

CHAPTER 7879
MINNESOTA RACING COMMISSION
HORSE RACING; STEWARDS

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7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

Subpart 1. **Qualifications for stewards.** No person may qualify for commission appointment or approval as a steward unless:

- A. the person is fully accredited by a recognized accrediting organization;
- B. the person has satisfactorily passed an optical examination within 90 days prior to approval as a steward evidencing 20-20 vision (corrected) and the ability to distinguish colors; and
- C. the commission is satisfied that income, other than salary as a steward, which may accrue to a person under consideration for appointment as a steward is independent of and unrelated to patronage of or employment by any licensee under the supervision of the steward, so as to avoid the appearance of any conflict of interest or suggestion of preferential treatment of a licensee.

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

- A. There shall be three stewards for each race meeting, at least two of whom shall be appointed by the commission. The third steward may be nominated by the association for approval by the commission.

The commission must notify the association if it will accept an association's nomination for a steward. The name of the association nominee for steward must be submitted no later than 30 days before commencement of a race meeting and must be accompanied by biographical data setting forth the experience and qualifications of the nominee. No steward may serve until approved by the commission.

- B. In the event a steward becomes ill, resigns, or is unable to serve for any reason, the commission's director shall nominate a temporary steward to the commission for approval. In emergencies, the commission's director may designate a temporary steward to serve until such time as the commission approves the appointment of a steward to fill the vacancy.

Statutory Authority: *MS s 240.03; 240.08; 240.10; 240.16; 240.23; 240.24*

History: *10 SR 1908; 11 SR 2201; 15 SR 2307; 16 SR 1800; 19 SR 2307; 20 SR 2592; 22 SR 1785; 42 SR 1258; 44 SR 1031*

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7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

Subpart 1. **General authority of stewards.** The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of the commission and shall be responsible only to the commission. The powers of the stewards shall include:

A. the authority over all horses and all persons, licensed or unlicensed, on association grounds during a race meeting as to all matters relating to racing;

B. the authority to determine all questions, disputes, protests, complaints, or objections concerning racing matters which arise during a race meeting and to enforce such determinations;

C. the authority to suspend, according to applicable law, the license of a participant in racing;

D. the authority to eject or exclude according to applicable law, from association grounds or any part thereof, licensed or unlicensed persons for violations of law;

E. the authority to interpret and enforce commission rules and determine all questions pertaining to racing matters in conformity with applicable law and rule and the criteria in subpart 3;

F. the authority to issue decisions or rulings pertaining to racing matters which shall supersede orders of the officers, directors, and officials of the association, which may vary any arrangement relating to the conduct of a race meeting, including postponing or canceling a race, or ruling a race "no contest";

G. the authority to request and receive assistance from commission employees, racing officials, track security, and federal, state, or local police in the investigation of possible violations of law;

H. the authority to conduct hearings on all questions, disputes, protests, complaints, or objections concerning racing matters;

I. in the event a jockey, driver, trainer, or racing official, other than a steward, is determined to be unable for any reason to perform his or her duties, the authority to appoint a substitute therefor;

J. the authority to scratch a horse or excuse any jockey, driver, trainer, or racing official other than a steward;

K. for all county fair meets in which the average daily handle for the preceding year was less than \$150,000, the rules of horse racing and pari-mutuel rules shall apply unless waived by the commission after a determination by the commission that the integrity of the race meet and safety to humans or animals would not be affected. In the event circumstances during a race meet require an immediate change so as to expedite the completion of the race day, the board of stewards, after consultation with the director of security, commission veterinarian, or director of pari-mutuels, as determined appropriate under the circumstance, shall thereafter approve the change. In the event the board of stewards is unable to consult with the appropriate commission staff member after a reasonable time, the board of stewards shall approve the change without such consultation;

L. for a period of 90 days after the conclusion of a race meeting at a licensed facility or a county fair meet, jurisdiction to hold hearings and take action with regard to any aspect of racing at the meet shall continue with the board of stewards or, if considered by the commission to be more practical or convenient for the parties concerned, may be exercised by a single knowledgeable person designated by the commission. Any person acting in lieu of the board of stewards under this part shall have all of the authority granted to the board of stewards under this part or any other applicable rule. A person may appeal from any action taken, in the same manner as an appeal may be taken from a steward's hearing; and

M. the authority to summarily suspend a commission license pending a hearing, should the stewards determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare; are not in the best interest of racing; or compromise the integrity of operations at a track or satellite facility. A licensee whose commission license has been summarily suspended by the stewards is entitled to a hearing within 48 hours following a written request for a hearing by the licensee. The stewards must conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a summary suspension hearing, the sole issue is whether the licensee's commission license should remain suspended pending a final disciplinary hearing and ruling.

Subp. 2. **Specific duties and responsibilities of stewards.** In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform those and all other duties listed in this part, the stewards shall have the following specific duties and responsibilities:

A. To consider and review all allegations of misconduct or rule infractions and, when warranted, initiate investigations of the allegations and conduct necessary hearings; or take the action necessary to prevent rule infractions.

B. At least one steward shall be on association grounds from scratch time (or, if not a racing day, when entries are first taken) until entries are closed. At least one steward shall be present for the regular showing of racing films or video tapes. All three stewards shall be on association grounds for a continuous period beginning not less than one hour before post time for the first race until conclusion of the last race.

C. At least one steward, or a designated representative of the stewards, shall be present in the paddock before each race and remain there until the horses leave for the starting gate, to observe the conduct of all persons in and around the paddock.

D. To review applications for Class C licenses and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer, jockey, apprentice jockey, driver, or farrier license, and to make recommendations to the commission through the executive director as to the qualifications of all applicants for Class C licenses. The stewards shall not administer, or cause to be administered, examinations for first-time applicants for a trainer's license after the midpoint of any race meeting is reached.

E. To review all license applications, registration certificates, contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, appointments of agents, and applications for racing colors or stable name.

F. To require proof of eligibility of a horse or person to participate in a race if the eligibility is in question and, in the absence of sufficient proof to establish eligibility, to rule the horse or person ineligible.

G. To supervise the taking of entries and receive all declarations and scratches and determine all questions arising and pertaining to same; the stewards may refuse the entry of any horse by any person, or refuse to permit a declaration or scratch, or may limit entries when necessary to protect the safety or integrity of racing. The stewards shall promptly notify the mutuels manager of any horse scratched from a race.

H. To lock all pari-mutuel betting machines not later than the start of a race.

I. To cause the "inquiry" sign to be posted on the infield totalizator board immediately after the horses have crossed the finish line in a race if any doubt is held by any steward as to the fairness of the running of the race.

J. To cause the "objection" sign to be posted on the infield totalizator board upon the lodging of an objection.

K. To cause the "official" sign to be posted on the infield totalizator board after determining the official order of finish for purposes of pari-mutuel payoff.

L. To review the video tapes of each day's races before commencement of the successive day's races and to draw up and post a list of jockeys (including any apprentice jockeys) or drivers whom the stewards feel should review such films for instructional purposes.

M. To maintain daily reports of actions taken and observations made during the conduct of each day's racing program. The report must contain the name of the track, the date, weather and track conditions, claims, inquiries and objections, and any unusual circumstances or conditions. The reports must be signed by all three stewards and filed with the commission within 72 hours.

N. During racing hours, make periodic inspections of the jockeys' and drivers' room and observe security, and note the inspections and observations made in the stewards' daily report.

O. To maintain detailed records of all questions, disputes, protests, complaints, or objections brought to the attention of the stewards, and a summary of interviews, reports of investigations, and rulings issued thereon. If a ruling is not unanimous, the dissenting steward shall record the reasons for the dissent. The stewards' log must be available to the commission for inspection at all times.

P. Within seven days after the conclusion of a race meeting, the stewards must submit to the commission a written report containing their observations and comments concerning the conduct of the race meeting and the condition of the association grounds and any appropriate recommendation for improvement.

Subp. 3. Criteria and bases for stewards' decisions.

A. When making judgments with respect to the conduct of horse racing, the stewards shall take into consideration the following:

- (1) their prior experience in horse racing;
- (2) the applicability of similar prior decisions to the decision being made;
- (3) all relevant circumstances surrounding the decision under consideration;
- (4) what effect, if any, the decision being made has upon the integrity of racing and the safety, health and welfare of the participants and the general public; and
- (5) any other relevant factors which affect the integrity of horse racing, so long as the same factors are considered with regard to all similar decisions.

B. When making a determination or recommendation regarding the qualifications of an applicant for a Class C license, the stewards shall consider the following factors:

- (1) whether the applicant meets the licensing criteria set forth in chapter 7877 and Minnesota Statutes, chapter 240; and
- (2) any other relevant factors which may affect the integrity of horse racing, or the public health, welfare, and safety within Minnesota.

Statutory Authority: *MS s 240.03; 240.10; 240.13; 240.15; 240.16; 240.18; 240.23; 240.24; 240.25*

History: *10 SR 1908; 18 SR 886; 33 SR 8; 35 SR 627; 41 SR 1322; 42 SR 1258; 44 SR 1031; 47 SR 990; 50 SR 1117*

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7879.0300 COMPENSATION OF STEWARDS.

Subpart 1. **Commission to be reimbursed.** An association must reimburse the commission, on a weekly basis, for the cost of providing state stewards. The level of compensation and benefits for all stewards shall be determined by the commission.

Subp. 2. **Compensation level.** In determining the level of compensation for stewards, the commission shall consider the following criteria:

- A. the current comparable rate of compensation for stewards in other racing jurisdictions;
- B. the experience and background of the stewards, as well as their responsibilities and required hours of work; and
- C. the cost of any necessary equipment used or specialized courses required to fulfill their duties.

Statutory Authority: *MS s 240.13; 240.15; 240.16; 240.18; 240.23; 240.25*

History: *10 SR 1908*

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