of registration shall be available at all times for inspection by the stewards.
- L. A transfer of any title to, leasehold in, or other interest in greyhounds schooled, entered, or racing at any track under the jurisdiction of the Department shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.
- M. The Department shall not recognize a title, leasehold, or other interest in a greyhound until the title, leasehold, or other interest is evidenced by written instrument filed with and recorded by the National Greyhound Association of Abilene, Kansas and certified copies of the instrument are filed with the Department and the racing secretary at the race track where the greyhound is to be schooled, entered, or raced.
- N. If a greyhound is sold or transferred, or any interest in a greyhound is sold or transferred, during a meeting or after the greyhound has been registered for a meeting, a copy of the bill of sale shall be filed with the racing secretary and forwarded by the racing secretary to the Department.
- O. If a greyhound is sold with its engagements, or any part of them, the seller cannot strike it out of any engagements. In all cases of private sales, the written acknowledgment of both parties that the greyhound was sold with the engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those are sold with the greyhound. If the greyhound is sold by public auction, and if certain engagements are specified, only those engagements are sold with the greyhound.
- P. If a greyhound or any interest in a greyhound is sold to a disqualified person, the greyhound's racing engagements are void as of the date of sale.
- Q. In case of transfer of a greyhound with its engagements, the greyhound shall not be eligible to start in any stakes, unless the transfer of the greyhound and its engagements is provided to the racing secretary.
- R. A transfer of a greyhound or engagement shall not be made for the purpose of avoiding disqualification. A person that makes or receives a transfer to avoid disqualification may have a civil penalty invoked or be ruled off by the stewards.
- S. A partnership shall register with the Department. The partnership shall provide the name and address of every person with an interest in a greyhound, the relative proportions of the interest, and the terms of any sales with contingencies or arrangements, which are signed by each party or by an authorized agent, and file this information with the racing secretary. This information shall be provided to the Department before the beginning of the race meet. All persons listed on the partnership registration are jointly and severally liable for all stakes and forfeits.
- T. Statements of partnerships, sales with contingencies, or arrangements, shall declare who receives the winnings, in whose name the greyhound shall run, and who has the power of entry or declaration of forfeit. This information shall be provided to the Department upon request.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-312 recodified from R4-27-312 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-313. Leases

- A. The lessee of a greyhound shall file a copy of the Uniform Greyhound Certificate of Lease agreement with the Department. The lease agreement shall include:
 1. The name of the greyhound,
 2. The name and address of the owner,
 3. The name and address of the lessee,
 4. The kennel name of each party, and
 5. The terms of the lease.
- B. A corporation with more than 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation may not lease a greyhound owned or controlled by it to any person or partnership for racing purposes.
- C. The Department shall not grant an owner's license to a lessee of a corporation described in subsection (B).
- D. A corporation leasing greyhounds for racing purposes in this state, shall file with the Department, upon request, a report listing the stockholders and members, as well as additional business information the Department may specify. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al".

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-313 recodified from R4-27-313 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-314. Weights and Weighing

- A. Each greyhound shall be weighed in not less than one hour before the time of the first race of the day.
- B. Before a greyhound is allowed to school or to race at a track, the owner or trainer shall establish the racing weight of the greyhound with the clerk of scales.
- C. At weighing-in time, if there is a variation of more than two pounds from the greyhound's established weight, the stewards shall order the greyhound scratched.
- D. At weighing-out time, if a greyhound loses more than two pounds while in the lockout kennels, the stewards shall order the greyhound scratched. However, upon opinion from the veterinarian that the loss of weight while in the lockout kennels does not impair the racing condition of the greyhound, the stewards may allow the greyhound to race.
- E. The weight regulations provided in subsections (A), (B), (C) and (D) above shall be printed in the daily program.
- F. The established racing weight of a greyhound may be changed on written request of the owner or trainer and by consent of the stewards, if the change is made at least four calendar days before the greyhound is allowed to race at the new weight.
 1. A greyhound with a weight change of more than one pound shall be schooled at least once at the discretion of the stewards at the new established weight before being eligible for starting.
 2. A greyhound that has not raced or schooled officially for three weeks shall be allowed to establish new racing weight with the consent of the stewards and shall be schooled officially immediately upon receipt of the consent.

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- G.** The stewards have the authority to order that a greyhound entered in a race be weighed at any time from entry into the lockout kennel until post time.
- H.** Immediately after being weighed in, a greyhound shall be placed in a lockout kennel under the supervision of the paddock judge. Only the paddock judge, veterinarian, kennel master, clerk of scales, lead-out, steward, or Department representative shall be allowed in or near the lockout kennels.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-314 recodified from R4-27-314 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-315. Schooling

- A.** A schooling race shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.
- B.** Each official schooling race shall consist of at least six greyhounds. However, if this condition creates a hardship, less than six may be schooled with the permission of the stewards.
- C.** Hand schooling shall not be considered official.
- D.** A greyhound that has not raced for 10 racing days or more shall be officially schooled at least once at its racing weight before being eligible for entry.
- E.** A greyhound in an official schooling race shall race at its established racing weight and shall start from the box wearing blankets.
- F.** An owner, trainer, or authorized agent who is responsible for greyhounds that are booked to race on tracks licensed by the Commission, and who permit the greyhounds to be officially schooled on any track in Arizona or elsewhere that is not approved by the Commission during these bookings, shall be subject to immediate license revocation.
- G.** A greyhound may be ordered on the official schooling list by the stewards at any time for good cause and shall be schooled officially and satisfactorily before being allowed to enter a race.
- H.** Each permittee shall provide a photo finish camera, approved by the Department, that operates at all official schooling races.
- I.** A permittee shall make provision for an adequate number of official schooling races, to be run both before and during a meeting, to allow for the qualification of greyhounds.
- J.** A greyhound that fails to meet the established qualifying time shall not be permitted to start in a race other than futurity or stakes races.
- K.** Official schooling shall be maintained throughout a meeting up to at least one week before the last scheduled date of the meeting.
- L.** The distance of official schooling races and number of greyhounds in these races shall appear on the Form chart.
- M.** Only two official schooling lines shall be required for greyhounds in futurity races.
- N.** A greyhound on the veterinarian's list or stewards' suspension list shall not be schooled officially except as provided in R19-2-317(E)(6).
1. The racing secretary shall not allow a greyhound to be entered in a race unless the full name of every person having an ownership in the greyhound or accepting the trainer's percentage or having any interest in its winnings is registered with the racing secretary. A change in a greyhound's ownership or interest made during that meeting shall be registered with the racing secretary; a copy of this shall be delivered promptly to the Department by the racing secretary of the track where the greyhound is racing.
 2. The racing secretary shall not allow a greyhound to be entered in a race unless the conditions in R19-2-313 pertaining to registration are met.
 3. The racing secretary shall not allow a greyhound to enter or start unless it is conditioned by a licensed trainer or owner-trainer.
 4. The racing secretary shall not allow a greyhound to enter or start in a race unless it has been fully identified and tattooed. A person who participates in any manner in establishing the identity of a greyhound, including the breeder, owner, trainer, and identifier, is responsible for the accuracy of the information the person provides.
 5. The stewards may require a person in whose name a greyhound is entered to produce proof that the greyhound is not the property, either wholly or in part, of any person who is disqualified, or to produce proof of the extent of the person's interest in the greyhound. If the stewards are not satisfied as to the ownership of the greyhound, they may declare the greyhound out of the race.
 6. A permittee shall establish a qualifying time for its 3/8- and 5/16-mile races. The permittee shall notify the stewards at least three days before the first day of official racing of the qualifying time established and specify time which, while in effect, shall be continuously posted on the notice board at the track and approved by the stewards.
 - a. A change in the established qualifying time during the course of a meeting may only be made with the approval of the stewards.
 - b. The racing secretary shall not allow a greyhound to enter or race if the greyhound fails to meet the established qualifying time except in a futurity or stakes race.
 7. A greyhound is not eligible to enter or race if:
 - a. The greyhound is ruled off or suspended.
 - b. The owner or trainer is ruled off the track or suspended until the greyhound is made eligible either by reinstatement of its owner or trainer or a transfer or bona fide sale to an ownership or trainer acceptable to the stewards.
 - c. The greyhound is on the schooling list or on the veterinarian's list.
 - d. The greyhound is under the age of 12 months.
 8. A greyhound or kennel whose entry is ordered refused at any recognized meeting because of inconsistent racing shall not be permitted to race on any track where these rules are in force during the continuance of such ruling.
 9. At least three past performances of a greyhound shall be available for the program.
 10. A trainer shall remove an off-form greyhound from the active list. Failure to do so is grounds for suspension of the greyhound.
 11. A greyhound that has been retired for conditions or worming shall be brought back to racing weight before being entered.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-315 recodified from R4-27-315 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-316. Entries and Subscriptions

- A.** Condition for entry

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12. The stewards may allow a greyhound that has not raced in three or more weeks to establish new racing weight.
 13. The racing secretary shall not allow a greyhound in season on the track nor shall she be eligible to school officially or to race if in milk.
- B. Entry**
1. The racing secretary receives entries and declarations.
 2. Each entry in a race shall be in the name of the registered owner or in the kennel name.
 3. The racing secretary shall not allow a greyhound to run in any race unless it has been and continues to be duly entered.
 4. A greyhound eligible at the time of entry continues to be qualified, except in an overnight event in which the greyhound shall be eligible at the time of the start.
 5. A kennel owner, trainer, or authorized agent may enter a greyhound in person, by telephone, by facsimile, or in writing.
 6. A greyhound entered for a purse shall be a "starting greyhound" unless it has been declared out by the stewards.
 7. An entry from a person or of a greyhound that stands suspended or expelled is void. The Department shall refund any money paid for a void entry. A person who wins money with a void entry shall return the money to the Department.
 - a. The entry form to a stakes race shall include the full name and post office address of the person making the entry.
 - b. A person with an interest in a greyhound less than the interest of another person is not entitled to assume any of the rights or duties of an owner as provided by these rules, including the right of entry and declaration.
 - c. Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and severally liable for all fees and forfeits.
 - d. Nominations for stakes races received and post-marked before midnight of the day of closing shall be valid if received 24 hours in advance of closing of overnight entries.
 - e. If the invalidity of any entry or declaration in a stakes race is alleged, satisfactory proof that the entry or declaration was timely made shall be presented within a reasonable time or the entry or declaration shall be deemed not received.
- C. Closing**
1. The racing secretary shall close entries for purse races at the advertised time. An entry shall not be received after that time. If a race fails to fill, additional time for entries may be granted by the stewards.
 2. Entries and declarations for stakes races that close during or on the eve of a racing meeting shall close at the office of the racing secretary. Closing sweepstakes at all other times shall be at the office of the permittee.
 3. The racing secretary shall not accept entries or declarations for stakes after the designated time.
 4. A greyhound may not start in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.
 5. There shall be at least six different kennel owners in each race. An owner or trainer may have no more than two greyhounds in a race without the permission of the stewards. The requirements of this subsection are applicable to all greyhound races, including all short field races of five or fewer greyhounds. Prior approval of the stewards shall be obtained before conducting any race in which five or fewer greyhounds are entered.
6. If the number of entries to any purse race exceeds the number of greyhounds that, because of track limitations, may start, the starters for the race shall be determined by lot in the presence of those making entries.
 7. The post position of greyhounds shall be assigned by lot or drawing supervised by the stewards and the racing secretary, at a time and place posted on the trainer's bulletin board. The draw shall occur at least one day before the running of the race, so that any and all owners, trainers, or authorized agents interested may be present.
 - a. A change shall not be made in any entry after closing of entries, but an error may be corrected.
 - b. Each greyhound entered for a purse shall be a starter unless it is declared or scratched.
 8. The permittee may withdraw or change any unclosed race.
 9. Following the close of entries, the racing secretary shall compile and conspicuously post the entries.
 10. The holder of any claim, whether a mortgage bill, sale, or lien of any kind, against a greyhound, shall file the claim with the racing secretary before the time the greyhound is entered. The claimholder shall forfeit all rights in any winnings of the greyhound before the claim is filed.
- D. Fees**
1. Unless otherwise stipulated in the conditions of a race, there is no charge to enter a greyhound in a purse race. When the conditions require an entrance fee, the fee shall accompany the entry.
 2. A person entering a greyhound shall pay the nominating, sustaining, and starting fees. Except as provided in subsections (D)(3) and (D)(4) fees are nonrefundable.
 3. Entrance fees to a purse race that is run are not refundable unless otherwise provided for in the conditions of the race.
 4. Entry, starting, and subscription fees shall be distributed as provided for in the conditions of the race. If a race is not run, all stakes or entrance money shall be refunded.
 5. The death of the nominator or subscriber does not void entry, subscription, or right of entry of a greyhound.
 6. A greyhound may not start in a race unless any stake or entrance money for that race is paid.
 7. A person entering a greyhound is liable for the entrance money or stake.
 8. The entry of a greyhound in a sweepstakes is a subscription to the sweepstakes making the subscriber liable for stake and forfeit fees. If the subscriber properly transfers the entry, the subscriber is liable for stake and forfeit fees only if the transferee defaults. The seller of a greyhound with an engagement is liable for stake or forfeit fees if the engagement is not kept.
 - a. If a person is prevented by these rules from entering or starting a greyhound for a race without paying arrears for which the person would not otherwise be liable, the person may, by paying the arrears, enter or start the greyhound and have the arrears placed on the forfeit list as due to the person.
 - b. If the seller of a greyhound with an engagement is compelled to pay arrears because of the purchaser's default, the seller may place the amount of the forfeit list as due from the purchaser to the seller. This rule also applies in the transfer of an entry when the transferee defaults.

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- c. With the approval of the stewards, the racing secretary may waive the obligations incurred by this Section.
 - d. If the racing secretary permits a greyhound to start in a race without the entrance money or stake having been paid, the racing secretary is liable for the entrance money or stake.
9. An entry in a sweepstakes is a subscription and may not be withdrawn.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-316 recodified from R4-27-316 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-317. Rules of the Race**A. Pre-race activity.**

1. A greyhound shall race under its registered owner's name as shown on the registration papers or upon Department approval.
2. All races shall start at regular intervals. Post times shall be based upon the number of races scheduled to run daily. The intervals shall be set by the permittee with the approval of the stewards.
3. A greyhound shall be identified and exhibited in the paddock before post time of the race in which it is entered.
4. A greyhound shall wear the regulation muzzle and blanket while racing. The muzzle and blanket of each greyhound shall be carefully examined:
 - a. In the paddock by the paddock judge before the greyhound leaves for the post;
 - b. Before the stewards at the stewards' stand; and
 - c. By the starter at the starting box.
5. After the greyhounds have entered the track, the parade of the greyhounds to the post shall be no longer than 15 minutes, unless a delay is unavoidable.
6. After the greyhounds leave the paddock on their way to the starting point, and until the stewards signal the start of the race, all persons except the designated licensees shall be excluded from the course.
7. If a greyhound is injured after weigh-in, the greyhound may be excused by the stewards on the advice of the track veterinarian and shall not be considered a starter.

B. Races

1. A race is not declared official by the stewards unless the lure precedes the greyhounds at all times during the race. If, during the race, a greyhound catches or passes the lure, the stewards shall declare it "no race" and all monies wagered shall be refunded.
2. The stewards shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation. The lure shall be kept at a reasonable distance in advance of the greyhounds.
3. If a greyhound dwells in the box when the doors of the starting box open at the start, there shall be no refund.
4. If a greyhound bolts the course, runs in the opposite direction, or does not run the entire prescribed distance for the race, all rights in the race are forfeited and no matter where it finishes the stewards shall declare the finish of the race as if the greyhound was not a contender. However the greyhound shall be considered a starter.
5. If a greyhound bolts the course or runs in the opposite direction during the running of the race and in so doing, in the opinion of the stewards, alters the outcome of the

race, the stewards shall declare it "no race" and all monies wagered shall be refunded.

6. If it appears that a greyhound may interfere with the running of the race because of failure to leave the starting box, or accident, or for any other reason, a person under the supervision of the stewards may remove the greyhound from the track. However the greyhound shall be considered a starter.
 7. If a race is marred by jams, spills, or racing circumstances other than accident regarding the machinery or outside interference, and three or more greyhounds finish, the stewards shall declare the race official, but if fewer than three greyhounds finish, the stewards shall declare it "no race" and all monies wagered shall be refunded.
 8. Each permittee shall provide a camera approved by the Department for the purpose of taking photographs of all finishes of all races including schooling races.
 9. A greyhound ruled off for fighting or quitting is suspended on any track operating under the jurisdiction of the Commission.
 10. If the owner, trainer, or handler of a greyhound is found guilty of an act that prevents the greyhound from running its best, the Department shall suspend the license of the owner, trainer, or handler.
- C. Dead heats**
1. When a race results in a dead heat, the race shall not be run off. When two greyhounds run a dead heat for first place, all prizes to which the first and second greyhounds are entitled shall be divided equally between them. This applies in dividing prizes whatever the number of greyhounds running a dead heat and whatever places for which the dead heat is run.
 2. When a dead heat for win occurs, each greyhound involved in the dead heat shall be considered a winner and is liable for any penalty attached to the winning of the race.
 3. If the owners of the greyhounds involved in a dead heat cannot agree on the disbursement of a cup or other prize that cannot be divided, the cup or prize shall be determined by lot.
- D. Winnings**
1. Winnings include all prizes earned up to the time appointed for the start and shall apply to all races wherever run. Winnings shall include earnings from a walk over or receiving forfeit, but do not include second and third money, or the value of any non-monetary prize. Winnings during the year shall be determined from the preceding January 1.
 2. Winner of a certain sum shall mean winner of a single race of that value unless otherwise expressed in the conditions.
 3. In estimating the net value of a race to the winner, all sums contributed by the owner or nominator are deducted from the amount won.
- E. Declarations and scratches**
1. Declarations in purse races shall be made by the kennel owner, trainer, or authorized agent to the racing secretary or his or her assistant at least one-half hour before the time designated for the drawing of post positions on the day before the day on which the greyhound is to race, or at the time appointed by the racing secretary.
 2. Declarations in sweepstakes shall be made in the same manner as provided for making entries in sweepstakes to the racing secretary, who shall record the day and hour of receipt and give early publicity to the sweepstakes.

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3. A declaration in a stakes race shall be made in writing by the kennel owner or trainer of a greyhound or by the kennel owner's authorized agent.
 4. The declaration of a greyhound is irrevocable.
 5. A greyhound that is withdrawn from a race after the overnight entries are closed is deemed a scratch. The declared greyhound shall lose all preference accrued up to that date unless excused by the stewards.
 - a. To scratch a greyhound entered in a race, sufficient cause shall be given to satisfy the stewards, and the cause shall be reported immediately.
 - b. The owner or trainer of a greyhound that is scratched because of a violation of a racing rule shall be penalized or suspended for six racing days. Scratches for other causes may be disciplined at the discretion of the stewards.
 - c. If a trainer fails to have a greyhound entered at the track at the appointed time for weighing in causing the scratch of the greyhound, the stewards shall impose a forfeiture and may suspend or fine the person responsible.
 - d. If three or more greyhounds are withdrawn or scratched in any one race, the stewards may cancel the race.
 - e. The stewards may scratch a greyhound entered in a race for sufficient cause.
 6. A greyhound scratched from a race because of overweight or underweight shall receive a six-day suspension and shall school back before starting in an official race. Scratched greyhounds may school during their suspension.
- B. A permittee shall recognize any greyhound for which there is an Arizona Bred Certificate on file with the Department as an Arizona bred greyhound.
 - C. Breeders' awards are not to be paid on nominating, sustaining, or starting fees.
 - D. The Department shall calculate and pay breeders' awards to eligible breeders.
 1. Definitions.
 - a. "Quarterly Breeders' Award" means an amount of money based on the quarterly breeders' award payment factor determined by the Department each fiscal year by October 30.
 - b. "Substitute Breeders' Award" means an amount of money based on a substitute payment factor because of the lack of sufficient money to pay conventional Quarterly Breeders' Awards.
 - c. "Supplemental Breeders' Award" means an amount of money that corrects a shortfall between conventional Quarterly Breeders' Awards and Substitute Breeders' Awards.
 - d. "End-of-year Bonus Award" means an amount of money that may be paid to breeders from available monies that remain in the breeders' award fund after payment of Quarterly Breeders' Awards, Substitute Breeders' Awards and Supplemental Breeders' Awards.
 2. The Department shall pay awards at the end of each fiscal year quarter, provided that the total amount of the awards payments does not exceed the total amount of money available in the fund less the amount required to be set aside for contingent liabilities in subsection (D)(8).
 3. Quarterly Breeders' Awards. Before October 30 of each year, the Department shall determine a quarterly breeders' award payment factor that will be applied during the entire fiscal year. The payment factor determined by the Department is not subject to appeal.
 - a. The Department shall evaluate anticipated revenues for the breeders' award fund and anticipated purses for eligible Arizona-bred animals and set the payment factor at a level that permits recipients of quarterly breeders' awards to receive awards throughout the fiscal year based on the same payment factor.
 - b. The Department shall notify representatives of each breeders' association of the quarterly breeders' award payment factor in writing before October 30 of each year.
 - c. The Department shall calculate quarterly breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the quarterly breeders' award payment factor established for the fiscal year.
 - d. The Department shall make quarterly breeders' awards not later than 30 days after the end of each quarter, unless full quarterly breeders' awards cannot be made due to the lack of available money in the fund.
 4. Substitute Breeders' Awards. The Department shall make substitute breeders' awards if there are sufficient monies in the fund to allow for an award but not enough monies to provide for full payments of quarterly breeders' awards based on the quarterly breeders' award payment factor.
 - a. The Department shall determine the substitute payment factor by dividing the total amount of monies in the Arizona breeders' award fund at the end of the quarter less the amount required to be set aside for contingent liabilities in subsection (D)(8) by the

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-317 recodified from R4-27-317 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-318. Repealed**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-318 recodified from R4-27-318 (Supp. 95-1). Section repealed by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-319. Arizona Bred Eligibility and Breeders' Award Payments

- A. A breeder shall file a notarized certificate affirming eligibility under A.R.S. § 5-113(F) with the Department. The certificate shall include name, color, and sex of the animal; name of the sire; name of the female; date and location of whelping; National Greyhound Association registration number; left and right ear identification numbers; name, address, and telephone number of the breeder; a statement that the animal is eligible pursuant to A.R.S. § 5-113(F) and that the person shown as the breeder was the owner of the female at the time of whelping; and such other information as may be required by the Department to determine eligibility and shall be signed by the breeder. The breeder shall submit a copy of the National Greyhound Association registration papers with the certificate.
 1. Certification is deemed to occur upon the Department's receipt of the completed certificate.
 2. The greyhound shall be certified by the Department at the time of the win to be eligible for an award.

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- total amount of purses won by eligible Arizona-bred animals during that quarter.
- b. The Department shall calculate substitute breeders' awards by multiplying the amount of each purse won by an eligible animal during that quarter by the substitute payment factor for that quarter.
5. End-of-year bonus pool. After payment of all quarterly breeders' awards and any substitute breeders' awards has been calculated, the Department shall determine the amount of monies remaining in the fund. The end-of-year-bonus pool is the amount of monies remaining in the Arizona breeders' award fund after the payment of all quarterly breeders' awards for the fiscal year less the amount required to be set aside for contingent liabilities in subsection (D)(8).
 6. Supplemental Breeders Awards. The Department shall first pay any monies in the end-of-year bonus pool in the form of supplemental breeders awards to recipients of substitute breeders' awards.
 - a. The Department shall pay supplemental breeders' awards in an amount equal to the difference between the substitute breeders' award and the quarterly breeders' award the breeder would have received if there had been enough in the fund to pay an award based on the quarterly award payment factor.
 - b. In the event the end-of-year bonus pool cannot pay supplemental breeders' awards to make up for the shortfall to all substitute breeders' award recipients, the Department shall pay supplemental breeders' awards to all breeders eligible to receive a supplemental breeders' award on a pro-rata basis.
 - c. A breeder is eligible to receive a supplemental breeders' award from the end-of-year bonus pool only if the breeder received a substitute breeders' award during that fiscal year.
 - d. The Department shall not make supplemental breeders' awards if all eligible breeders received quarterly breeders' awards during the fiscal year.
 7. End-of-year Bonus Awards. The Department shall pay end-of-year bonus awards if monies remain in the end-of-year bonus pool following any supplemental payments.
 - a. The Department shall determine an end-of-year bonus payment factor by dividing the monies in the end-of-year bonus pool by the total amount of purses won by an eligible animal during the fiscal year.
 - b. The Department shall calculate end-of-year bonus awards by multiplying the amount of each purse won by an eligible animal by the bonus payment factor.
 8. Contingent liabilities. The Department shall retain \$10,000 in the Breeders' Award fund for contingent liabilities.
 9. The Department shall not make quarterly breeders' awards, substitute breeders' awards, supplemental breeders' awards or end-of-year bonus breeders' awards if the total amount available for distribution is less than \$10,000. In the event the Department does not pay an award because less than \$10,000 is available for distribution, the Department shall carry forward the amount in the fund for payment of awards when the Department next calculates awards.
 10. Appeal of Director's Rulings
 - a. The Director shall make the final decision concerning a breeders' award.
 - b. The Department shall give written notice of the decision to an applicant by mailing it to the address of record filed with the Department.
 - c. After service of the Director's decision, an aggrieved party may obtain a hearing under A.R.S. §§ 41-1092.03 through 41-1092.11.
 - d. The aggrieved party shall file a notice of appeal with the Department within 30 days after receiving the notice prescribed in R19-2-319(D)(10)(b).
 - e. The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.
 - E. The permittees shall submit to the Department an Arizona Breeders' Award Report in the form prescribed by the Department. The report shall include name of the animal, name of the breeder, date of win, win purse amount, type of race, name of track, and such other information as may be required by the Department to calculate awards.
 - F. The Arizona Thoroughbred Breeder's Association, Arizona Quarter Racing Association, Arizona Greyhound Breeder's Association and such other associations as may represent breeders in this state may assist the Department in periodic reviews of eligibility lists and may provide such other assistance in administering the fund as may be required by the Department.
 - G. At least every other three years, the Commission shall select a committee, consisting of representatives of each breeders' association and the Department, which shall review this rule and submit written recommendations to the Commission.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended subsection (A) effective August 21, 1985 (Supp. 85-4). Amended subsection (A) and added subsections (D) through (G) effective August 13, 1986 (Supp. 86-4). Amended subsection (D) effective February 19, 1987 (Supp. 87-1). Amended effective March 20, 1990 (Supp. 90-1). R19-2-319 recodified from R4-27-319 (Supp. 95-1). Amended effective January 10, 1997 (Supp. 97-1).

R19-2-320. Objections

- A. An objection to a greyhound may be made by an owner, the owner's authorized agent, a trainer of another greyhound engaged in the same race, or by the officials of the course. An objection shall be made to the stewards, who may require that the objection be made in writing with a copy sent immediately to the Director.
- B. The stewards may require a cash deposit of \$200 to cover costs of determining an objection. The deposit posted may be forfeited if the stewards determine the objection is without foundation.
- C. If the stewards are not able to decide an objection during the meeting, the stewards shall require that the objection be made in writing and forwarded to the Director.
- D. An objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
- E. An objection pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the stewards declare the race official.
- F. Any objections to a greyhound that has run in a race on the grounds that it was not trained by a licensed trainer, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary, shall be made not later than the day after the race.

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- G.** Any objection on the grounds of fraudulent or purposeful misstatement or omission in the entry under which a greyhound has run, or on the grounds that the greyhound which ran was not the greyhound it was represented to be in the entry or at the time of the race, may be received any time within three days after the race.
- H.** Any objection to a decision of the clerk of the scales shall be made before the greyhounds leave the paddock for the start of the race.
- I.** Pending the determination of an objection, any money or prize which the greyhound objected to may have won, or may win in the race, shall be withheld until the objection is determined, and any sum payable to the owner of the greyhound objected to shall be held for the person who may be determined to be entitled to it.
- J.** Pending the disposition by the stewards, Director, or Commission of any question, both the greyhound which finished first and any greyhound which is claimed to be the winner shall be liable for all penalties attaching to the winner of the race until the matter is decided.
- K.** If an objection to a greyhound which has won or which has been placed in a race is declared valid, that greyhound is disqualified, and the other greyhounds in the race are entitled to place in the order in which they finished. The purses shall be redistributed.
- L.** A person shall not lodge an unsubstantiated objection with the stewards.
- M.** If all the greyhounds in the race have run at wrong weights, or over a wrong course or distance, and objection is made before the official confirmation of the placing of the greyhound in the race, the stewards shall declare it "no race."
- N.** To withdraw an objection, the person that made the objection shall obtain the permission of the stewards.
3. The stewards may refer any ruling made to the Director, recommending further action, including revocation of a license suspended by the stewards. On receipt of a referral, the Director shall review the record and may affirm, reverse, or modify the stewards' ruling or conduct other proceedings the Director deems appropriate.
 4. If the Director decides that hearing or other proceeding is appropriate, the Director shall fix a time and place for a hearing. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30-days' notice is waived in writing by the appellant.
- B.** Appeal of stewards' inquiry and objection rulings.
1. Failure of the stewards to convene a hearing within 10 days after an objection is made shall be deemed a denial that may be appealed by filing a written appeal to the office of the Director within 10 days after the date the objection is denied.
 2. A person making an appeal or the person's attorney shall sign the appeal and ensure that it contains the grounds for appeal and reasons for believing the person is entitled to a hearing.
 3. After an appeal is filed under subsection (B)(2), the Director shall fix a time and place for hearing or refer the matter to a hearing officer. The Director shall give written notice of the hearing to the appellant at least 30 days before the date set for the hearing unless the 30 days' notice is waived in writing by the appellant.
 4. Nothing contained in this Section shall affect distribution of pari-mutuel pools.
 5. The Department shall retain purse money affected by an appeal until an order regarding the appeal is issued by the Director.

C. License denial, suspension, or revocation.

1. The Director may deny a license without prior notice to a license applicant. However, if the applicant files an appeal with the Director within 30 days after receipt of the denial notice, the Director shall fix a time and place for a hearing on the matter and give written notice of the hearing to the applicant at least 30 days before the date set for the hearing, unless the 30 days' notice is waived in writing by the applicant.
2. The Director may revoke or, independently of the stewards, suspend a license only after notice and opportunity for hearing. The Director shall give written notice of the hearing at least 30 days before the date set for hearing, unless the 30 days' notice is waived in writing by the licensee.
3. Unless specifically ordered otherwise, if the Director suspends one license held by an individual, all licenses held by the individual are suspended for the term of the suspension.

D. Director's hearings.

1. A party appearing before the Director or the Director's designee shall be afforded an opportunity for a hearing and to respond and present evidence and argument on all issues.
2. An individual appearing before the Director or the Director's designee has the right to appear in person or by counsel. A corporation appearing before the Director shall appear only through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Director may act on the evidence without further notice to the party. The Director may reopen a proceeding if a party to the proceeding submits a written

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
Amended effective March 20, 1990 (Supp. 90-1). R19-2-320 recodified from R4-27-320 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-321. Repealed**Historical Note**

Adopted effective August 5, 1983 (Supp. 83-4).
Amended by adding subsection (O) effective September 17, 1984. Amended subsection (D) paragraph (6) effective October 18, 1984 (Supp. 84-5). Amended by adding subsection (P) effective April 4, 1985 (Supp. 85-2). Amended subsection (N) effective November 29, 1985 (Supp. 85-6). Amended subsection (P) paragraph (19) effective June 6, 1986 (Supp. 86-3). Amended by adding subsections (Q), (R), (S), (T), (U) and (V) effective February 19, 1987 (Supp. 87-1). Amended by adding subsections (W) and (X) effective October 14, 1988 (Supp. 88-4). Repealed effective March 20, 1990 (Supp. 90-1). R19-2-321 recodified from R4-27-321 (Supp. 95-1).

R19-2-322. Procedure before the Department**A.** Appeal of stewards' rulings and referrals.

1. A person aggrieved by a ruling of the stewards may appeal to the Director. An appeal shall be filed in writing to the office of the Director within three days after receipt of the steward's ruling.
2. An appeal shall be signed by the person making the appeal or by the person's attorney and shall contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.

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- petition to the Director within 15 days after the proceeding.
- E.** Hearing officer. If the Director assigns a matter to a hearing officer, the hearing officer shall submit to the Director within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Director may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Director 45 days after the hearing officer submits the decision to the Director.
- F.** Depositions.
1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Director a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Director shall grant permission to take the deposition if the Director is able to determine from the deposition petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
 2. The Director may, at the Director's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
 3. A party taking a deposition under this subsection shall return and file the deposition with the Director within 30 days after permission for taking the deposition is granted.
- G.** Service.
1. The Department shall make service of a decision, order, or other process in person or by mail. The Department shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served at the address shown by the records of the Department.
 2. The Department shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Arizona Rules of Civil Procedure.
 3. Service on an attorney who has appeared on behalf of a party constitutes service on the party. A person required to serve papers on the Director or Commission shall file the papers in the office of the Department and serve a copy on the Attorney General.
 4. Proof of service may be made by the affidavit or oral testimony of the person making the service.
- H.** Rehearing, review, or appeal.
1. Except as provided in subsection (H)(7), a party aggrieved by a final administrative decision rendered by the Director may file with the Director, within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of the decision shall specify in the motion the particular grounds on which the motion is made.
 2. A motion for rehearing or review may be amended at any time before it is ruled on by the Director. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Director may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
3. The Department may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
 - a. Irregularity in the administrative proceedings or an order or abuse of discretion that deprived a party of a fair hearing;
 - b. Misconduct of the hearing officer, Director, or the prevailing party;
 - c. Accident or surprise that could not have been prevented by ordinary prudence;
 - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - e. Excessive or insufficient penalty;
 - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
 - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
 4. The Director may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (H)(3). The Director shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
 5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard, the Director may, on the Director's initiative, order a rehearing or review for any reason for which the Director might have granted a rehearing or review on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard, the Director may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Director shall ensure that the order granting a rehearing or review specifies the grounds for the order.
 6. When a motion for rehearing or review is based on affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Director for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
 7. If the Director makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Director shall issue the decision as a final decision without an opportunity for a rehearing or review.
 8. If the provisions of this Section are in conflict with the provisions of a statute providing for rehearing of decisions of the Director, the statutory provisions shall govern.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4).
 Amended effective March 20, 1990 (Supp. 90-1). R19-2-322 recodified from R4-27-322 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-323. Procedure before the Commission

- A.** Appeal of Director's rulings.
1. A person aggrieved by a ruling of the Director may appeal to the Commission. An appeal shall be filed in

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writing to the office of the Commission within 30 days after service of the Director's ruling.

2. The appeal shall be signed by the person making the appeal or the person's attorney and contain the grounds for appeal and the reasons for believing the person is entitled to a hearing.
 3. When an appeal is filed, the Commission shall review the record and may affirm, reverse, or modify the Director's ruling or conduct other proceedings the Commission deems appropriate.
- B. Permit denial, suspension, or revocation.**
1. As required under A.R.S. § 5-108.01(A), the Commission shall hold a hearing on an application for an original or renewal permit. The Commission shall provide 30 days' notice of the hearing.
 2. The Commission may revoke or suspend a permit only after notice and opportunity for hearing. The Commission shall give notice of the hearing in writing at least 30 days before the date set for hearing, unless the 30 days' notice is waived in writing by the permittee.
 3. Unless specifically ordered otherwise, if the Commission suspends one license held by an individual, all licenses held by the individual area suspended for the term of the suspension.
 4. A party appearing before the Commission shall be afforded an opportunity for a hearing and to respond and present evidence and argument on all issues.
 5. An individual appearing before the Commission has the right to appear in person or by counsel. A corporation appearing before the Commission shall appear through counsel. A party may submit the party's case in writing. If a party fails to appear for a hearing, the Commission may act on the evidence without further notice to the party. The Commission may reopen a proceeding if a party to the proceeding submits a written petition to the Commission within 15 days after the proceeding.
- C. Hearing officer.** If the Commission assigns a matter to a hearing officer, the hearing officer shall submit to the Commission within 15 days after conclusion of the hearing a written decision that includes proposed findings of fact, conclusions of law, and order. The Commission may accept, reject, or modify the decision of the hearing officer. Unless modified, the decision of the hearing officer becomes the decision of the Commission 45 days after the hearing officer submits the decision to the Commission.
- D. Depositions.**
1. If a party desires to take the oral deposition of a witness residing outside the state or otherwise unavailable as a witness, the party shall file with the Commission a petition for permission to take the deposition of the witness. The party shall specify in the deposition petition the name and address of the witness and the nature and substance of the testimony expected to be given by the witness. The Commission shall grant permission to take the deposition if the Commission is able to determine from the petition that the witness resides outside the state or is otherwise unavailable and the witness's testimony is relevant and material.
 2. The Commission may, at the Commission's discretion, designate the time and place at which the deposition may be taken. The party that takes a deposition is responsible for all expenses involved in taking the deposition.
 3. A party taking a deposition under this subsection shall return and file the deposition with the Commission within 30 days after permission for taking the deposition is granted.
- E. Service.**
1. The Commission shall make service of a decision, order, or other process in person or by mail. The Commission shall make service by mail by enclosing a copy of the material to be served in a sealed envelope and depositing the envelope in the United States mail, postage prepaid, addressed to the party served, at the address shown by the records of the Department. The Commission shall mail a notice of a hearing before the Commission by certified mail to the address of the party shown by the records of the Department.
 2. Proof of service may be made by the affidavit or oral testimony of the person making the service.
 3. The Commission shall calculate time periods prescribed or allowed by this Chapter, order of the Department, or applicable statute as provided in the Arizona Rules of Civil Procedure.
 4. Service on an attorney who has appeared on behalf of a party constitutes service on the party. A person required to serve papers on the Commission, shall file an original and five copies in the office of the Department and serve a copy on the Attorney General.
- F. Rehearing or review.**
1. Except as provided in subsection (F)(7), a party aggrieved by a final administrative decision rendered by the Commission may file with the Commission within 30 days after service of the final administrative decision, a written motion for rehearing or review of the decision. A party filing a motion for rehearing or review of a decision shall specify the particular grounds on which the motion is made.
 2. A motion for rehearing or review may be amended at any time before it is ruled on by the Commission. A response may be filed within 10 days after service of the motion or amended motion by any other party. The Commission may require the filing of written briefs on the issues raised in the motion and may provide for oral argument.
 3. The Commission may grant a rehearing or review of a decision for any of the following causes materially affecting a party's rights:
 - a. Irregularity in the administrative proceedings, or an order or abuse of discretion that deprived a party of a fair hearing;
 - b. Misconduct of the hearing officer, Commission, or the prevailing party;
 - c. Accident or surprise that could not have been prevented by ordinary prudence;
 - d. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
 - e. Excessive or insufficient penalty;
 - f. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing or during the progress of the proceedings; and
 - g. The findings of fact or decision is not justified by the evidence or is contrary to law.
 4. The Commission may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons listed in subsection (F)(3). The Commission shall specify with particularity the grounds for an order modifying a decision or granting a rehearing. A rehearing shall cover only the matters specified.
 5. Not later than 10 days after the date of a decision, after giving the parties notice and an opportunity to be heard,

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the Commission may, on the Commission's initiative, order a rehearing or review for any reason for which the Commission may have granted a rehearing on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard the Commission may grant a motion for rehearing or review for a reason not stated in the motion. In either case, the Commission shall ensure that an order granting a rehearing or review specifies the grounds for the order.

6. When a motion for rehearing or review is based on affidavits, the party making the motion shall serve the affidavits with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. This period may be extended by the Commission for an additional 20 days for good cause shown or by written stipulation of the parties. Reply affidavits may be permitted.
7. If the Commission makes a specific finding that a particular decision needs to be effective immediately to preserve the public peace, health, safety, and welfare and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Commission shall issue the decision as a final decision without an opportunity for a rehearing or review.
8. If the provisions of this Section are in conflict with the provisions of a statute providing for rehearing of decisions of the Commission, the statutory provisions shall govern.

Historical Note

Adopted effective August 5, 1983 (Supp. 83-4). Amended effective March 20, 1990 (Supp. 90-1). R19-2-323 recodified from R4-27-323 (Supp. 95-1). Amended by final rulemaking at 19 A.A.R. 3412, effective November 30, 2013 (Supp. 13-4).

R19-2-324. Greyhound Housing**A. Kennel housing facilities:**

1. Facilities shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.
2. Bedding shall be provided for all greyhounds. Heat, insulation, or additional bedding adequate to provide warmth shall be provided when the indoor temperature is below 50 degrees Fahrenheit. Facilities shall have operational cooling devices so the indoor temperature does not exceed 85 degrees Fahrenheit.
3. Facilities shall be provided for greyhounds under the age of eight weeks and for females within two weeks of whelping. The facility shall be disinfected on a daily basis and separate from a racing kennel.
4. Facilities shall at all times provide ventilation to all greyhounds by means of doors, windows, vents, air conditioning, or an evaporative cooling system.
5. Walls and floors shall be constructed to lend themselves to efficient cleaning and sanitizing.
6. Ample lighting shall be provided by natural or artificial means or both to allow efficient cleaning of the facilities, routine inspection of the facilities, and the greyhounds contained therein.
7. Each facility shall have at least one turn-out pen.
8. A minimum of one functional fire extinguisher shall be available at each kennel facility.
9. Facilities shall be cleaned and disinfected at least weekly or more frequently as may be necessary to reduce disease hazards, odors, fleas, ticks and vermin.
10. Smoking shall not be allowed in kennel housing.

B. Run housing.

1. Buildings and structures shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.
2. Sufficient shelter shall be provided to accommodate all greyhounds to allow access to shade from direct sunlight and regress from exposure to inclement weather. Heat, insulation, or bedding adequate to provide warmth shall be provided when the atmospheric temperature is below 50 degrees Fahrenheit.
3. The run area shall be kept free of debris, brush, feces or any unsanitary or hazardous materials that could endanger the greyhounds.
4. Fencing for the run shall be a minimum of 4 feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences shall be maintained in satisfactory repair.
5. Run housing shall be cleaned at least daily or more frequently as may be necessary to reduce disease hazards and odors.

C. Kennel housing crates.

1. The crates shall be of sound construction and maintained in good repair to protect the greyhounds from injury.
2. Construction materials and maintenance shall allow the greyhounds to be kept clean and dry. Walls and floors shall be impervious to urine and other moisture.
3. The shape and size of the crate shall afford ample space for the greyhounds to comfortably turn about, stand erect, sit and lie, but the crate shall not be smaller than 31 inches wide, 42 inches long and 32 inches high.
4. The greyhounds shall be removed from their crate at least four times in each 24-hour period. The release time shall be sufficient to relieve bodily functions and to loosen cramped muscles.
5. Except as provided in R19-2-328 (B), there shall be only one greyhound per crate.
6. Crates shall be cleaned and sanitized at least daily or more frequently as may be necessary in order to maintain a sanitary living environment for the greyhounds.

Historical Note

Adopted effective March 1, 1995; R19-2-324 recodified from R4-27-324 (Supp. 95-1).

R19-2-325. Grounds of the Racing Kennel, Breeding Farm, or Other Operation**A. General.**

1. Food supplies and bedding materials shall be stored to protect them from contamination or infestation by vermin or other factors which would render the food or bedding unsanitary. All meat shall be kept frozen or refrigerated until such time that it is to be thawed for immediate consumption.
2. Washrooms, basins, or sinks shall be readily accessible for maintaining cleanliness among greyhound caretakers and sanitizing of food and water utensils. Running water shall be immediately available and hot water shall be obtainable on the premises to properly disinfect dishes, utensils, or other equipment.
3. Waste materials shall be removed at least daily and disposed of at least weekly to minimize vermin infestation, odors, and disease hazards.
4. Dropping buckets shall have lids in place except while in use and shall be stored in an area removed from kennel housing and run housing.
5. Space shall be provided to prevent crowding and to allow freedom of movement and comfort to the greyhounds.

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6. Females in estrus shall not be housed with racing dogs or males except for breeding purposes.
7. Cleaning supplies and pesticides shall be stored in a secure area completely separate from food, bedding storage, and greyhounds.
8. The grounds shall be free of weeds and other materials that may constitute a fire or other hazard and that may create a breeding ground for fleas and ticks.
9. Racing kennels, breeding farms, and other operations in Arizona shall apply for a license to operate from the Department. Greyhounds bred, whelped, raised, trained, or kenneled by unlicensed Arizona operations shall not be eligible to race within Arizona.

B. Turn-out pens and exercise areas.

1. Fencing for turn-out pens and exercise areas shall be a minimum of 5 feet high. Material for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences shall be maintained in satisfactory repair.
2. Ample lighting shall be provided by natural or artificial means or both to view the greyhounds while in the turn-out pens and to allow efficient cleaning thereof.
3. Turn-out pens and exercise areas shall be free of debris, brush, feces, or any unsanitary, or hazardous materials that could endanger the greyhounds.
4. The greyhound shall be supervised at all times while in the turnout pens.
5. Sufficient shelter shall be provided to accommodate all greyhounds in the exercise areas and turn-out pens to allow access to shade from direct sunlight and regress from exposure to inclement weather.
6. Turn-out pens shall be cleaned at least daily or more frequently as may be necessary to reduce disease hazards and odors.
7. Fresh sand shall be added to soak up urine at least annually or more frequently as may be necessary to reduce disease and odors.
8. Buildings and structures present in or around the turn-out pens or exercise areas shall be constructed and maintained in good repair to ensure protection from exposure or hazards that could endanger the greyhounds.

Historical Note

Adopted effective March 1, 1995; R19-2-325 recodified from R4-27-325 (Supp. 95-1). Amended effective August 7, 1996 (Supp. 96-3).

R19-2-326. General Care of Greyhounds in a Racing Kennel, on a Breeding Farm, or on Another Operation

- A.** All greyhounds shall be properly cared for on a daily basis. This includes physically inspecting the greyhounds for sores, cuts, abrasions, muzzle bumps, fleas, ticks, and providing adequate feed.
- B.** Greyhounds shall be provided with clean, fresh water in run housing, exercise areas, and turnout pens at all times.
- C.** All food and water dishes shall be free of mold and slime.
- D.** Greyhounds shall be reasonably free of ticks and fleas. Care shall be taken to ensure that the greyhounds do not ingest chemicals used to control fleas and ticks.
- E.** Sick, diseased, or injured greyhounds shall be provided with proper veterinary care.
- F.** Muzzles used shall be lightweight, plastic, or padded wire tape. Worn, broken, or rusted muzzles are prohibited.
- G.** All greyhounds shall be vaccinated annually against common canine diseases such as parvo, rabies, distemper, hepatitis, adenovirus type 2, parainfluenza, and leptospira. Current records

shall be kept and available for review by the Department inspector.

Historical Note

Adopted effective March 1, 1995; R19-2-326 recodified from R4-27-326 (Supp. 95-1).

R19-2-327. Personnel of the Racing Kennel, Breeding Farm, or Other Operation

- A.** The owner of the racing kennel, breeding farm, or other operation manager / agent, or supervising personnel shall be present at least once in each 24-hour period to supervise and to ascertain that the care of the greyhounds and maintenance of the facilities conform to all of the rules.
- B.** A sufficient number of employees shall be utilized to provide the required care of greyhounds and maintenance of the facilities.
- C.** The racing kennel, breeding farm, or other operation shall be licensed by the Department. If the owner of the racing kennel, breeding farm, or other operation is not physically present to run the racing kennel, breeding farm, or other operation, the owner's manager / agent shall also be licensed by the Department.

Historical Note

Adopted effective March 1, 1995; R19-2-327 recodified from R4-27-327 (Supp. 95-1).

R19-2-328. Transportation of Greyhounds

- A.** When transported within the state, all greyhounds shall be hauled in crates designed for the sole purpose of transporting greyhounds. These crates shall be a minimum of two feet wide, three feet long, and 34 inches high.
- B.** When transporting racing greyhounds to and from the race-track, there shall be allowed a maximum of two greyhounds per crate, provided that there is enough space for each greyhound to comfortably turn about sit, lie, and stand erect. When otherwise transporting greyhounds within the state, there shall be allowed only two greyhounds per crate provided that there is enough space for each greyhound to comfortably turn about, sit, lie and stand erect.
- C.** The crates shall be of sound construction and maintained in good repair to ensure that the health and safety of the greyhounds are not endangered.
- D.** Floors and lower sides of the crates shall be constructed or shall be covered on the inner surfaces to contain excreta and bedding materials.
- E.** The crates shall be cleaned and sanitized at least daily, or more frequently as may be necessary in order to maintain a sanitary environment for the greyhounds.
- F.** Hauling vehicles shall provide ventilation that reaches each greyhound by means of windows, vents, air conditioner or an evaporative cooling system. Air conditioning, or evaporative cooling devices in good working order shall be provided when the atmospheric temperature is above 90 degrees Fahrenheit to provide comfort to the greyhounds during transport. Heat, insulation or bedding adequate to provide warmth shall be provided when the atmospheric temperature is below 50 degrees Fahrenheit.
- G.** Greyhounds in hauling vehicles shall be inspected at least once in each four-hour period and their needs attended to immediately. Water shall be provided at each four-hour interval check.
- H.** Racing kennels, breeding farms, or other operations that receive greyhounds transported from out-of-state locations shall maintain a log. The log shall include:
 1. The name of each greyhound,

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2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association,
3. The names of owners or lessees,
4. The date of shipping or receiving,
5. Purpose (breeding, racing, training), and
6. Name of hauling company and driver.

- I.** Newly arriving out-of-state greyhounds shall be housed separately until a physical evaluation can be made for the presence of ticks, or fleas and the administration of proper treatment.

Historical Note

Adopted effective March 1, 1995; R19-2-328 recodified from R4-27-328 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-329. Disposition of Greyhounds

- A.** Racing kennels, breeding farms, or other operations shall maintain a log as to the disposition of individually registered greyhounds at the end of their breeding, racing, or nonracing careers. The log shall include:
1. The name of each greyhound,
 2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association,
 3. The names of owners or lessees,
 4. Date career ended and reason why, and
 5. Destination.
- B.** Every effort shall be made to adopt the greyhounds not used for racing or breeding purposes.
- C.** Greyhounds transported to an adoption agency, breeding farm, or other location at the end of their breeding, racing, or nonracing careers are subject to the transportation requirements in R19-2-328.

Historical Note

Adopted effective March 1, 1995; R19-2-329 recodified from R4-27-329 (Supp. 95-1). Amended by final rulemaking at 12 A.A.R. 1771, effective July 1, 2006 (Supp. 06-2).

R19-2-330. Inspection Procedure for a Racing Kennel, Breeding Farm, or Other Operation

- A.** All racing kennels, breeding farms, or other operations shall be available for inspection at all times by representatives of the Department. Hauling vehicles used to transport greyhounds are considered part of the general equipment of the operation and as such shall be subject to inspection.
- B.** Inspections shall be unannounced.
- C.** A representative of the racing kennel, breeding farm, or other operation shall be present to assist the investigator during the inspection.
- D.** A copy of the inspection report detailing the findings of the inspection shall be left by the investigator at the racing kennel, breeding farm, or other operation.
- E.** A follow-up inspection shall be conducted by the Department if corrective measures are required, or if sick, or poorly maintained grey hounds are found. The Department may seek assistance from Animal Control authorities for the removal and treatment of sick and poorly maintained greyhounds.

Historical Note

Adopted effective March 1, 1995; R19-2-330 recodified from R4-27-330 (Supp. 95-1).

R19-2-331. Greyhound Adoption Grants

- A.** The purpose of the grants is to promote the adoption of racing greyhounds as domestic pets. A maximum of 25% of the

license fees generated from A.R.S. § 5-104(F)(7) and (8) shall be distributed to nonprofit enterprises pursuant to A.R.S. § 5-104(G).

B. Procedures.

1. The enterprise shall submit a Department-generated application form to the Commission by March 1 of each year the enterprise may desire to apply for a grant. The application form shall require the following information:
 - a. A written description of the enterprise and proposed use of the grant;
 - b. Proof of nonprofit status;
 - c. A description of its procedures to acclimate the greyhounds required by A.A.C. R19-2-331(C)(6);
 - d. A description of its adoption procedures required by A.A.C. R19-2-331(C)(7);
 - e. A copy of the application form and the adoption agreement required by A.A.C. R19-2-331(C)(7)(a) and (c); and
 - f. A copy of the owner release form required by A.A.C. R19-2-331(C)(9).
2. The Commission shall decide which enterprise shall receive a grant, the amount of the grant, and the date of disbursement of such grant.
3. The recipients of the grants shall report quarterly to the Commission on a form provided by the Department to gather the following information:
 - a. The number of greyhounds the enterprise received;
 - b. The number of greyhounds adopted;
 - c. The number of greyhounds returned and reason for return;
 - d. The actual use of the grant; and
 - e. A list of people who adopted the greyhounds, or make available to the Department copies of the contracts between the agency and the adoptee.

C. Minimum qualifications.

1. The enterprise shall be nonprofit.
2. The enterprise shall not:
 - a. Allow the greyhounds to be used for racing, wagering, or hunting;
 - b. Place the greyhounds in a pound, humane society, or research facility;
 - c. Resell the greyhounds; or
 - d. Place the greyhounds for resale.
3. The enterprise shall not euthanize an adoptable greyhound unless, as determined by a licensed veterinarian, it is medically necessary for humane reasons.
4. The enterprise shall be affiliated with a racetrack that conducts greyhound racing. Affiliation is satisfied when the general manager, or other executive from the racetrack submits to the Commission a written recommendation on behalf of the enterprise.
5. The enterprise shall require that a licensed veterinarian perform a complete check-up on each greyhound. Each greyhound shall be spayed, or neutered, and vaccinated as necessary.
6. The enterprise shall employ procedures for acclimating greyhounds, which include:
 - a. Exposure to the public;
 - b. Exposure to a household environment which may include stairs, couches, toys, mirrors, tables;
 - c. Exposure to cats; and
 - d. Exposure to a new diet.
7. The enterprise shall employ procedures for adopting-out greyhounds, which include:
 - a. An application process for prospective adoptees;

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- b. A visual check of each prospective adoptee's home with written documentation;
 - c. A written adoption agreement between the enterprise and adoptee;
 - d. At a minimum, follow-ups conducted by phone, or visit after seven days and 30 days with written documentation; and
 - e. Procedures for the return of greyhounds.
8. The enterprise shall comply with the housing requirements set forth in R19-2-324.
 9. The enterprise shall have an owner release form for each greyhound in their care.
 10. The enterprise shall make available a person to answer questions from a prospective, or current adoptee.
 11. The enterprise shall keep a file on each greyhound. The file shall include:
 - a. The owner release form;
 - b. The vaccination record, health record, and spay, or neuter record;
 - c. The greyhound personality profile;
 - d. The written adoption agreement between the enterprise and adoptee;
 - e. The written documentation of visits and follow-ups; and
 - f. The adoptee's application form.
 12. The enterprise shall make available to the adoptee an owner's manual, or other packet of information.
 13. Records required by A.A.C. R19-2-331(C)(11) shall be subject to inspection by representatives of the Department.

Historical Note

Adopted effective February 28, 1995; R19-2-331 recodified from R4-27-331 (Supp. 95-1).

R19-2-332. Certifying a Greyhound Arizona Bred

- A. A breeder shall be properly licensed pursuant to A.R.S. § 5-107.01(B) in order to certify an Arizona-bred greyhound.
- B. Within 10 days of whelping, the breeder shall provide notice of whelping to the Department on a Department-approved form. This notice shall include the names of all owners or lessees of the dam at the time of whelping who will be entitled to breeders' awards at a later date. The breeder shall also provide a copy of the Breeding Acknowledgment Form returned to the breeder by the National Greyhound Association (NGA).
- C. Within 90 days of whelping, the breeder shall provide tattoo numbers of greyhounds from the litter to the Department on a Department-approved form.
- D. The breeder shall apply for Arizona-bred certification by submitting to the Department the completed application form provided by the Department and a National Greyhound Association Individual Registration Application. The application shall include the names of all owners or lessees of the dam at the time of whelping who shall be entitled to breeders' awards.
- E. The breeder shall comply with the following rules in order to be eligible for Arizona-bred certification:
 1. A greyhound must be present in Arizona for not less than six months of its first year.
 2. During the greyhound's first year, the breeder shall notify the Department whenever the greyhound is removed from the state.
 3. The Department may conduct inspections at any time to ensure that greyhounds meet the residency requirement.
- F. The breeder shall make the litter available for inspection by the representatives of the Department at any time. The Department representative shall conduct the inspection of the litter at

a location licensed by the Department and designated on the Breeding Acknowledgment Form within 30 days of whelping. The Department representative may conduct additional inspections of the litter to verify tattoo numbers and ensure compliance with requirements of A.R.S. § 5-114(C).

- G. If the greyhound and its breeder qualify by meeting requirements set forth in subsections (A) through (E), the Department shall certify that the greyhound is Arizona bred and mail all necessary documents, including the National Greyhound Association Individual Registration Application form, to the NGA. A greyhound is considered Arizona bred as of the date indicated on the Department's certificate.
- H. If the Breeder is ineligible for breeders' awards, the Director shall send a letter to the applicant explaining the ineligibility.
- I. The Department shall retain a copy of the NGA registration certificate and mail the original to the registered breeder.
- J. Denial. The Director may deny an application for Arizona-bred certification for any of the following reasons:
 1. Failure to notify the Department of whelping as required by subsection (B),
 2. Failure to provide the greyhound tattoo numbers as required in subsection (C),
 3. Failure to meet the residency requirements in subsection (E)(1) or failure to meet the notification requirement of subsection (E)(2), and
 4. Material misstatement by the breeder.
- K. The Department shall use information contained in applications and notices submitted to the Department in the event of a conflict between Department records and records of another organization.
- L. An applicant may appeal a decision of the Director by following the requirements in R19-2-322.

Historical Note

Adopted effective January 6, 1998 (Supp. 98-1).

ARTICLE 4. ADVANCE DEPOSIT WAGERING, TELETRACKING, AND SIMULCASTING

Editor's Note: Under Laws 2014, Ch. 277, § 9, the Commission was required to provide at least one public hearing on the final exempt rulemaking amendments in R19-2-205. The Office of the Secretary of State makes a distinction between exempt rulemakings and final exempt rulemakings. Final exempt rulemakings are those filed with conditional exemptions to the Arizona Administrative Procedures Act such as requirements to conduct a public hearing or accept public comments on a proposed exempt rulemaking (Supp. 15-2).

Section R19-2-401 was adopted and subsequently amended under an exemption from the provisions of the Arizona Administrative Procedure Act under A.R.S. § 41-1005(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-401. Definitions

In addition to the definitions in R19-2-102 and R19-2-302, unless the context otherwise requires, the following definitions apply in this Article:

1. "Account holder" means "natural person" not otherwise precluded from wagering by any Arizona statute or rule.
2. "Advance deposit wagering (ADW)" means a mechanism for pari-mutuel wagering in which wagers are debited and payouts credited to an advance deposit account held by an association or ADWP on behalf of an account holder.

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3. "Advance deposit wagering permit" means a permit issued by the Commission allowing an entity to conduct advance deposit wagering on behalf of a contracted Arizona racetrack permittee.
4. "Advance Deposit Wagering Vendor or Provider (ADWP)" means the Arizona licensed and racetrack permittee-contracted vendor providing advance deposit wagering services for Arizona resident account holders.
5. "Confidential Information" means advance deposit wagering account holders and their accounts; may include money transactions in to or out of accounts, specifics of monies wagered from any account on any race or series of races, the account number and security code of any account holder, the specifics of wagering interests wagered on, the specific identifying details of any account unless authorized by the account holder.
6. "Operating Hours" means the hours in which pari-mutuel windows are open at a teletrack facility.
7. "Pari-Mutuel Output Data" means any data provided by the totalisator system other than sales transaction data including, but not limited to, odds, will pays, race results, and pay-off prices.
8. "Racing Program" means the live races conducted at an authorized track, approved dark-day simulcasts and any simulcast races shown to the public in conjunction with live racing on which pari-mutuel wagering is allowed.
9. "Sales transaction data" means the electronic signals transmitted between totalisator ticket-issuing machines or approved ADW wager-issuing equipment and the totalisator central processing unit for the purpose of accepting wagers and generating, canceling, and cashing pari-mutuel tickets; also, the financial information resulting from processing sales transaction data, such as handle and revenues.
10. "Sending track" means the enclosure where a racing program of authorized live racing is conducted and from which teletracking originates.
11. "Telephone" means any device that a person uses for voice communications in connection with the services of a telephone company but does not include digital devices utilizing non-verbal communications.
12. "Teletrack facility" means an additional wagering facility owned or leased by an Arizona permittee that is used for handling legal wagers.
13. "Teletracking" means the telecast of live audio and visual signals of live or simulcast horse, mule, or greyhound racing programs conducted at an authorized enclosure within Arizona to an authorized additional wagering facility within Arizona, by a racetrack permittee for the purpose of pari-mutuel wagering, or the teletrack wagering conducted on the racing program.
14. "Teletrack wagering" means pari-mutuel wagering conducted at a teletrack facility within Arizona on a racing program conducted at an authorized track within Arizona regardless of whether the racing program is telecast to the teletrack location.
15. "Teletrack wagering permit" means a permit issued by the Commission authorizing an Arizona racetrack permittee to operate a single or multiple teletrack wagering facilities within the state for the purpose of pari-mutuel wagering.
16. "TIM-to-tote linkage" means the connection in which ticket issuing machines (TIM) are directly connected to the permittee's own calculating or compiling totalisator with no intermediate totalisator systems within that connection.
17. "Tote-to-tote linkage" means the connection between totalisator systems in which one of the systems is not part of the permittee's calculating system and may or may not be used for the compilation of TIM-to-tote wagers within its own wagering network that are then forwarded to the permittee's calculating totalisator system.
18. "Transmission" means the point-to-point sending and receiving of an audio or visual signal by any method approved by the Arizona Department of Racing.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended by adding paragraphs (8) and (9) effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-401 recodified from R4-27-401 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Amended effective July 22, 1998, pursuant to an exemption from the rulemaking process (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4). Amended by final exempt rulemaking under Laws 2014, Ch. 277, § 9, at 21 A.A.R. 643, effective April 20, 2015 (Supp. 15-2).

Section R19-2-402 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-402. ADWP Licensing Requirements

- A. An ADWP shall be licensed by the Department.
- B. An ADWP shall comply with these and all other rules relating to entities permitted by the Commission as they apply to pari-mutuel wagering.
- C. The Department may suspend or revoke an ADWP license, withdraw approval of a contract between an ADWP and a racetrack permittee, or impose fines if the ADWP, its officers, directors or employees violate these rules or applicable sections of A.R.S. Title 5 or fail to abide by orders of the Department.
- D. An ADWP shall accept wagers only on the species for which the contracted Arizona racetrack permittee has a permit.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-402 recodified from R4-27-401 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-402 renumbered to R19-2-412; new Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-403 was adopted and subsequently amended under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or

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*the Attorney General.***R19-2-403. ADW Permit Applications**

- A. A person, association, or corporation desiring to operate advance deposit wagering and open accounts for residents of Arizona shall file with the Department both a paper and electronic permit application that contains the information required in A.R.S. § 5-107. All electronic submissions shall be compatible with the Department's computer system and software. If any addendum to the permit application cannot be submitted electronically, the applicant shall submit the addendum in a paper copy.
- B. An ADW permittee shall contract only with ADWPs licensed by the Department.
- C. An ADWP shall pay daily the Regulatory Wagering Assessment (RWA) to the Department.
- D. An ADWP shall provide daily wagering information to the Department and the contracted racetrack permittee for verification of RWA and source market fees at a time and in a manner specified by the Department.
- E. A racetrack permittee shall verify that the total RWA paid each day for the both the racetrack's and the ADW's wagering activity is correct.
- F. The following reports shall be available for inspection upon request by the Department in a form acceptable to the Department and at a place of the Department's choosing within a reasonable time:
 1. ADW handle and related pari-mutuel data such as commission and breakage sorted by date, track or event, race and pool or by Source such as customer account; in total or detail;
 2. Reports for taxation purposes;
 3. Customer complaints;
 4. List of active accounts;
 5. List of excluded persons;
 6. List of account holders;
 7. Log of all system accesses; and
 8. List of all deposits, withdrawals, wagers and winning payouts, in summary or detail.
- G. An ADWP shall certify that the ADWP will provide the Department unrestricted access to all records and financial information of the ADWP, including all account information. The ADWP shall make this information available to the Department upon notice from the Department to the extent that disclosure is not expressly prohibited by law. Department access to and use of information concerning wager transactions and ADWP customers shall be considered proprietary and shall not be disclosed publicly, except as may be required by law. This information may be shared for multi-jurisdiction investigative purposes. An ADWP shall report to the Department any known or suspected rule violations by any person involving ADWP and cooperate in any subsequent investigations.
- H. An ADWP shall detail each method used for placing wagers through the ADW system and specify what information and place of recording constitutes proof of a wager placed through each wagering method.
- I. An ADWP shall give access to the Department, or its designee, for review and audit of all records. The ADWP or applicant shall make the required information available at the ADWP's location during business hours. The Department may require an ADWP to submit an annual audited financial statement.
- J. The Department may conduct investigations and inspections or request additional information from an ADWP or applicant if required to determine whether to approve an application.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended paragraphs (16) and (17) effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-403 recodified from R4-27-403 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Amended effective July 22, 1998, pursuant to an exemption from the rulemaking process (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Section R19-2-403 repealed; new Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-404 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-404. Application for ADWP Permit; Plan of Operation

Before operating advance deposit wagering in Arizona, a person shall submit to the Department an application for an ADWP permit and a plan of operation. The Department shall issue an ADWP permit for no more than three years. An ADWP permit shall expire when the racing permit expires. If necessary, the Department may request additional information regarding any plan of operation.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-404 recodified from R4-27-404 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-404 renumbered to R19-2-414; new Section R19-2-404 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-405 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-405. Contracts and Agreements

An ADWP shall submit the following information regarding any group, concession, or contract related to the ADW operation whether within or outside of Arizona:

1. Copy of all contracts to provide services, including totalisator vendor services, within or on behalf of Arizona racetrack permittees or residents;
2. Name and background of the individuals responsible for operating the ADW accounts system;
3. Other information that, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract;
4. Security measures to be employed to protect the ADWP account maintenance and wagering facilities;

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5. Security measures to be employed to protect transmission of sales transaction and pari-mutuel output data;
6. Type of data processing, communication, and transmission equipment to be used;
7. Description of all computer services and all other methods used to transmit any data or signal; and
8. Description of any alternate or backup system in case of principal system failure of communications or data-processing equipment used for forwarding wagers.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-405 recodified from R4-27-405 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-405 repealed; new Section R19-2-405 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-406 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-406. Plan of Operation Approval and Amendments

An ADWP shall conduct an ADW operation only according to the provisions of an approved plan of operation. The ADWP shall obtain the Director's written approval for any change to the plan of operation. The ADWP shall:

1. Notify the Department of any anticipated change in the plan of operation,
2. Report to the Department any change in ownership or management groups,
3. Provide the Department with a copy of all new contracts or amendments to existing ones, and
4. Request the approval of the Director for any change in technology used to transmit sales transaction data.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Amended effective August 21, 1985 (Supp. 85-4). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-406 recodified from R4-27-406 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-406 repealed; new Section R19-2-406 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-407 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-407. ADWP Permit Renewal

A permittee shall apply to the Department for renewal of its ADWP permit before the permit expires. The application for renewal shall provide the information required on a form available from the Department.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-407 recodified from R4-27-407 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-407 repealed; new Section R19-2-407 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-408 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-408. ADWP Licensing

- A. The following individuals shall be licensed as required by the Department:
 1. An individual with at least 10 percent ownership interest in the ADW; and
 2. All ADWP employees working in Arizona.
- B. An ADWP shall ensure that all ADWP employees working in another jurisdiction are licensed as required by that jurisdiction.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-408 recodified from R4-27-408 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-408 renumbered to R19-2-416; new Section R19-2-408 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-409 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-409. ADW – Racetrack Permittee Contracts

- A. An ADWP that accepts accounts from Arizona residents shall obtain and maintain a contract with one or more Arizona racetrack permittees. The ADWP shall ensure that the contract includes:
 1. Disclosure of Regulatory Wagering Assessments (RWA) assignment of responsibility for payment of:
 - a. The assessment on wagers placed by Arizona account holders on races conducted in Arizona, which will be considered to be live, in-state, off-track wagers; and
 - b. The assessment on wagers placed by Arizona account holders on races conducted outside of Arizona, which will be considered to be simulcast, in-state, off-track wagers;
 2. Disclosure of all ADWs wagering on any races run in this jurisdiction, and all ADWs wagering on races run in other jurisdictions that would be available for wagering in this jurisdiction under the contract;

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3. Certification of ADW licensing, authorization, or approval by the recognized pari-mutuel authority in the other jurisdiction;
 4. Disclosure of all fees, market share revenue, and distribution details and other financial considerations relating to the contract and any other non-contracted Arizona race-track permittees;
 5. Certification of prompt access for the Department, in print or electronic form acceptable to the Department, to:
 - a. Reports, logs, wagering transaction detail, and customer account detail;
 - b. Records relating to customer identify, age, and residency;
 - c. Records of customer account detail for individuals:
 - i. In any jurisdiction that places wagers on races conducted in this jurisdiction and races available for wagering by individuals in this jurisdiction;
 - ii. The Department has reason to investigate based on possible placing of wagers for individuals other than the account holder; and
 - iii. Determined by the Department to be relevant to an investigation by the Department;
 6. A detailed description and certification of systems and procedures used to validate the identity, age, and jurisdiction of legal residence of account holders and to validate the legality of wagers accepted;
 7. Certification of secure retention of and prompt Department access to all records related to wagering and customers' accounts, including deposits, withdrawals, wagers, and winning payouts for at least three years or a longer period specified by the Department; and
- B.** An ADWP shall attach the following to all contracts under this subsection:
1. A certified copy of rules governing the acceptance and management of accounts, and
 2. A certified copy of any change in the rules provided at least thirty days before the change takes effect.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-409 recodified from R4-27-409 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-409 renumbered to R19-2-417; new Section R19-2-409 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-410 was adopted under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-105(A)(18). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-410. ADW Accounts

- A.** An individual who wishes to establish an ADW account shall establish the account in person or by mail, telephone, or other electronic means before making any wager. The individual establishing an ADW account shall:
1. Establish the account in the individual's name,
 2. Be at least 21 years old, and
 3. Not be prohibited from wagering by Arizona rules or statutes.
- B.** An ADW account is not transferable.
- C.** An ADWP shall obtain the following regarding an individual who wishes to establish an ADW account:
1. Full legal name;
 2. Address of principal residence;
 3. Address to which communications are to be delivered if different from the principal residence address;
 4. Telephone number;
 5. Social Security number;
 6. Copy of evidence that the individual is at least 21 years old; and
 7. Whether the individual will make ADW deposits through the use of cash, personal check, credit or debit card, or electronic funds transfers.
- D.** An ADWP shall electronically verify an ADW-account applicant's name, principal residence address, date of birth, and Social Security number at the time application is made using a Department-approved national, independent, individual reference company or other independent technology approved by the Department.
- E.** An ADWP may refuse to establish an ADW account if it determines that any of the information supplied is untrue or incomplete and may at any other time, with reasonable cause, refuse to accept a wager or deposit.
- F.** An ADWP shall designate each ADW account with a unique account number. The ADWP may change an ADW account number if the ADWP provides notice to the account holder before the change is made.
- G.** An ADWP shall ensure that an ADW-account holder is able to access the account holder's account by means of personal identification or account password.
- H.** When an ADW account is established, the ADWP shall:
1. Inform the account holder of the assigned account number; and
 2. Provide the account holder a copy of the ADWP's advance deposit wagering procedures, terms and conditions and other information pertaining to the operation of the ADW account including any rules the ADWP has made concerning deposits, withdrawals, average daily balance, user fees (including for EFT deposits), interest payments, and any other aspect of the operation of the account.
- I.** An ADWP shall notify an account holder before making any change to the rules governing the account and provide an opportunity for the account holder to close or cash-in the account. The ADWP may deem an account holder to have accepted the rules of account operation when the account holder opens or does not close the account.
- J.** An ADWP shall comply with Internal Revenue Service (IRS) requirements for reporting and withholding proceeds from advance deposit wagers by account holders. The ADWP shall send an account holder subject to IRS reporting or withholding a form W2-G summarizing the information for tax purposes following a winning wager being deposited into the account holder's account. Upon written request, the ADWP shall provide an account holder with summarized tax information on advance deposit wagering activities.
- K.** An account holder is deemed to be aware of the status of the account holder's account at all times. An ADWP shall not accept a wager that exceeds the available balance of an account. An account not updated when a transaction is completed shall be inoperable until the account balance is updated and the transaction is posted.
- L.** When an ADW account is entitled to a payout or refund, the ADWP shall credit the monies to the account. This will increase the balance in the account. The account holder shall verify that proper credits have been made and, if in doubt,

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notify the ADWP within the agreed upon time for consideration. The ADWP or the account holder may forward an unresolved dispute to the Department. The Department shall not consider a dispute unless it is submitted in writing and accompanied by supporting evidence.

M. Account Operation.

1. An ADWP shall maintain complete records of every deposit, withdrawal, wager, and winning payout for each ADW account. The ADWP shall make these records available to the Department promptly upon request and retain the records for the time required under R19-2-502(A).
2. An ADWP shall allow an ADW account holder to make wagers from the account only by telephone.
3. Placing or accepting wagers over the communications facility known as the Internet is not authorized with the exception of multi-jurisdictional totalisator wagering hubs. However, it is permissible to transmit handicapping data, race results, or other information relating to pari-mutuel racing over the Internet.
4. An ADWP shall ensure that the ADW system provides for the account holder to review and finalize a wager before the wager is accepted by the ADW system. Neither the account holder nor the ADWP shall change a wager after the account holder has reviewed and finalized the wager except as allowed under R19-2-504(C).

- N.** An ADWP may close an ADW account when the account holder attempts to operate with an insufficient balance or when the account is dormant for a period approved by the Department. When an ADWP closes an ADW account, the ADWP shall refund the remaining account balance to the account holder.

Historical Note

Adopted effective April 3, 1984 (Supp. 84-2). Repealed effective December 14, 1994 (Supp. 94-4). R19-2-410 recodified from R4-27-410 (Supp. 95-1). New Section adopted effective February 26, 1996, pursuant to an exemption from the rulemaking process (Supp. 96-1). Section R19-2-410 renumbered to R19-2-418; new Section R19-2-410 made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-411 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-411. Advance Deposit Wagering

- A.** All Department rules governing pari-mutuel wagering govern advance deposit wagering. Advance deposit monies wagered are part of the pool of the sending track.
- B.** An ADWP shall maintain sales transaction data from the ADWP to each host track as a separate account for audit purposes.
- C.** An ADWP shall make sales transactions using currently approved technology.
- D.** An ADWP shall pay to the Department an advance deposit wagering assessment of 0.6 percent from the gross revenues generated by advance deposit wagering.

Historical Note

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-412 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-412. Teletrack Wagering

- A.** All Department rules governing pari-mutuel wagering govern teletrack wagering. Teletrack monies wagered are part of the pool of the sending track for reporting purposes.
- B.** An ADWP shall maintain sales transaction data from a teletrack facility to the sending track as a separate account for audit purposes.
- C.** An ADWP shall make sales transaction data using currently approved technology and transmit the data separately from pari-mutuel data and the visual display of races.
- D.** If there is an interruption of transmission of sales transaction or pari-mutuel output data to or from the teletrack facility, the designated representative of the Department may require that the amount of wagers that have been accepted be deducted from the sending track pool, the odds recalculated, and monies bet at the teletrack facility refunded, taking into consideration time, the extent of the breakdown, and the amount of monies wagered.

Historical Note

New Section R19-2-412 renumbered from R19-2-402 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-413 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-413. General Provisions Regarding Teletrack Facilities

- A.** At the Director's discretion, a Department representative may be present during all operating hours at a teletrack facility.
- B.** A teletrack wagering permittee shall, during all operating hours, have back-up or replacement tote equipment available so the down time in the event of equipment failure does not exceed 60 minutes. At teletrack sites with multiple teller equipment installed, back-up equipment may consist of the remaining operating teller machines if the remaining teller machines are sufficient to handle the reasonably anticipated volume of sales transactions without unreasonable delays or inconvenience to patrons.
- C.** During a racing program, the teletrack wagering permittee shall report any problems or delays to the public.
- D.** A teletrack wagering permittee shall ensure that security measures are adequate to control disturbances.
- E.** A teletrack wagering permittee shall ensure that communications between the sending track and teletrack facility occur without delay. In a tote-to-tote situation, if the data transmission link between the tote systems fails, the teletrack wagering permittee shall decide the policy for paying off or refunding pari-mutuel tickets and all other communication failures at the teletrack site.

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- F. A teletrack wagering permittee shall make photo finish pictures of the previous day's live races available for viewing upon request within 48 hours.
- G. If a video display of any portion of a racing program is provided at a teletrack location, the video display shall include the following, if possible:
1. All wagering information including pool totals, will pays, or odds as offered to the general public at the permittee racetrack location;
 2. Each race shown live, as it is run or received at the permittee premises;
 3. Race results;
 4. Prices or payoff;
 5. Minutes to post; and
 6. The race number and track for which the above information is displayed.
- H. A teletrack wagering permittee shall make Arizona pari-mutuel rules available in the wagering area. This requirement may be met by publishing the Department's rules-page web address in the racing program and on the permittee's web site.
- I. A teletrack wagering permittee shall make the results of each race, and the winnings from each race, available from tellers or results-posting terminals as soon as possible at each teletrack facility and shall make the results available to the wagering public for 24 hours on the race day following the day of the race.
- J. A teletrack wagering permittee shall report to the Department any violation or suspected violation of law that occurs on or about the premises of the teletrack facility.
- K. A teletrack wagering permittee shall make daily handle and attendance reports for each teletrack facility as prescribed by the Department.
- L. Betting period:
1. A teletrack wagering permittee shall conduct wagering only during periods approved by the Director or Commission in respect to any race, racing card, pool, or feature pool.
 2. The Director may prescribe the closing time for pari-mutuel equipment at each facility based on the level of sophistication of the pari-mutuel equipment and transmission equipment.
- M. A teletrack wagering permittee shall obtain the Director's written approval of the method used to transmit sales transaction and pari-mutuel output data. The Director shall base approval on determination that provisions to secure the system and transmissions are satisfactory.
- N. A teletrack wagering permittee shall provide computer reports pertaining to pari-mutuel activity as required by the Director.
- Historical Note**
- Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).
- Section R19-2-414 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.*
- R19-2-414. Application for Original Teletrack Wagering Permit; Plan of Operation; Renewals of Teletrack Wagering Permit**
- A. An applicant for a teletrack wagering permit shall submit an application and plan of operation to the Commission. The Commission shall issue a teletrack wagering permit for no more than three years.
- B. An applicant shall include the following in the plan of operation:
1. A feasibility study that estimates both gross revenue from the teletrack wagering operation and costs to operate. The feasibility study shall include:
 - a. Types of wagering to be offered and hours during which pari-mutuel windows will be in operation,
 - b. Estimated attendance at all additional wagering facilities,
 - c. Level of anticipated wagering activity,
 - d. Source and amount of estimated revenues other than pari-mutuel wagering,
 - e. Cost of operating the teletrack wagering system,
 - f. Amount and source of revenues needed for financing the teletrack wagering operation,
 - g. Proof of financial stability and assets sufficient to cover projected costs, and
 - h. Estimate of the total amount of anticipated revenues to be paid to the state resulting from teletrack wagering operations;
 2. The following information regarding any group, concession, or contract related to the teletrack wagering operation whether within or outside of Arizona unless the information is already on record with the Department as part of the applicant's original application to operate a racing meet:
 - a. Copy of all contracts to provide service within Arizona;
 - b. Name and background of the individuals responsible for operating the teletrack wagering system;
 - c. Copies of proposed agreements for any transmission of audio-visual signals of racing events and the transmission of sales transaction and pari-mutuel output data; and
 - d. Other information that, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract;
 3. The following information regarding security:
 - a. Security measures to be employed to protect the teletrack wagering facilities,
 - b. Security measures to be employed to protect the public, and
 - c. Security measures to be employed to protect transmission of sales transaction and pari-mutuel output data; and
 4. The following information regarding equipment, communication, and transmission:
 - a. Type of data processing, communication, and transmission equipment to be used;
 - b. Description of all computer services and all other methods used to transmit any data or signal; and
 - c. Description of any alternate or backup system in case of principal system failure of communications or data-processing equipment used for forwarding wagers.
- C. Approval and amendments. A teletrack wagering permittee shall conduct a teletrack wagering operation only according to the provisions of an approved plan of operation. The teletrack wagering permittee shall obtain the Director's written approval for any change to the plan of operation. The teletrack wagering permittee shall:
1. Notify the Department of any anticipated change in the plan of operation;

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2. Report to the Department any changes in ownership or management groups,
 3. Provide the Department with a copy of all new contracts or amendments to existing ones, and
 4. Request the approval of the Director for any change in technology used to transmit sales transaction data.
- D.** Renewal. A teletrack wagering permittee shall apply to the Commission for renewal of its teletrack wagering permit at the time the permittee makes application for a permit to operate a racing meet. The teletrack wagering permittee shall include in the renewal application the information required in subsections (B)(1) through (4).

Historical Note

New Section R19-2-414 renumbered from R19-2-404 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-415 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-415. Approval of Additional Wagering Facilities; Plan of Operation; Renewal or Approval of Additional Wagering Facilities

- A.** A teletrack wagering permittee shall request approval from and submit a plan of operation to the Commission for each additional teletrack wagering facility. The Commission shall issue a permit for an additional wagering facility for no more than three years.
- B.** The teletrack wagering permittee shall include the following in the plan of operation regarding the additional teletrack wagering facility:
 1. A feasibility study that estimates both gross revenue from the teletrack facility and estimated costs to operate the facility. The feasibility study shall include:
 - a. Types of wagering to be offered and the hours during which pari-mutuel windows will be in operation,
 - b. Level of anticipated wagering activity,
 - c. Source and amount of revenues needed for financing the teletrack wagering operation,
 - d. Proof of financial stability and assets sufficient to cover projected costs, and
 - e. Estimate of the total amount of anticipated revenues to be paid to the state resulting from teletrack wagering operations;
 2. The following information regarding any group, concession, or contract related to the teletrack wagering operation whether within or outside of Arizona unless the information is already on record with the Department:
 - a. Listing and background of the management groups responsible for operation of the facility;
 - b. Name of all individuals who own at least 10 percent of the facility; and
 - c. Other information that, in the Director's judgment, is or may be material, such as information pertaining to financial background and persons associated with the parties to the contract;
 3. Measures to be employed by the teletrack wagering permittee to protect the facility, employees, public, and wagering dollars;
 4. Location of the teletrack wagering facility;

5. Proof that approval for use of the facility to handle pari-mutuel wagering has been given by the governing body of the city or town or by the board of supervisors, if the facility is located in an unincorporated area; and
 6. Building plans and specifications that demonstrate sufficient area for patrons to handicap the races and reasonable access by individuals with a disability.
- C.** Approval and amendments. The requirements in R19-2-414(C) apply.
- D.** Renewal. When a teletrack wagering permittee makes application to renew the teletrack wagering permit, the permittee shall provide the Department a list of its existing additional teletrack wagering facilities. When the Director approves renewal of the teletrack wagering permit, the Director may approve:
 1. Renewal of the existing additional teletrack wagering facilities, and
 2. The permittee's application to begin operation at a teletrack wagering facility previously approved by the Commission and currently used by another permittee.
- E.** After the Commission approves an additional teletrack wagering facility, the permittee shall not open the additional facility for business for five working days or until all licensing requirements are satisfied. If the necessary licensing requirements are completed in less than five working days, the Director may waive the remaining days.

Historical Note

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-416 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-416. Suspension of Teletrack Permit

- A.** The Director or the Director's designee may suspend a teletrack wagering permit or a permit to operate an additional teletrack wagering facility if the permittee fails to conduct operations in accordance with the provisions of the approved plan of operation, A.R.S. Title 5, Chapter 1, this Chapter, or directives from the Director.
- B.** If the Director finds that the public health, safety, or welfare imperatively requires emergency action, the Director shall order summary suspension of a teletrack wagering permit or any permit authorizing operation of an additional teletrack wagering facility, pending a hearing.

Historical Note

New Section R19-2-416 renumbered from R19-2-408 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-417 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-417. Licensing of Employees at Teletrack Facilities

- A.** A teletrack wagering permittee shall ensure that no teletrack wagering occurs at a teletrack facility until all individuals

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required to be licensed under subsection (B) have been licensed.

- B.** A teletrack wagering permittee shall ensure that the following individuals are licensed by the Department before participating in teletrack wagering and as circumstances or personnel change during the course of the teletrack permit period:
1. All individuals employed by the permittee at any teletrack wagering facility,
 2. All persons who own at least 10 percent of a teletrack wagering facility leased by the permittee,
 3. Any individual employed by the teletrack wagering facility who has responsibility as manager of the facility during operating (racing) hours, and
 4. Any other person designated by the Director.

Historical Note

New Section R19-2-417 renumbered from R19-2-409 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-418 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-418. Directives

Notwithstanding anything contained in this Article, decisions on matters concerning teletrack wagering facility operations may be made by the Director, within the scope of the Director's statutory authority. The Director's decisions shall be effective immediately upon written notification.

Historical Note

New Section R19-2-418 renumbered from R19-2-410 and amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-419 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-419. Simulcast Wagering

- A.** The Department may authorize a racetrack permittee to conduct simulcasting as defined in A.R.S. § 5-101 and authorized under A.R.S. § 5-112 and the Interstate Horse Racing Act of 1978.
- B.** A racetrack permittee that wishes to conduct simulcasting shall submit a request for sending or receiving of simulcasts in writing to the Director of the Department.
- C.** For initial approval of horse simulcasts, the Department requires the following:
1. A completed simulcast agreement between a racetrack permittee and out-of-state entity;
 2. Written approval of the out-of-state horsemen's group, if applicable;
 3. Written approval of the out-of-state racing commission; and
 4. Written approval of the local horsemen's group. For purposes of this Section, horsemen's group is the group that represents a majority of the horsemen racing at or contracted with the racetrack permittee.
- D.** For initial approval of greyhound simulcasts, the Department requires the following:
1. A completed simulcast agreement between a racetrack permittee and out-of-state entity, and
 2. Written approval of the out-of-state racing commission.
- E.** Withdrawal of any of the written approvals required under subsections (C) and (D) constitutes grounds for the Department to rescind authorization for simulcasting.
- F.** To renew approval for simulcasting, a racetrack permittee shall submit any changes to the previous contract or addendums and current signature pages. Alternatively, and at the Department's option, the Department may accept an updated list of simulcast import host signals to be received and export guest wagering locations to be hosted by the Arizona racetrack permittee.
- G.** Additional wagering facilities.
1. A racetrack permittee may conduct simulcasting at the racetrack enclosure and at any additional wagering facility operated by the racetrack permittee if the additional wagering facility is included in the simulcast agreement.
 2. A racetrack permittee may send its simulcast signal to an out-of-state racetrack enclosure and any additional wagering facilities operated or used by the out-of-state entity if all locations receiving the simulcast signal are included in the simulcast agreement.
- H.** Duties of Arizona sending racetrack permittee.
1. If video is to be transmitted, the sending racetrack permittee is responsible for the content of the simulcast video program and shall use all reasonable effort to present a simulcast that offers viewers an exemplary depiction of each performance.
 2. Unless otherwise permitted by the Department, every sent simulcast video program shall contain in its video content a digital signal of actual time of day, the name of the host facility from which the signal emanates, the number of the contest being displayed, minutes to post, and any other relevant information available to patrons at the sending facility.
- I.** Duties of Arizona receiving racetrack permittee.
1. A receiving racetrack permittee conducting a commercial racing meet in this state may, with approval of the Department, conduct and operate a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more sending racetrack permittees outside this state.
 2. A receiving racetrack permittee shall provide:
 - a. If video will be displayed, adequate receiving equipment of acceptable broadcast quality for providing any sending-facility patron information;
 - b. Pari-mutuel terminals, pari-mutuel odds displays, modems, and switching units enabling pari-mutuel data transmissions and data communications between the sending and receiving racetrack permittees; and
 - c. In the case of separate pool simulcasting, a voice communication system between the receiving racetrack permittee and the sending racetrack permittee providing timely voice contact among Department designees, placing judges, and pari-mutuel departments.
 3. A receiving racetrack permittee shall conduct pari-mutuel wagering in compliance with this Chapter.
 4. The Department may appoint at least one designee to supervise all approved simulcast facilities and may

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require additional designees as is reasonably necessary to protect the public interest.

- J. In accordance with R19-2-505, a racetrack permittee may make a written request to the Director for authorization to conduct advance performance wagering.

Historical Note

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

Section R19-2-420 was made under an exemption from the provisions of the Arizona Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(16). Exemption from the rulemaking process means that the agency did not submit these rules to the Secretary of State's Office for publication in the Register as proposed rules, the agency was not required to accept public comment, and the rules were not approved by either the Governor's Regulatory Review Council or the Attorney General.

R19-2-420. Interstate Common Pool Wagering

A. General provisions.

1. All contracts governing participation by a racetrack permittee in interstate common pools shall be submitted to the Department. All parties to the contracts shall certify to the other parties that each will provide the others or their regulatory bodies full and prompt access to necessary requested records.
2. Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined solely for computing odds and calculating payoffs but will be held separate for auditing and all other purposes.
3. The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the information permitted or required to be displayed under these rules.
4. A racetrack permittee may participate in common pool wagering only on the same type of racing as authorized by the permit for live racing conducted by the racetrack permittee.

B. Participation in interstate common pools by receiving racetrack permittee.

1. With prior approval of the Department, pari-mutuel wagering pools may be combined with corresponding wagering pools at the sending facility outside of this state.
2. The Department may permit adjustment of the takeout from the pari-mutuel pool so the takeout rate in this jurisdiction is identical to that at the sending track (within the limits permitted by state law).
3. Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.
4. Rules of racing established for the contest in the sending track apply to the merged pool.
5. If, for any reason, it becomes impossible to merge successfully the bets placed into the interstate common pool, the racetrack permittee shall declare the accepted bets void and make refunds in accordance with applicable rules except that, with permission of the Department, the racetrack permittee may determine to make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere or pay winning tickets at the payoff prices at the sending track. The permittee shall publish the chosen policy under this subsection

tion in the daily racing program and on the permittee's web site and post the policy in all wagering locations.

- C. Participation in merged pools by sending racetrack permittee.
1. With prior approval of the Department, a racetrack permittee conducting a live race meet and pari-mutuel wagering may determine that all or part of the racing program be used for pari-mutuel wagering by sending all or part of the racing program to facilities outside this state and may also determine that pari-mutuel pools at the out-of-state facilities be combined with corresponding wagering pools established by the permittee as the sending track.
 2. This Chapter applies to interstate common pools unless the Department specifically determines otherwise.
 3. A racetrack permittee shall ensure that any contract for interstate common pools entered contains a provision providing that if, for any reason, it becomes impossible to merge successfully the bets placed in another state into the interstate common pool formed by the racetrack permittee or if, for any reason, the Department's or the racetrack permittee's representative determines that attempting to effect transfer of pool data from the receiving facility may endanger the racetrack permittee's wagering pool, the racetrack permittee has no liability for any measures taken that may result in the receiving facility's wagers not being accepted into the pool.
 4. Amounts wagered in an interstate common pool other than amounts wagered within this state are not considered part of the racetrack permittee's pari-mutuel wagering pool for purposes of A.R.S. § 5-111. A racetrack permittee may charge a fee to a receiving facility or location outside this state for the privilege of conducting pari-mutuel wagering on a race and participating in the interstate common pool and for payment of costs incurred to transmit the broadcast of the race.
- D. Takeout rates in interstate common pools. With prior approval of the Department, a racetrack permittee wishing to participate in an interstate common pool may change its takeout rate (within the limits permitted by state law) to achieve a common pool takeout rate with all other participants in the interstate common pool.

Historical Note

Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

ARTICLE 5. PARI-MUTUEL WAGERING

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-501. General

Each permittee shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the Department. The totalisator shall be tested prior to and during the meeting as required by the Department.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-501 record-

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ified from R4-27-501 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-502. Records

- A.** The permittee shall maintain records of all wagering for one year from the end of the racing meet or end of the racetrack's fiscal year, the same term for which outs tickets are valid, so the Department may review the records for any contest. Wagering records maintained shall include the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting, interest, and other information as may be required. The wagering records shall be retained by each permittee and safeguarded for the period specified by the Department. The Department may require that certain records be made available to the wagering public at the completion of each contest.
- B.** The permittee shall provide the Department with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-502 recodified from R4-27-502 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-503. Pari-mutuel Tickets

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the permittee and is evidence of the obligation of the permittee to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The permittee shall cash all valid winning tickets when such are presented for payment during the course of the meeting where sold, and for a one-year period after the last day of the meeting. Each pari-mutuel ticket purchaser agrees to abide by the terms and provisions of these rules, other applicable rules of the Arizona Racing Commission, and by the laws of the state of Arizona.

1. To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the permittee and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to:
 - a. The name of the permittee operating the meeting,
 - b. A unique identifying number or code,

- c. Identification of the terminal at which the ticket was issued,
 - d. A designation of the performance for which the wagering transaction was issued,
 - e. The contest number for which the pool is conducted,
 - f. The type or types of wagers represented,
 - g. The number or numbers representing the betting interests for which the wager is recorded,
 - h. The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.
2. No pari-mutuel ticket recorded or reported as previously paid, cancelled, or nonexistent shall be deemed a valid pari-mutuel ticket by the permittee. The permittee may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in R19-2-504(E) of these rules.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-503 recodified from R4-27-503 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-504. Pari-mutuel Ticket Sales

- A.** Pari-mutuel tickets shall be sold only by a permittee licensed to conduct pari-mutuel wagering or a racetrack permittee-contracted ADWP. All tickets shall be sold as prescribed under A.R.S. §§ 5-111 and 5-112.
- B.** A pari-mutuel ticket may not be sold on a contest for which wagering has been closed and a permittee shall not be responsible for sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on the contest.
- C.** Claims pertaining to a mistake on an issued or unissued ticket must be made by the bettor before leaving the seller's window. Cancellation or exchange of tickets issued shall not be permitted after a patron has left a seller's window except in accordance with written policies established by the racetrack permittee and approved by the Department. An ADWP shall abide by the most restrictive policy established by any of the racetrack permittees with which the ADWP contracts.
- D.** Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any change in the order of finish or award of purse money that results from a subsequent ruling by the stewards or Department shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.
- E.** A racetrack permittee shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the Department.
- F.** A racetrack permittee has no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

- G. Pari-mutuel tickets shall neither be sold to nor purchased by anyone less than 21 years old.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-504 recodified from R4-27-504 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-505. Advance Performance Wagering

No permittee shall permit wagering to begin more than one day before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Department.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-505 recodified from R4-27-505 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-506. Claims for Payment from Pari-mutuel Pool

At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the permittee in any case where the permittee has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the Department, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the Department within 48 hours.

1. In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required pursuant to R19-2-503(1) of these rules, the permittee shall make a recommendation to accompany the claim forwarded to the Department as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.
2. In the case of a claim made for payment on a pari-mutuel wager, the Department shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the permittee, or may deny the claim, or may make such other order as it may deem proper.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-506 recodified from R4-27-506 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-507. Payment for Errors

If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed and, as a result of such error, the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

1. Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be paid to the Department for deposit into the State Treasury.
2. Any claim not filed with the permittee within 30 days, inclusive of the date on which the underpayment was publicly announced, shall be deemed waived, and the permittee shall have no further liability therefore.
3. In the event the error results in an overpayment to winning wagers, the permittee shall be responsible for such payment.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-507 recodified from R4-27-507 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-508. Betting Explanation

A racetrack permittee shall ensure that a summary explanation of pari-mutuel wagering and each type of betting pool offered is published in the racing program for every wagering performance. The racetrack permittee shall make the rules of racing relative to each type of pari-mutuel pool offered available upon request through permittee representatives at all permittee wagering locations and shall post a link to the Department's rules page on all permittee web sites.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-508 recodified from R4-27-508 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing

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Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-509. Display of Betting Information

- A. A racetrack permittee shall ensure that odds or will-pay amounts for win pool betting are posted on display devices within view of the wagering public and updated at intervals of not more than 90 seconds.
- B. The racetrack permittee shall ensure that amounts wagered in total for the other pools and on each betting interest or wager combination are displayed to the wagering public at intervals and in a manner approved by the Department.
- C. Official results and payoffs shall be displayed when a contest is declared official.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-509 recodified from R4-27-509 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-510. Cancelled Contests

If a contest is cancelled or declared "no contest," refunds shall be granted on valid wagers in accordance with this Chapter.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-510 recodified from R4-27-510 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-511. Refunds

- A. Notwithstanding other provisions of these rules, refunds of the entire pool shall be made on:
 1. Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than 2.
 2. Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half Twin Quinella pools,

first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than 3.

3. Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than 4.
- B. Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-511 recodified from R4-27-511 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-512. Coupled Entries and Mutuel Fields

- A. Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.
- B. For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-512 recodified from R4-27-512 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-513. Pools Dependent upon Betting Interests

- A. Unless the Department otherwise provides, at the time the pools are opened for wagering, the racetrack permittee:
 1. Shall offer Win wagering on all contests with three or more betting interests and may offer Win wagering on all contests with two or more betting interests.

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2. Shall offer Place wagering on all contests with four or more betting interests and may offer Place wagering on all contests with three or more wagering interests.
 3. Shall offer Show wagering on all contests with five or more betting interests and may offer Show wagering on all contests with four or more betting interests.
 4. May offer Quinella wagering on all contests with three or more betting interests.
 5. May offer Quinella Double wagering on all contests with three or more betting interests.
 6. May offer Exacta wagering on all contests with two or more betting interests.
 7. May offer Trifecta wagering on all contests with three or more betting interests.
 8. May offer Superfecta wagering on all contests with four or more betting interests.
 9. May offer Twin Quinella wagering on all contests with three or more betting interests.
 10. Shall not offer first- or second-leg Twin-Trifecta or Tri-Superfecta wagering on any contests with six or fewer betting interests in either leg of the wager.
 11. May offer Pick-N wagering on any consecutive contests that allow Win wagering.
 12. May offer Place Pick-N wagering on any consecutive contests that allow Place wagering.
 13. May prohibit wagering on any particular contestant in stakes races, if the exclusions are clearly indicated in the racing program.
- B.** Before each racing meet, the racetrack permittee shall establish and submit to the Department the pools to be offered with each number of betting interests.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-513 recodified from R4-27-513 (Supp. 95-1). Amended effective July 3, 1996 (Supp. 96-3). Amended by exempt rulemaking at 6 A.A.R. 786, effective February 1, 2000 (Supp. 00-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-514. Prior Approval Required for Betting Pools

- A.** A permittee that desires to offer new forms of wagering must apply in writing to the Department and receive written approval prior to implementing the new betting pool.
- B.** The permittee may suspend previously approved forms of wagering with the prior approval of the Department. Any carryover shall be held until the suspended form of wagering is reinstated. A permittee may request approval of a form of wagering or separate wagering pool for specific performances.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-514 recodified from R4-27-514 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-515. Closing of Wagering in a Contest

- A.** A Department representative shall close wagering for each contest. After wagering is closed, no pari-mutuel tickets shall be sold for that contest.
- B.** The racetrack permittee shall maintain, in good order, a system approved by the Department for closing wagering.
1. If the totalisator fails mechanically and becomes unreliable as to the amounts wagered, all money wagered on the contest shall be refunded.
 2. If a breakdown of the totalisator cannot be repaired during wagering on a contest, the wagering for that contest shall be declared closed. The payoff for a race closed because of totalisator breakdown shall be computed on the sums wagered in each pool before the breakdown.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-515 recodified from R4-27-515 (Supp. 95-1). Section amended by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-516. Complaints Pertaining to Pari-mutuel Operations

- A.** When a patron makes a complaint regarding the pari-mutuel department to a permittee, the permittee shall immediately issue a complaint report setting out:
1. The name of the complainant;
 2. The nature of the complaint;
 3. The name of the persons, if any, against whom the complaint was made;
 4. The date of the complaint;
 5. The action taken or proposed to be taken, if any, by the permittee.
- B.** The permittee shall submit every complaint report to the Department within 48 hours after the complaint was made.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-516 recodified from R4-27-516 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption

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from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-517. Licensed Employees

All licensees shall report any known irregularities or wrongdoings by any person involving pari-mutuel wagering immediately to the Department and cooperate in subsequent investigations.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-517 recodified from R4-27-517 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-518. State Mutuel Supervisor

- A. The Director shall appoint a state mutuel supervisor who shall monitor the pari-mutuel department and wagering at all race meetings and additional wagering facilities.
- B. A permittee shall grant the state mutuel supervisor and Department unrestricted access to its facilities and equipment and to all books, ledgers, accounts, documents, and records pertaining to pari-mutuel wagering.
- C. The state mutuel supervisor shall receive all requested information from a permittee's officers and employees promptly and shall receive full cooperation while carrying out the duties of that office.
- D. The state mutuel supervisor shall report to the Director and stewards any failure of the permittee, including its officers and employees, to comply with both the provisions of these rules and the laws of the state of Arizona.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-518 recodified from R4-27-518 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-519. Mutuel Manager

- A. In the event of an emergency in connection with the pari-mutuel department not covered in these rules, the mutuel manager representing the permittee shall report the problem to the

stewards and the permittee, and the stewards shall render a full report to the Department within 48 hours.

- B. The mutuel manager shall be responsible for the correctness of all payoff prices posted on the odds board, subject to the limitations of nonfraudulent human and mechanical errors. In the event that a payoff is both incorrectly posted and paid, the mutuel manager shall file with the Department a complete report explaining the circumstances prior to the next racing day.
- C. The mutuel manager shall provide the Department with, upon request, complete and detailed reports of each race day; including the handle of each race, the total handle and attendance, the payoffs on each race, breakage and commission, opening and closing lines, and sellers' shortages and overages.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-519 recodified from R4-27-519 (Supp. 95-1).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-520. Stored Value Instruments

- A. Pari-mutuel cash vouchers. A racetrack permittee may offer pari-mutuel cash vouchers at a wagering location that issues pari-mutuel tickets.
 1. Cash vouchers shall be dispensed through the totalisator system;
 2. The stored value on a cash voucher may be redeemed in the same manner as a value of a winning pari-mutuel ticket for wagers placed at a pari-mutuel window or a self-service terminal, and may be redeemed for the cash value at any time;
 3. The tote system transaction record for all pari-mutuel cash vouchers shall include the voucher identification number in subsequent pari-mutuel transactions; and
 4. Pari-mutuel wagers made from a voucher shall include the voucher by identification number.
- B. A racetrack permittee may, with prior approval of the Department, issue special pari-mutuel cash vouchers as incentives or promotional prizes, and may restrict the use of the special vouchers to the purchase of pari-mutuel wagers.
- C. Other stored value instruments and systems. A racetrack permittee shall not, without the prior approval of the Department, use any form of stored value instrument or system other than a pari-mutuel cash voucher for making or cashing pari-mutuel wagers. A request for approval of a stored value instrument or system other than a pari-mutuel cash voucher shall include a detailed description of the standards used to:
 1. Identify the specific stored value instrument or account in the pari-mutuel system wagering transaction record;
 2. Verify the identity and business address of the person obtaining, holding, and using the stored value instrument or system; and
 3. Record and maintain records of deposits, credits, debits, transaction numbers, and account balances involving the stored value instruments or accounts.
- D. A stored value instrument or system:

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- 1. Shall prevent a wagering transaction if the wagering transaction will create a negative balance in the account, and
 - 2. Shall not operate to automatically facilitate a transfer of funds into a stored value instrument or account without direct authorization of each deposit transfer by the person holding the instrument or account.
- E. A request for approval of a stored value instrument or system shall include:
- 1. An affirmation that records and reports relating to all transactions, account records, and customer identification and verification will be made available on request to the Department in both paper or and electronic form approved by the Department; and
 - 2. Certification of secure retention of all records for the time specified in R19-2-502.

Historical Note

Section reserved. New Section made by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

R19-2-521. Repealed

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-521 recodified from R4-27-521 (Supp. 95-1). Amended effective February 17, 1998, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 98-1). Amended effective July 22, 1998, pursuant to an exemption under the Administrative Procedure Act. (Supp. 98-3). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Amended by exempt rulemaking at 5 A.A.R. 2176, effective June 15, 1999 (Supp. 99-2). Section repealed by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

R19-2-522. Repealed

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). R19-2-522 recodified from R4-27-522 (Supp. 95-1). Amended effective February 17, 1998, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 98-1). Amended by exempt rulemaking at 5 A.A.R. 532, effective January 29, 1999 (Supp. 99-1). Section repealed by exempt rulemaking at 20 A.A.R. 2874, effective October 10, 2014 (Supp. 14-4).

The following Section was adopted under an exemption from the provisions of the Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-1005(A)(18). Exemption from A.R.S. Title 41, Chapter 6 means that the Arizona Racing Commission did not submit these rules to the Governor's Regulatory Review Council for Review; the Commission did not submit notice of proposed rulemaking to the Secretary of State for publication in the Arizona Administrative Register; the Commission was not required to hold public hearings on these rules; and the Attorney General did not certify these rules.

R19-2-523. Calculation of Payoffs and Distribution of Pools

A. General

- 1. All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Take-

out shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.

- 2. For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.
- 3. Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

a. *Standard Price Calculation Procedure*

SINGLE PRICE POOL (WIN POOL)

gross pool = sum of wagers on all betting interests - refunds
 takeout = gross pool x percent takeout
 net pool = gross pool - takeout
 profit = net pool - gross amount bet on winner

profit per dollar = profit / gross amount bet on winner

\$1 unbroken price = profit per dollar + \$1

\$1 broken price = \$1 unbroken price rounded down to the break point

total payout = \$1 broken price x gross amount bet on winner

total breakage = net pool - total payout

PROFIT SPLIT (PLACE POOL)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

PROFIT SPLIT (SHOW POOL)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

b. *Net Price Calculation Procedure*

SINGLE PRICE POOL (WIN POOL)

gross pool = sum of wagers on all betting interests - refunds
 takeout = gross pool x percent takeout

* for each source:
 net pool = gross pool - takeout
 net bet on winner = gross amount bet on winner x (1 - percent takeout)

total net pool = sum of all sources net pools

total net bet on winner = sum of all sources net bet on winner

total profit = total net pool - total net bet on winner

profit per dollar = total profit / total net bet on winner

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- \$1 unbroken base price = profit per dollar + \$1
- * for each source:
- \$1 unbroken price = \$1 unbroken base price x (1 - percent takeout)
- \$1 broken price = \$1 unbroken price rounded down to the break point
- total payout = \$1 broken price x gross amount bet on winner
- total breakage = net pool - total payout
- PROFIT SPLIT (PLACE POOL)**
Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.
- PROFIT SPLIT (SHOW POOL)**
Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.
- 4. If a profit split results in only one covered winning betting interest or combinations, it shall be calculated the same as a single price pool.

- 5. Minimum payoffs and the method used for calculating breakage shall be established by the Department.
- 6. The individual pools outlined in these rules may be given alternative names by each permittee, provided prior approval is obtained from the Department.
- B. Win Pools**
 - 1. The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to Win on that betting interest.
 - 2. The net Win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:
 - a. To those whose selection finished first; but if there are no such wagers, then
 - b. To those whose selection finished second; but if there are no such wagers, then
 - c. To those whose selection finished third; but if there are no such wagers, then
 - d. The entire pool shall be refunded on Win wagers for that contest.
 - 3. If there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, the Win pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Win pool shall be distributed as a profit split.

Table 1. Win Pool - Standard Price Calculation

Table 1: WIN POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on Winner	=	\$23,872.00
Profit:		
Net Pool - Gross Amount Bet on Winner	=	\$134,316.66
Profit Per Dollar:		
Profit / Gross Amount Bet on Winner	=	\$5.6265357
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.6265357

- C. Place Pools**
 - 1. The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.
 - 2. The net Place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. If contestants of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
 - b. As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then
 - c. As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then

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- d. As a single price pool to those who selected the third-place finisher, but if there are no such wagers, then
- e. The entire pool shall be refunded on Place wagers for that contest.
- 3. If there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.
 - b. Contestants representing two or more betting interests, the Place pool shall be distributed as a profit split.
- 4. If there is a dead heat for second involving:
 - a. Contestants representing the same betting interest, the Place pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Place pool is divided with half of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second.

Table 2. Place Pool - Standard Price Calculation

Table 2: PLACE POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Gross amount Bet on second place finisher	=	\$12,500.00
Profit:		
Net Pool - Gross Amount Bet on first place finisher - Gross Amount Bet on second place finisher	=	\$121,816.66
Place Profit:		
Profit / 2	=	\$60,908.33
Profit Per Dollar for first place:		
Place Profit / Gross Amount Bet on first place finisher	=	\$2.5514548
\$1 Unbroken Price for first place:		
Profit Per Dollar for first place + \$1	=	\$3.5514548
Profit Per Dollar for second place:		
Place Profit / Gross Amount Bet on second place finisher	=	\$4.8726664
\$1 Unbroken Price for second place:		
Profit Per Dollar for second place + \$1	=	\$5.8726664

D. Show Pools

- 1. The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.
- 2. The net Show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
 - b. If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds distributed to those who selected the coupled entry or mutuel field and one-third distributed to those who selected the other betting interest included within the first three finishers; otherwise
 - c. As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then
 - d. As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then
 - e. As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then
 - f. As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then
 - g. The entire pool shall be refunded on Show wagers for that contest.

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3. If there is a dead heat for first involving:
 - a. Two contestants representing the same betting interest, the profit is divided with 2/3rds distributed to those who selected the first-place finishers and one-third distributed to those who selected the betting interest finishing third.
 - b. Three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.
 - c. Contestants representing two or more betting interests, the Show pool shall be distributed as a profit split.
4. If there is a dead heat for second involving:
 - a. Contestants representing the same betting interest, the profit is divided with one-third distributed to those who selected the betting interest finishing first and two-thirds distributed to those who selected the second-place finishers.
5. If there is a dead heat for third involving:
 - a. Contestants representing the same betting interest, the Show pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Show pool is divided with 2/3rds of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally among Show wagers on those betting interests involved in the dead heat for third.

Table 3. Show Pool - Standard Price Calculation

Table 3: SHOW POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Gross Amount Bet on second place finisher	=	\$12,500.00
Gross Amount Bet on third place finisher	=	\$4,408.00
Profit: Net Pool		
- Gross Amount Bet on first place finisher		
- Gross Amount Bet on second place finisher		
- Gross Amount Bet on third place finisher	=	\$117,408.66
Show Profit:		
Profit / 3	=	\$39,136.22
Profit Per Dollar for first place:		
Show Profit / Gross Amount Bet on first place finisher	=	\$1.6394194
\$1 Unbroken Price for first place:		
Profit Per Dollar for first place + \$1	=	\$2.6394194
Profit Per Dollar for second place:		
Show Profit / Gross Amount Bet on second place finisher	=	\$3.1308976
\$1 Unbroken Price for second place:		
Profit Per Dollar for second place + \$1	=	\$4.1308976
Profit Per Dollar for third place:		
Show Profit / Gross Amount Bet on third place finisher	=	\$8.8784528
\$1 Unbroken Price for third place:		
Profit Per Dollar for third place + \$1	=	\$9.8784528

Table 4. Show Pool - Single Takeout Rate & Single Betting Source

Table 4: SHOW POOL		
Single Takeout Rate & Single Betting Source		
<i>(Net Price Calculation)</i>		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Total Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on first place finisher	=	\$23,872.00
Net Amount Bet on first place finisher	=	\$19,575.04
Gross Amount Bet on second place finisher	=	\$12,500.00
Net Amount bet on second place finisher	=	\$10,250.00
Gross Amount Bet on third place finisher	=	\$4,408.00
Net Amount Bet on third place finisher	=	\$3,614.56
Total Net Bet on Winners:		
Net Amount Bet on first place finisher + Net Amount Bet on second place finisher + Net Amount Bet on third place finisher	=	\$33,439.60
Total Profit:		
Total Net Pool - Total Net Bet on Winners	=	\$124,749.06
Show Profit:		
Total Profit / 3	=	\$41,583.02
Profit Per Dollar for first place:		
Show Profit / Net Amount Bet on first place finisher	=	\$2.1242879
\$1 Unbroken Base Price for first place:		
Profit Per Dollar for first place + \$1	=	\$3.1242879
\$1 Unbroken Price for first place:		
\$1 Unbroken Base Price for first place x (1 - percent takeout)	=	\$2.5619161
Profit Per Dollar for second place:		
Show Profit / Net Amount Bet on second place finisher	=	\$4.0568800
\$1 Unbroken Base Price for second place:		
Profit Per Dollar for second place + \$1	=	\$5.0568800
\$1 Unbroken Price for second place:		
\$1 Unbroken Base Price for second place x (1 - percent takeout)	=	\$4.1466416
Profit Per Dollar for third place:		
Show Profit / Net Amount Bet on third place finisher	=	\$11.504310
\$1 Unbroken Base Price for third place:		
Profit Per Dollar for third place + \$1	=	\$12.504310
Unbroken Price for third place:		
\$1 Unbroken Base Price for third place x (1 - percent takeout)	=	\$10.253534

- E. Double Pools**
1. The Double requires selection of the first-place finisher in each of two specified contests.
 2. The net Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. As a single price pool to those whose selection finished first in each of the two contests; but if there are no such wagers, then
 - b. As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then
 - c. As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then
 - d. As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then
 - e. The entire pool shall be refunded on Double wagers for those contests.

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3. If there is a dead heat for first in either of the two contests involving:
 - a. Contestants representing the same betting interest, the Double pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Double pool shall be distributed as a profit split if there is more than one covered winning combination.
4. Should a betting interest in the first-half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
5. Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.
6. Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.
7. If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest," the entire Double pool shall be refunded on Double wagers for those contests.
8. If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool shall be distributed as a profit split.

Table 5. Double Pool - Standard Price Calculation

Table 5: DOUBLE POOL (Standard Price Calculation)		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Gross Amount Bet on Winning Combination	=	\$23,872.00
Profit:		
Net Pool - Gross Amount Bet on Winning Combination	=	\$134,316.66
Profit Per Dollar:		
Profit / Gross Amount Bet on Winning Combination	=	\$5.6265357
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.6265357

Table 6. Double Pool - Consolation Pricing

Table 6: DOUBLE POOL CONSOLATION PRICING		
Sum of Wagers on All Betting Interests	=	\$194,230.00
Refunds	=	\$1,317.00
Gross Pool:		
Sum of Wagers on All Betting Interests - Refunds	=	\$192,913.00
Percent Takeout	=	18%
Takeout:		
Gross Pool x Percent Takeout	=	\$34,724.34
Net Pool:		
Gross Pool - Takeout	=	\$158,188.66
Consolation Pool:		
Sum Total Amount Bet on winner of the first contest with all second contest betting interests	=	\$43,321.00
\$1 Consolation Unbroken Consolation Price:		
Net Pool / Consolation Pool	=	\$3.6515468
\$1 Consolation Broken Price	=	\$3.65
Amount Bet on winner of the first contest with scratched betting interests:	=	\$1,234.00
Consolation Liability:		
\$1 Consolation Broken Price x (Amount Bet on the winner of the first contest with scratched betting interests)	=	\$4,504.10
Adjusted Net Pool:		
Net Pool - Consolation Liability	=	\$153,684.56
Gross Amount Bet on the Winning Combination	=	\$23,872.00
Profit:		
Adjusted Net Pool - Gross Amount Bet on the Winning Combination	=	\$129,812.56
Profit Per Dollar:		
Profit / Gross Amount Bet on the Winning Combination	=	\$5.4378586
\$1 Unbroken Price:		
Profit Per Dollar + \$1	=	\$6.4378586

F. Pick 3 Pools

1. The Pick 3 requires selection of the first-place finisher in each of three specified contests.
2. The net Pick 3 pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
 - b. As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
 - c. As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
 - d. The entire pool shall be refunded on Pick 3 wagers for those contests.
3. If there is a dead heat for first in any of the three contests involving:
 - a. Contestants representing the same betting interest, the Pick 3 pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Pick 3 pool shall be distributed as a single

price pool with each winning wager receiving an equal share of the profit.

4. Should a betting interest in any of the three Pick 3 contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
5. If all three Pick 3 contests are cancelled or declared "no contest," the entire pool shall be refunded on Pick 3 wagers for those contests.
6. If one or two of the Pick 3 contests are cancelled or declared "no contest," the Pick 3 pool shall remain valid and shall be distributed in accordance with subsection (F)(2) of this rule.

G. Pick (n) Pools

1. The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The permittee must obtain written approval from the Department con-

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cerning the scheduling of Pick (n) contests, the designation of one of the methods prescribed in subsection (G)(2), and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Department.

2. The Pick (n) pool shall be apportioned under one of the following methods:
 - a. *Method 1, Pick (n) with Carryover:* The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.
 - b. *Method 2, Pick (n) with Minor Pool and Carryover:* The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.
 - c. *Method 3, Pick (n) with No Minor Pool and No Carryover:* The net Pick (n) pool shall be distributed as the single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.
 - d. *Method 4, Pick (n) with Minor Pool and No Carryover:* The major share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is 1, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
 - e. *Method 5, Pick (n) with Minor Pool and No Carryover:* The major share of net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.
3. If there is a dead heat for first in any of the Pick (n) contests involving:
 - a. Contestants representing the same betting interest, the Pick (n) pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
4. Should a betting interest in any of the Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
5. The Pick (n) pool shall be cancelled and all Pick (n) wagers for the individual performance shall be refunded if:
 - a. At least two contests included as part of a Pick 3 are cancelled or declared "no contest."
 - b. At least three contests included as part of a Pick 4, Pick 5, or Pick 6 are cancelled or declared "no contest."
 - c. At least four contests included as part of a Pick 7, Pick 8, or Pick 9 are cancelled or declared "no contest."
 - d. At least five contests included as part of a Pick 10 are cancelled or declared "no contest."
6. If at least one contest included as part of a Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection (G)(5) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.
7. The Pick (n) carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the Pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.

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8. A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Department. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
9. Should the Pick (n) carryover be designated for distribution on the final day of the meeting or on another specified date on which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - a. Upon written approval from the Department as provided in subsection (G)(8) of this rule.
 - b. Upon written approval from the Department when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.
 - c. On the closing performance of the meet or split meet.
10. If, for any reason, the Pick (n) carryover must be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Department.
11. With the written approval of the Department, the permittee may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.
12. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
13. The permittee may suspend previously approved Pick (n) wagering with the prior approval of the Department. Any carryover shall be held until the suspended Pick (n) wagering is reinstated. A permittee may request approval of a Pick (n) wager or separate wagering pool for specific performances.

Table 7. Pick 7 Pool - Multiple Takeout Rates & Multiple Betting Sources

Table 7: PICK 7 POOL						
Multiple Takeout Rates & Multiple Betting Sources						
(Net Price Calculation)						
	Percent Takeout	Gross Pool	Gross Amt. Bet on Win	Net Pool	Net Amt. Bet on Win	
Source 1:	16%	\$190,000.00	\$44.00	\$159,600.00	\$36.96	
Source 2:	18.5%	\$10,000.00	\$18.00	\$8,150.00	\$14.67	
Source 3:	21%	\$525,730.00	\$124.00	\$415,326.70	\$97.96	
TOTALS:		\$725,730.00	\$186.00	\$583,076.70	\$149.59	
Total Profit:						
Total Net Pool - Total Net Bet on the Winning Combination				=		\$582,927.11
Profit Per Dollar:						
Total Profit / Total Net Bet on the Winning Combination				=		\$3,896.8321
\$1 Unbroken Base Price:						
Profit Per Dollar + \$1				=		\$3,897.8321
\$1 Unbroken Price for Source 1:						
\$1 Unbroken Base Price x (1 - Percent Takeout)				=		\$3,274.1789
\$1 Unbroken Price for Source 2:						
\$1 Unbroken Base Price x (1 - Percent Takeout)				=		\$3,176.7331
\$1 Unbroken Price for Source 3:						
\$1 Unbroken Base Price x (1 - Percent Takeout)				=		\$3,079.2873

H. Place Pick (n) Pools

1. The Place Pick (n) requires selection of the first- or second-place finisher in each of a designated number of contests. The permittee must obtain written approval from the Department concerning the scheduling of Place Pick (n) contests, the designation of one of the methods prescribed in subsection (H)(2), the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved Place Pick (n) format require prior approval from the Department.
2. The Place Pick (n) pool shall be apportioned under one of the following methods:
 - a. *Method 1, Place Pick (n) with Carryover:* The net Place Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the remainder shall be added to the carryover.
 - b. *Method 2, Place Pick (n) with Minor Pool and Carryover:* The major share of the net Place Pick (n)

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- pool and the carryover, if any, shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher of all Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the major share shall be added to the carryover.
- c. *Method 3, Place (n) Pick with No Minor Pool and No Carryover:* The net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no major winning wagers, the pool is refunded.
 - d. *Method 4, Place Pick (n) with Minor Pool and No Carryover:* The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If the greatest number of first- or second-place finishers selected is 1, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
 - e. *Method 5, Place Pick (n) with Minor Pool and No Carryover:* The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in all Place Pick (n) contests, the entire net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If there are no wagers selecting the first or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests. If there are no winning wagers, the pool is refunded.
3. If there is a dead heat for first in any of the Place Pick (n) contests involving:
 - a. Contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including each betting interest participating in the dead heat.
 4. If there is a dead heat for second in any of the Place Pick (n) contests involving:
 - a. Contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
 - b. Contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first or any betting interest involved in a dead heat for second.
 5. Should a betting interest in any Place Pick (n) contest be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
 6. The Place Pick (n) pool shall be cancelled and all Place Pick (n) wagers for the individual performance shall be refunded if:
 - a. At least two contests included as part of a Place Pick 3 are cancelled or declared "no contest."
 - b. At least three contests included as part of a Place Pick 4, Place Pick 5, or Place Pick 6 are cancelled or declared "no contest."
 - c. At least four contests included as part of a Place Pick 7, Place Pick 8, or Place Pick 9 are cancelled or declared "no contest."
 - d. At least five contests included as part of a Place Pick 10 are cancelled or declared "no contest."
 7. If at least one contest included as part of a Place Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection (H)(6) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Place Pick (n) carryover but not the carryover from previous performances.
 8. The Place Pick (n) carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Place Pick (n) carryover equals or exceeds the designated cap, the Place Pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the Place Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the Place Pick (n) carryover, shall be distributed to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance.

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9. A written request for permission to distribute the Place Pick (n) carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
 10. Should the Place Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first- or second-place finisher in each of the Place Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests. The Place Pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:
 - a. Upon written approval from the Department as provided in subsection (H)(9) of this rule.
 - b. Upon written approval from the Department when there is a change in the carryover cap, a change from one type of Place Pick (n) wagering to another, or when the Place Pick (n) is discontinued.
 - c. On the closing performance of the meet or split meet.
 11. If, for any reason, the Place Pick (n) carryover must be held over to the corresponding Place Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Place Pick (n) carryover plus accrued interest shall then be added to the net Place Pick (n) pool of the following meet on a date and performance so designated by the Department.
 12. With the written approval of the Department, the permittee may contribute to the Place Pick (n) carryover a sum of money up to the amount of any designated cap.
 13. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
 14. The permittee may suspend previously approved Place Pick (n) wagering with the prior approval of the Department. Any carryover shall be held until the suspended Place Pick (n) wagering is reinstated. A permittee may request approval of a Place Pick (n) wager or separate wagering pool for specific performances.
- I. Quinella Pools**
1. The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.
 2. The net Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
 - b. As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
 - c. As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then
 - d. As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
 - e. The entire pool shall be refunded on Quinella wagers for that contest.
- J. Quinella Double Pools**
3. If there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, the Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - b. Contestants representing two betting interests, the Quinella pool shall be distributed as if no dead heat occurred.
 - c. Contestants representing three or more betting interests, the Quinella pool shall be distributed as a profit split.
 4. If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool shall be distributed as if no dead heat occurred.
 5. If there is a dead heat for second involving contestants representing two or more betting interests, the Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
 - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second, but if there is only one covered combination, then
 - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - e. The entire pool shall be refunded on Quinella wagers for that contest.

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- d. As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
 - e. The entire pool shall be refunded on Quinella Double wagers for those contests.
3. If there is a dead heat for first in either of the two Quinella Double contests involving:
 - a. Contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.
 - b. Contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.
 - c. Contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.
 4. If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.
 5. If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as profit split.
 6. Should a betting interest in the first half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
 7. Should a betting interest in the second half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
 8. Should a betting interest in the second half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.
 9. If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest," the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
 10. If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
- K. Exacta Pools**
1. The Exacta requires selection of the first two finishers, in their exact order, for a single contest.
 2. The net Exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
 - b. As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
 - c. As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
 - d. As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then
 - e. The entire pool shall be refunded on Exacta wagers for that contest.
 3. If there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - b. Contestants representing two or more betting interests, the Exacta pool shall be distributed as a profit split.
 4. If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.
 5. If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:
 - a. As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - b. As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - c. As a profit split to those wagers correctly selecting the winner for first place and those wagers selecting any of the dead-heated betting interests for second place; but if there are no such wagers, then
 - d. The entire pool shall be refunded on Exacta wagers for that contest.
- L. Trifecta Pools**
1. The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.

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2. The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - d. The entire pool shall be refunded on Trifecta wagers for that contest.
 3. If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
 4. If there is a dead heat for first involving:
 - a. Contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
 - b. Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.
 5. If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.
 6. If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.
- M. Superfecta Pools**
1. The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.
 2. The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - e. The entire pool shall be refunded on Superfecta wagers for that contest.
 3. If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
 4. If there is a dead heat for first involving:
 - a. Contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.
 - b. Contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.
 - c. Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.
- N. Twin Quinella Pools**
1. The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests shall be included in only one Twin Quinella pool.
 2. In the first Twin Quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:
 - a. If a coupled entry or mutuel field finishes as the first two finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise
 - b. Those whose combination finished as the first two betting interests shall be winners; but if there are no such wagers, then
 - c. Those whose combination included either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then
 - d. Those whose combination included the one covered betting interest included within the first two finish-

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- ers shall be winners; but if there are no such wagers, then
- e. The entire pool shall be refunded on Twin Quinella wagers for that contest.
3. In the first Twin Quinella contest only, if there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.
 - b. Contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred.
 - c. Contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners.
 4. In the first Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
 - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second, but if there are no such wagers, then
 - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - e. The entire pool shall be refunded on Twin Quinella wagers for the contest.
 5. In the second Twin Quinella contest only, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:
 - a. If a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
 - b. As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
 - c. As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then
 - d. As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
 - e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
 - f. In accordance with subsection (N)(2) of the Twin Quinella rules.
 6. In the second Twin Quinella contest only, if there is a dead heat for first involving:
 - a. Contestants representing the same betting interest, the net Twin Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - b. Contestants representing two betting interests, the net Twin Quinella pool shall be distributed as if no dead heat occurred.
 - c. Contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included any two of the betting interests finishing in the dead heat.
 7. In the second Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
 - a. As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - b. As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - c. As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - d. As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second, then
 - e. As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
 - f. In accordance with subsection (N)(2) of the Twin Quinella rules.
 8. If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest.
 9. Should a betting interest in the first half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest shall be refunded.
 10. Should a betting interest in the second half of the Twin Quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool.
 11. If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "no contest," the entire Twin Quinella pool shall be refunded on Twin Quinella wagers for that contest.
 12. If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool shall be distributed as a single price pool to wagers selecting

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the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there are no such wagers, the net Twin Quinella pool shall be distributed as described in subsection (N)(2) of the Twin Quinella rules.

O. Twin Trifecta Pools

1. The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests shall be included in only one Twin Trifecta pool.
2. After wagering closes for the first half of the Twin Trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool.
3. In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:
 - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - d. The entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second half shall be cancelled.
4. If no first-half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool shall be retained and added to any existing Twin Trifecta carryover pool.
5. Winning tickets from the first half of the Twin Trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:
 - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then
 - b. The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance.
6. If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
7. Should a betting interest in the first half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest shall be refunded.
8. Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.
9. If, due to a late scratch, the number of betting interests in the second half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin-Trifecta carryover.
10. If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
 - a. The first half of the Twin Trifecta, the payoff shall be calculated as a profit split.
 - b. The second half of the Twin Trifecta, the payoff shall be calculated as a single price pool.
11. If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest," the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second half shall be cancelled.
12. If the second-half Twin Trifecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Trifecta tickets shall be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin-Trifecta carryover. If there are no such tickets, the net Twin Trifecta pool shall be distributed as described in subsection (O)(3) of the Twin Trifecta rules.
13. The Twin-Trifecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Twin-Trifecta carryover equals or exceeds the designated cap, the Twin-Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, 100% of the net Twin Trifecta pool for each individual contest shall be distributed to carryover winners of the first half of the Twin Trifecta pool.
14. A written request for permission to distribute the Twin-Trifecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
15. Should the Twin-Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Trifecta after completion of the first half of the Twin Trifecta:
 - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then

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- b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - d. As a single price pool to holders of valid exchange tickets.
 - e. As a single price pool to holders of outstanding first-half winning tickets.
16. Contrary to subsection (O)(4) of the Twin Trifecta rules, during a performance designated to distribute the Twin-Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Trifecta, all first-half tickets will become winners and will receive 100% of that day's net Twin Trifecta pool and any existing Twin-Trifecta carryover as a single price pool.
 17. The Twin-Trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - a. Upon written approval from the Department as provided in subsection (O)(15) of the Twin Trifecta rules.
 - b. Upon written approval from the Department when there is a change in the carryover cap or when the Twin Trifecta is discontinued.
 - c. On the closing performance of the meet or split meet.
 18. If, for any reason, the Twin-Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Twin-Trifecta carryover plus accrued interest shall then be added to the second-half Twin Trifecta pool of the following meet on a date and performance so designated by the Department.
 19. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and parimutuel department employees for processing of pool data.
 20. The permittee must obtain written approval from the Department concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Department.
- P. Tri-Superfecta Pools**
1. The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-Superfecta contests shall be included in only one Tri-Superfecta pool.
 2. After wagering closes for the first-half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool.
 3. In the first Tri-Superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:
 - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - d. The entire Tri-Superfecta pool shall be refunded on Tri-Superfecta for that contest and the second half shall be cancelled.
 4. If no first-half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-Superfecta pool shall be retained and added to any existing Tri-Superfecta carryover pool.
 5. Winning tickets from the first half of the Tri-Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:
 - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
 - b. The entire second-half Tri-Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.
 6. If a winning first-half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool.
 7. Coupled entries and mutuel fields shall be prohibited in Tri-Superfecta contests.
 8. Should a betting interest in the first-half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest shall be refunded.
 9. Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include

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- the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta contest, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool.
10. If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.
 11. If there is a dead heat or multiple dead heats in either the first or second half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in
 - a. The first-half of the Tri-Superfecta, the payoff shall be calculated as a profit split.
 - b. The second-half of the Tri-Superfecta, the payoff shall be calculated as a single price pool.
 12. If either of the Tri-Superfecta contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest," the entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second half shall be cancelled.
 13. If the second-half Tri-Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If no there are no such tickets, the net Tri-Superfecta pool shall be distributed as described in subsection (P)(3) of the Tri-Superfecta rules.
 14. The Tri-Superfecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Tri-Superfecta carryover is frozen, 100% of the net Tri-Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Tri-Superfecta pool.
 15. A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
 16. Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Tri-Superfecta after completion of the first half of the Tri-Superfecta:
 - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - d. As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then
 - e. As a single price pool to holders of valid exchange tickets.
 - f. As a single price pool to holders of outstanding first-half winning tickets.
 17. Contrary to subsection (P)(4) of the Tri-Superfecta rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Tri-Superfecta, all first-half tickets will become winners and will receive 100% of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.
 18. The Tri-Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - a. Upon written approval from the Department as provided in subsection (P)(15) of the Tri-Superfecta rules.
 - b. Upon written approval from the Department when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.
 - c. On the closing performance of the meet or split meet.
 19. If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Tri-Superfecta carryover plus accrued interest shall then be added to the second-half Tri-Superfecta pool of the following meet on a date and performance so designated by the Department.
 20. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
 21. The permittee must obtain written approval from the Department concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the Department.
- Q. Twin Superfecta Pools**
1. The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets

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- may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests shall be included in only one Twin Superfecta pool.
2. After wagering closes for the first half of the Twin Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool.
 3. In the first Twin Superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:
 - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - e. The entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second half shall be cancelled.
 4. If no first-half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool shall be retained and added to any existing Twin Superfecta carryover pool.
 5. Winning tickets from the first half of the Twin Superfecta shall be exchanged for tickets selecting the first four finishers of the second half of the Twin Superfecta. The second-half Twin Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:
 - a. As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
 - b. The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance.
 6. If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.
 7. Coupled entries and mutuel fields shall be prohibited in Twin Superfecta contests.
 8. Should a betting interest in the first half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest shall be refunded.
 9. Should a betting interest in the second half of the Twin Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool.
 10. If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Superfecta pool for that contest as a single price pool but not the Twin Superfecta carryover.
 11. If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
 - a. The first half of the Twin Superfecta, the payoff shall be calculated as a profit split.
 - b. The second half of the Twin Superfecta, the payoff shall be calculated as a single price pool.
 12. If either of the Twin Superfecta contests is cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no contest," the entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second half shall be cancelled.
 13. If the second-half Twin Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Superfecta tickets shall be entitled to the net Twin Superfecta pool for that contest as a single price pool but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool shall be distributed as described in subsection (Q)(3) of the Twin Superfecta rules.
 14. The Twin Superfecta carryover may be capped at a designated level approved by the Department so that if, at the close of any performance, the amount in the Twin Superfecta carryover equals or exceeds the designated cap, the Twin Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100% of the net Twin Superfecta pool for each individual contest shall be distributed to winners of the first half of the Twin Superfecta pool.
 15. A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Department. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
 16. Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the Twin Superfecta after completion of the first half of the Twin Superfecta:
 - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

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- d. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - e. As a single price pool to holders of valid exchange tickets.
 - f. As a single price pool to holders of outstanding first-half winning tickets.
17. Contrary to subsection (Q)(4) of the Twin Superfecta rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Superfecta, all first-half tickets will become winners and will receive 100% of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.
 18. The Twin Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - a. Upon written approval from the Department as provided in subsection (Q)(15) of the Twin Superfecta rules.
 - b. Upon written approval from the Department when there is a change in the carryover cap or when the Twin Superfecta is discontinued.
 - c. On the closing performance of the meet or split meet.
 19. If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Department. The Twin Superfecta carryover plus accrued interest shall then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Department.
 20. Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communications between totalisator and parimutuel department employees for processing of pool data.
 21. The permittee must obtain written approval from the Department concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Department.
- R. Grand Slam Pools**
1. The Grand Slam requires selection of the Exacta, Trifecta, and Superfecta, respectively, in three consecutive contests. Each winning ticket for the first Grand Slam contest must be exchanged for a free ticket on the second Grand Slam contest in order to remain eligible for the second contest share of the Grand Slam pool. Such tickets may be exchanged only at attended ticket windows prior to the second Grand Slam contest. Winning Grand Slam tickets on the first race shall receive both an exchange and a monetary payoff. Each winning ticket for the second Grand Slam contest must be exchanged for a free ticket on the third Grand Slam Contest in order to remain eligible for the third contest share of the Grand Slam pool. Such tickets must be exchanged only at attended ticket windows prior to the third Grand Slam contest. Winning tickets on the second race shall receive both an exchange and a monetary payoff. The three designated Grand Slam contests shall be included in only one Grand Slam pool.
 2. After wagering closes for the first contest of the Grand Slam and commissions have been deducted from the pool, the net pool shall be divided into three separate pools: the first contest pool (25%), the second contest pool (25%), and the third contest pool (50%).
 3. In the first Grand Slam contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Grand Slam contest:
 - a. If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
 - b. As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
 - c. As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
 - d. As a single price pool to those whose combination included the one covered betting interest to finish first or second.
 4. Winning tickets from the first contest of the Grand Slam shall be exchanged for tickets selecting the first three finishers of the second contest of the Grand Slam. The second contest pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Grand Slam contest:
 - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - b. The entire pool for the second and third contests shall be added to any existing carryover monies and retained for the third contest pool of the next performance.
 5. Winning tickets for the second contest of the Grand Slam shall be exchanged for tickets selecting the first four finishers of the third contest of the Grand Slam. The third contest pool and any existing carryover monies shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the third Grand Slam contest:
 - a. As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

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- b. The entire pool for the third contest shall be added to any existing carryover monies and retained for the corresponding third contest pool of the next performance.
6. If a winning Grand Slam ticket is not presented for cashing and exchange prior to the next Grand Slam contest, the ticket holder may still collect the monetary value associated with the corresponding pool but forfeits all rights to any distribution of subsequent Grand Slam pools.
 7. Coupled entries and mutuel fields shall be prohibited in the second and third races of the Grand Slam.
 8. Should a betting interest in the first contest of the Grand Slam be scratched, those Grand Slam wagers including the scratched betting interest shall be refunded.
 9. Should a betting interest in the second or third contests of the Grand Slam be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the corresponding contest, the ticket holder forfeits all rights to the remainder of the Grand Slam pool.
 10. If there is a dead heat or multiple dead heats in any of the contests of the Grand Slam, all Grand Slam wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be winners. Contrary to the usual practice, the aggregate number of winning tickets shall be divided into the net pool and paid the same price.
 11. If any of the Grand Slam contests are cancelled prior to the first Grand Slam contest, or the first Grand Slam contest is declared "no contest," the entire Grand Slam pool shall be refunded on Grand Slam wagers for that contest and the remaining Grand Slam contests shall be cancelled. Any existing carryover monies pursuant to subsections (R)(4) and (5) of this rule shall carryover to the next consecutive racing program of that meeting.
 12. If the second contest of the Grand Slam is canceled or declared "no contest," or if less than three contestants finish, the second contest pool of the Grand Slam shall be distributed equally among holders of second contest Grand Slam exchange tickets, and the third-contest pool of the Grand Slam shall carryover to the third-contest pool of the next performance.
 13. If the third contest of the Grand Slam is canceled or declared "no contest" before the second contest has been made official but after the first contest (pursuant to subsection (R)(11) of this rule), that racing day's third-contest pool shall be distributed equally among holders of second-contest Grand Slam exchange tickets. If the third contest of the Grand Slam is cancelled or declared "no contest" after the second contest has been made official, that racing day's third contest shall be distributed equally among holders of the third-contest Grand Slam exchange tickets. In such instance, no carryover pool would be generated from that racing day.
 14. If no distribution is made pursuant to subsection (R)(5)(a) of this rule, on the last day of the race meeting the permittee shall distribute the third-race pool and any existing carryover monies equally among the holders of exchange tickets selecting the finishing contestants in the third race. The net pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - c. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - d. As a single price pool to all holders of third-race tickets.
 15. If there were no winning wagers in the second race of the Grand Slam on the last day of the race meeting, the permittee shall distribute the second-race pool and any existing carryover monies equally among the holders of exchange tickets selecting the finishing contestants in the second race. The net pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - a. As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - b. As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - c. As a single price pool to all holders of second-race tickets.
 16. If there were no winning wagers in the first race of the Grand Slam on the last day of the race meeting, the permittee shall distribute the first-race pool and any existing carryover monies as a profit split to the holders of tickets selecting either the first-place finisher to finish first or the second-place finisher to finish second. If there were still no winning wagers in the first race of the Grand Slam, such monies shall be distributed to all ticket holders.
 17. Grand Slam tickets shall be issued in multiples of \$1.00.

Historical Note

Adopted effective October 21, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 93-4). Amended effective November 16, 1993, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18); inadvertently omitted from Supp. 93-4 (Supp. 94-2). Typographical corrections made to subsections (F)(6), (P)(3)(d), and (P)(21) (Supp. 94-4). R19-2-523 recodified from R4-27-523 (Supp. 95-1). Amended effective July 3, 1996 (Supp. 96-3). Amended effective September 17, 1997, under an exemption from the Administrative Procedure Act pursuant to A.R.S. § 41-1005(A)(18) (Supp. 97-3). Amended by exempt rulemaking at 6 A.A.R. 786, effective February 1, 2000 (Supp. 00-1).

ARTICLE 6. STATE BOXING ADMINISTRATION**R19-2-601. Definitions**

The following terms apply to this Article:

1. "Annual bond" means the cash or surety bond, required under A.R.S. § 5-228(E), to be deposited with the Department by a promoter as a prerequisite for a promoter's license.
2. "Commission" means the Arizona State Boxing Commission.
3. "Department" means the Arizona Department of Racing.
4. "Event bond" means the cash or surety bond, authorized under A.R.S. § 5-229(B), which the Commission may

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require a promoter to deposit with the Department before each contest.

5. "Gross receipts" means all receipts from the face value of tickets sold. A.R.S. § 5-104.02(E)
6. "Ticket agent" means a person authorized by a promoter to print tickets.
7. "Ticket vendor" means a person authorized by a promoter to sell tickets.
8. "Tickets issued" means all tickets printed for an event.

Historical Note

New Section recodified from Section R4-3-415 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-602. Notice to the Department

- A. The Commission shall notify the Department in writing not more than two business days after approving the date of an event. The Commission shall also notify the Department immediately if any change in the scheduled event occurs.
- B. The Commission shall provide copies of all contracts to the Department, if requested.

Historical Note

New Section recodified from Section R4-3-416 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-603. Ticket Manifest, Collection, Accounting

- A. General requirements.
 1. A promoter shall provide the Department with:
 - a. A ticket manifest from each ticket agent no later than weigh-in. The manifest shall be accompanied by a signed affidavit from the ticket agent or the ticket agent's designee, certifying that the manifest is accurate and complete. The manifest shall list the total number of tickets issued and the number of tickets in each price category.
 - b. If tickets issued are sold through a computerized system that does not lend itself to a manifest, an accounting from each ticket agent of the total number of tickets in each price category. The accounting shall be accompanied by a signed affidavit from the ticket agent or the ticket agent's designee, certifying that the accounting is accurate and complete.
 2. The ticket price shall be clearly printed on each ticket and ticket stub.
 3. A promoter shall ensure that tickets are distributed only through ticket vendors specified by the promoter.
 4. The Commission shall, upon request, provide the Department with the names and contract information for all ticket agents and vendors.
- B. Reduced price tickets. A promoter shall ensure that tickets sold for less than the printed price are plainly over stamped with the actual price charged on the printed face of the ticket and ticket stub.
- C. Complimentary tickets. A promoter shall ensure that:
 1. The total number of complimentary tickets does not exceed 2% of the total number of tickets issued for the event or 75 whichever is greater, as specified under A.R.S. § 5-104.02(D).
 2. Complimentary tickets in excess of the greater value of 2% or 75 are treated as noncomplimentary.
 3. Complimentary tickets and ticket stubs are punched or stamped "complimentary."

- D. Ticket accounting and fee payment. Representatives of the promoter and Department shall meet within 10 days of an event to account for all tickets sold and pay the required tax. If required by the Department, the promoter shall provide an accounting by each ticket vendor.
 1. The promoter shall provide the Department with the following information on a Department form:
 - a. The number of tickets sold and unsold in each price category;
 - b. The amount of the gross receipts calculated using the printed price on each ticket sold;
 - c. The signature of the promoter, certifying that the information is true and correct.
 2. The Department shall consider as sold any tickets listed on a manifest as issued and not physically presented to the Department by the promoter as unsold.
 3. The promoter shall pay the Department 4% of the gross receipts after the deduction of city, state, and federal taxes, of the match or exhibition.

Historical Note

New Section recodified from Section R4-3-417 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-604. Annual Bond, Event Bond, Claims

- A. Annual bond.
 1. A promoter shall deposit the annual bond with the Department no later than weigh-in for the first event promoted.
 2. Upon receipt of written notice from the Commission that a promoter's obligations for all events during the calendar year are satisfied, the Department shall release the promoter from the annual bond responsibility for that year.
- B. Event bond.
 1. The Commission shall notify the Department in writing of the amount of an event bond and deposit the bond with the Department no later than the weigh-in for the event. The Department shall retain the event bond until notice is received from the Commission that the promoter has satisfied all obligations concerning the bond guarantee.
 2. Upon receipt of written notice from the Commission that the promoter's obligations for an event are satisfied, the Department shall return the bond to the promoter.
 3. If an event is not held, the Commission shall notify the Department, not later than 22 business days after the scheduled event, whether the promoter's obligations for the event have been satisfied and whether the promoter's event bond can be returned.
- C. Department claim. The Department shall notify:
 1. A promoter by registered or certified mail, return receipt requested, that:
 - a. The unpaid tax on gross receipts shall be paid within 10 business days from receipt of the notice; and
 - b. If the payment is not received within the 10 business days, forfeiture proceedings against the bond may be initiated based on the Department's determination of whether a promoter's obligations have been faithfully performed.
 2. The Commission if a promoter fails to pay the required tax on gross receipts.
- D. The Department shall not release any bond for which a claim is pending.

Historical Note

New Section recodified from Section R4-3-418 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section

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repealed; new Section adopted by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-605. License Fees

- A. The Commission shall forward license fees to the Department within five business days of receipt with the following information:
1. The type of license issued;
 2. The name and date of birth of the licensee;
 3. The license number; and
 4. The date and amount of payment received.
- B. The Commission shall retain a current list of the licenses issued and the additional applicable licensing information and make the information available to the Department.

Historical Note

New Section recodified from Section R4-3-419 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Former Section R19-2-605 repealed; new Section R19-2-605 renumbered from R19-2-609 and amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-606. Fines

- A. The Commission shall notify the Department in writing if a licensee is issued a fine.
- B. The Commission shall immediately forward the fine payment to the Department.

Historical Note

New Section recodified from Section R4-3-420 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Former Section R19-2-606 repealed; new Section R19-2-606 renum-

bered from R19-2-610 and amended by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-607. Repealed**Historical Note**

New Section recodified from Section R4-3-421 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-608. Repealed**Historical Note**

New Section recodified from Section R4-3-422 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section repealed by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-609. Renumbered**Historical Note**

New Section recodified from Section R4-3-423 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section renumbered to R19-2-605 by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).

R19-2-610. Renumbered**Historical Note**

New Section recodified from Section R4-3-424 at 5 A.A.R. 1175, April 23, 1999 (Supp. 99-2). Section renumbered to R19-2-606 by final rulemaking at 7 A.A.R. 805, effective January 18, 2001 (Supp. 01-1).