Office of the Revisor of Statutes
Administrative Rules

TITLE: Adopted Permanent Rules Relating to Horse Racing: Licensure, Racing Days, Pari-Mutuel, Facilities and Equipment, Security Officers, Stewards, Races, Prohibited Acts

AGENCY: Minnesota Racing Commission

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Jeff S. Kase
Deputy Revisor

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Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Racing: Licensure, Racing Days, Pari-Mutuel, Facilities and Equipment, Security Officers, Stewards, Races, Prohibited Acts

7869.0100 DEFINITIONS.

[For text of subps 1 to 2a, see M.R.]

Subp. 3a. **Administer or administration.** "Administer" or "administration" means the introduction of any substance or medication into the body of a horse by any means.

[For text of subps 4 to 20, see M.R.]

Subp. 21. [See repealer.]

[For text of subps 22 to 33, see M.R.]

Subp. 33a. [See repealer.]

[For text of subps 33b to 40, see M.R.]

Subp. 40a. **Nonrecognized racing equipment.** "Nonrecognized racing equipment" means any article, appliance, or device that the commission veterinarian determines may cause or mask pain in a horse including but not limited to kinesiology tape, rubber bands, nose rings, iron halters, and copper tail or ankle wires.

[For text of subps 41 to 69, see M.R.]

7870.0460 SECURITY.

Class A and B licensees must maintain security that is adequate to ensure the health, safety, and welfare of all humans and horses at the racetrack facility and protection of all property.

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

[For text of items A to D, see M.R.]

E. a horse ambulance available for the safe and expedient removal of injured or disabled animals. The ambulance must be equipped with a four-wheel drive vehicle to tow or pull the horse ambulance trailer, a screen for use when an animal must be euthanized in view of the public, a winch to lift dead or injured animals onto the ambulance, and a removable floor or any other device that enables a dead or injured horse to be loaded. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface.

7870.0500 CONTRACT APPROVAL.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Information required.** If the commission notifies a licensee of its intention to review and approve or disapprove a contract or subcontract, and the contract or subcontract is in an amount more than $100,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

A. The name, address, and telephone number of the contractor or subcontractor.

B. The name and address of every director, officer, general partner, or other policymaker and holder of a direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, of five percent or more in the contractor or subcontractor and the nature and extent of such interest or control. If a nonindividual holds more than a 25 percent interest or control of a contractor or subcontractor, the disclosure

required by this item must be made of policymakers and holders of interests or control of ten percent or more in that entity.

[For text of items C to F, see M.R.]

[For text of subps 4 to 10, see M.R.]

7870.0850 SECURITY.

Class D licensees must maintain security that is adequate to ensure the health, safety, and welfare of all humans and horses at the racetrack facility and protection of all property.

7871.0060 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment, unless the wager can be reliably verified by other means.

7872.0100 APPLICATION FOR RACING DAYS.

Subpart 1. **Submission of live racing days requests.** On or before November 15 of any year, a Class B or Class D licensee may apply for an assignment of live racing days for up to the next three calendar years by submitting an original and an electronic copy of the following:

[For text of items A to D, see M.R.]

[For text of subp 2, see M.R.]

Subp. 3. **Revision of racing days.** A holder of a Class B or D license may apply for, or the commission on its own motion may make, a revision of an assignment of racing days as provided in Minnesota Statutes, section 240.14, subdivision 2, paragraph (b), except that the commission shall perform the duties imposed on an applicant as provided in this part. For the purpose of this subpart, a revision to the assignment of racing days includes:

[For text of items A and B, see M.R.]

C. adding or eliminating a breed of horse not previously assigned to race during a meet by the commission.

Change requests concerning post times or the number of races must instead be submitted to the executive director with letters of concurrence by the horsepersons' organizations affected at least three days before the proposed change.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Submission of televised racing dates request.** A Class B licensee may apply for an assignment of televised racing dates no later than 30 days before the requested commencement of televised racing days. Each request for televised racing dates must include an original and an electronic copy of the following:

A. a signed request for assignment of racing days;

B. a statement that includes dates requested, breeds of horses, types of races, number of races per program, and a tentative list of potential host racetracks and their days and post times of racing; and

C. any other documentation the licensee or commission reasonably deems necessary to ensure a complete understanding of the request.

Subp. 7. **Variations to televised racing days within dates previously approved by commission.** The commission's director, deputy director, or director of pari-mutuel racing may approve variations and changes in racing programs and host racetracks if requested by the licensee, provided that the association representative requesting the variations submits documentation of the variations to the director, deputy director, or director of pari-mutuel racing within 24 hours following the request.

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A Class B or D licensee may apply for approval of pari-mutuel pools by submitting an original and an electronic copy of the following:

[For text of items A to D, see M.R.]

[For text of subps 2 and 3, see M.R.]

7873.0130 PREVENTION TO START.

In a thoroughbred, quarter horse, Arabian, or other breed race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

A. If any horse is so prevented from starting, and does not finish first, all amounts wagered on that horse in all pools shall be refunded. Any horse so prevented from starting shall be entitled to any purse money earned for its actual place in the order of finish.

B. If any horse or horses are so prevented from starting so that it would reduce the total number of starters below six, the following shall apply:

(1) if five starters of different betting interests leave the stalls, the association may refund the entire amount wagered in the show pool;

(2) if four or fewer horses of different betting interests leave the stalls, the association may refund the entire amount wagered in the show pool, the place pool, or both; and

(3) if fewer than two horses of different betting interests leave the stalls, the race must be canceled and the entire amount wagered in the win, place, and show pools must be promptly refunded.

7873.0150 SCRATCHES.

For all single-race wagers, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. In the case of a coupled entry, it shall be left to the judgment of the stewards as to whether or not to provide a refund.

7873.0180 EXACTA.

Subpart 1. **Scope.** An exacta wager combines two horses of separate betting interests in a single race, selecting the horse that will finish first and the horse that will finish second in that race in the official order of finish. All exacta wagers must be calculated in a separate pool.

Subp. 2. **No winning combination sold.** If no ticket is sold on the winning exacta combination, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

[For text of subp 3, see M.R.]

Subp. 4. **Refund of pool.** A refund of the exacta pool shall occur when:

A. No ticket is sold that would require distribution of an exacta pool to winners as defined in this part.

B. Only one horse finishes in an exacta race.

7873.0196 PICK (N) WAGERS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Pick (n) pool payout methods.** Pick (n) pools shall be paid under one of the following methods.

[For text of items A to F, see M.R.]

G. Method 7, Pick (n) with carryover and "unique winning ticket" provision: The net Pick (n) pool and carryover, if any, shall be distributed to the holder of a unique winning ticket that selected the first place finisher in each of the Pick (n) contests, based upon the official order of finish. If there is no unique ticket selecting the first place finisher in each of the Pick (n) contests, or if there are no wagers selecting the first place finisher of all Pick (n) contests, the major 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 remainder shall be added to the carryover. Associations may suspend previously approved unique winning ticket wagering with the prior approval of the commission. Any carryover shall be held until the suspended unique winning ticket wagering is reinstated. Where there is no correct selection of the first place finisher in at least one of the Pick (n) contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool. In obtaining authorization for operating the Pick (n) pool under this subpart, associations must clearly identify which definition under subpart 7a, item B, will be relied upon for determining the existence of a unique winning ticket.

[For text of subp 7, see M.R.]

Subp. 7a. **Unique winning tickets.** As it relates to any distribution under Method 7 which contains a unique winning ticket provision:

A. a written request for permission to distribute the Pick (n) unique winning ticket carryover on a specific race day must be submitted to the commission's director, deputy director, or director of pari-mutuels at least three days prior to the race day. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended race day for the distribution. Should the Pick (n) unique winning ticket net pool and any applicable carryover be designated for distribution on a specified race day in which there is no unique winning ticket, the entire 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

B. associations must clearly identify for the public which selection under subitems (1) and (2) will be relied upon for determining the existence of a unique winning ticket:

(1) there is one and only one winning ticket that correctly selected the first place finisher in each of the Pick (n) contests, based upon the official order of finish, to be verified by the unique serial number assigned by the tote company that issued the winning ticket; or

(2) the total amount wagered on one and only one winning combination selecting the first place finisher in each of the Pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager.

[For text of subps 8 to 16, see M.R.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Segregated accounts.** All money received by an association for races that charge nominating, sustaining, entry, or starting fees must be placed in segregated interest bearing accounts, with all accrued interest added to such races if:

A. the total fees received for such a race exceed $100,000; or

[For text of item B, see M.R.]

7875.0100 FACILITIES.

Subpart 1. **Facilities.** Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Alcohol and Gambling Enforcement Division, and information window. The facilities must

meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses. The facilities must be in compliance with the requirements of the ADA.

Subp. 2. **Maintenance.** Each association must maintain its facility so that it is neat and clean, painted, and in good repair with consideration for the safety, health, and welfare of persons and horses on the premises.

[For text of subps 3 to 5, see M.R.]

Subp. 6. **Jockey's and driver's rooms.** The association will establish and post the hours that the jockey's or driver's room will be open. The association shall keep unauthorized persons out of the jockey's and driver's rooms and shall report any unusual activity to the stewards.

[For text of subp 7, see M.R.]

7875.0200 EQUIPMENT.

[For text of subp 1, see M.R.]

Subp. 2. **Pari-mutuel central processing unit.** The pari-mutuel central processing unit must be designed to calculate, at intervals of not more than 60 seconds between each complete change, the total amounts wagered on each betting interest as wagering progresses. Approximate odds on each betting interest in the win pool shall be updated on the totalizator board at intervals of not more than 60 seconds. Approximate odds or approximate payoffs on all multiple pari-mutuel pools shall be displayed on television monitors at regular intervals. The pari-mutuel central processing unit shall provide a record of total amount wagered and amount wagered on each betting interest.

[For text of subps 3 to 8, see M.R.]

Subp. 9. **External communications.**

A. An association may have telephone systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business.

B. A telephone on a private line shall be provided in the offices of the commission. All costs of the telephone service shall be borne by the association, and the service shall not be interrupted at any time. At the request of the commission, TDD devices shall be installed on all commission telephones at the track, and costs associated with the devices shall be borne by the association.

C. At least one of the public telephones allowed at an association shall be equipped with a TDD device.

7876.0100 ON-TRACK STABLING.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Secure area.** The on-track stabling site is considered a secure area and the association shall ensure that only the following persons are permitted within the confines of this area.

A. licensed trainers, assistant trainers, veterinarians, grooms, exercise riders, owners, jockeys, jockey agents, racing officials, commission members or staff, and other licensees with a specific need to be present;

B. persons who have been issued a temporary pass pursuant to part 7877.0165; and

C. persons who have been issued a visitor's pass pursuant to part 7878.0180.

[For text of subps 10 to 11, see M.R.]

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

[For text of items A to U, see M.R.]

V. any other official as designated by the commission.

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of the examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent the applicant from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless the person has satisfactorily passed an optical examination within 90 days prior to approval evidencing at least 20-20 vision (corrected) and the ability to distinguish colors.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a provisional license, shall mean that the licensee consents and agrees to the following conditions:

[For text of items A to E, see M.R.]

F. The licensee will, upon request of the commission, the commission's director of security, or the stewards, provide a blood, breath, saliva, or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.

[For text of items G and H, see M.R.]

7877.0165 CREDENTIALS.

[For text of subp 1, see M.R.]

Subp. 2. **Temporary pass.** The association may issue a temporary pass for an individual whose work is located in the stable area. The temporary pass is valid for a limited time not to exceed three consecutive days in duration. Before issuing a temporary pass, the association must verify the identity of the recipient and the need for the pass. Within 72 hours, the association must provide the commission with the name of an individual issued a temporary pass.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subp 1, see M.R.]

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

[For text of items A and B, see M.R.]

C. A trainer is responsible for horses the trainer enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance

entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

[For text of subitems (1) and (2), see M.R.]

(3) The commission shall consider any positive test or overage under chapter 7890 to be prima facie evidence that the trainer is responsible for such positive test or overage unless the trainer can prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication or prohibited substance.

[For text of subitem (4), see M.R.]

[For text of items D and E, see M.R.]

F. Each trainer must provide a current list of all persons in the trainer's employ to the association's security office and the commission's licensing office. The list must include each employee's name, occupation, license number, and local address or dorm room number. A trainer must provide an updated list to the stewards within 24 hours of any changes. The trainer must ensure that all employees are licensed by the commission no later than the next racing day after they arrive on the grounds of an association.

[For text of items G to N, see M.R.]

O. A trainer is responsible for having each horse in the trainer's charge that is racing in Minnesota or stabled on the grounds of an association tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each horse's negative EIA test results must be attached to the horse's foal registration certificate by 9:00 a.m. on the day in which the horse is scheduled to race. The EIA test certificates must be dated within a 12-month period prior to the date of entry, and must be renewed or replaced on the foal registration certificate no later than 48 hours following the date of expiration.

P. Except as provided in part 7876.0130, a trainer must ensure that at the time of arrival at a licensed racetrack, each horse in the trainer's care is accompanied by an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificate must also contain rectal temperature and date of most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian.

[For text of items Q to T, see M.R.]

U. A trainer shall ensure that complete written records are kept of all corticosteroid and intra-articular joint injections for each horse in the trainer's control. These records must be kept for a minimum of 30 days and must include:

(1) name of the horse;

(2) date of the injection;

(3) specific product name;

(4) dose injected;

(5) location of the injection; and

(6) name of the person performing the injection.

V. The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian a complete written record, as specified in item U, of all corticosteroid and intra-articular joint injections that were administered to the horse within the 30 days preceding the race. The trainer of the claimed horse shall authorize the commission veterinarian to provide the record to the new trainer.

[For text of subp 2a, see M.R.]

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

[For text of items A to C, see M.R.]

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication concerning the day's races with any person outside the jockeys' room, without the permission of the stewards, other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

[For text of items E to J, see M.R.]

K. A jockey unable to fulfill riding engagements because of injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

L. A jockey must wear the racing colors provided by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program. With the approval of the stewards, the jockeys will be permitted to wear black mud pants during bad weather conditions or during muddy or sloppy track conditions.

(1) A jockey shall not wear advertising or promotional material of any kind on clothing during a race unless the material:

(a) advertises or promotes the Jockey's Guild;

(b) advertises or promotes a racing-related 501(c)(3) nonprofit organization;

(c) contains the jockey's name; or

(d) constitutes other advertising or promotional material that does not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association, race, or race meet in progress.

(2) All advertising or promotional material must comply with the following limits on size and location:

(a) there may be up to 32 square inches of advertising or promotional material on each thigh of the pants, which must be located on the outer side between the hip and knee;

(b) there may be up to ten square inches of advertising or promotional material on the rear of the pants, which shall be located near the rear waistline at the base of the spine;

(c) there may be up to 24 square inches of advertising or promotional material on boots and leggings, on the outside of each, nearest the top of the boots; and

(d) there may be up to six square inches of advertising or promotional material on the front center of the neck area, on a turtleneck, or other undergarment.

[For text of items M to T, see M.R.]

U. A jockey mount fee shall be considered earned by a jockey when the jockey is weighed out by the clerk of scales, except in the following cases:

(1) (a) When the jockey does not weigh out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay a jockey mount fee that is equal to that earned by the jockey who rode the horse to each jockey engaged for the race.

(b) In the event an owner or trainer elects to remove a jockey from a mount after naming the jockey at the time of the draw, the stewards shall require a jockey fee to be paid to the removed jockey if that jockey is available to ride in the race. The fee to be paid to the jockey who was removed from the mount must be equal to that earned by the jockey who rode the horse.

[For text of subitems (2) to (4), see M.R.]

[For text of items V and W, see M.R.]

X. A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension. For each racing day that a jockey is permitted to ride in a stakes or trial race under this item, the stewards shall designate an additional day of suspension to be served.

[For text of subps 4 to 11, see M.R.]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in items A to H.

[For text of item A, see M.R.]

B. The racing secretary shall maintain a record of the arrival and departure of all horses stabled on the grounds of an association.

[For text of items C to E, see M.R.]

F. The racing secretary's office shall keep up-to-date performance records on all horses registered to race at a race meeting. Such files shall be kept current and furnished intact to the racing secretary of the succeeding race meeting.

G. The racing secretary shall establish a preference system for horses that have been excluded from races due to overfilling and shall maintain the system for the duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

H. In the event that a race is declared off due to an insufficient number of entries, the racing secretary must post in a conspicuous place the names of all trainers that entered horses in each race that was declared off.

[For text of subps 2 to 8a, see M.R.]

Subp. 9. **Patrol judge.** Patrol judges may observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

[For text of items A to F, see M.R.]

[For text of subps 10 to 15, see M.R.]

7878.0130 BASIC COURSE.

Subpart 1. **Applicant shall successfully complete basic course.** No security officer may work in that capacity, except under the continuous direct supervision of an experienced security officer, until the association furnishes proof to the commission that the security officer has successfully completed a basic course that includes at least 16 hours of instruction in the following subject areas:

[For text of items A to I, see M.R.]

[For text of subps 2 and 3, see M.R.]

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. [See repealer.]

Subp. 1a. **Carrying of firearms.** For each association employee who may carry a firearm on the grounds of a licensed racetrack, the association shall provide the commission's director of security with a current copy of the employee's permit to carry a firearm.

[For text of subp 2, see M.R.]

7878.0180 SECURED AREAS OF LICENSED RACETRACK GROUNDS.

Subpart 1. **Association to provide security.** Unless otherwise authorized by the commission, an association shall provide continuous security in the stable area of a licensed racetrack during all times that horses are stabled on the grounds. Security officers shall require any person entering the stable area to display a commission license, temporary pass issued under part 7877.0165, or visitor's pass issued by the association.

Subp. 2. **Visitor's pass.** A security officer may issue a visitor's pass to give unlicensed persons temporary access to secured areas of a licensed racetrack. The following requirements shall apply.

A. A visitor's pass may only be issued at the request of:

(1) an authorized association employee or official;

(2) a racing commissioner or commission employee; or

(3) a licensed trainer or assistant trainer.

B. The person requesting the visitor's pass is responsible for the proper conduct of the visitor and shall ensure compliance by the visitor with all commission rules.

C. A visitor's pass shall be valid for a limited time not to exceed 24 hours.

D. Security officers shall keep a copy of each visitor's pass issued.

E. A visitor's pass must contain the following:

(1) the name of the visitor;

(2) the name of the person requesting the visitor's pass;

(3) the date and time the pass was issued; and

(4) the date and time the pass will expire.

F. A visitor's pass does not entitle the visitor to participate in racing in any way other than as a patron.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

[For text of subp 1, see M.R.]

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

[For text of item A, see M.R.]

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.

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:

[For text of items A to D, see M.R.]

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;

[For text of items F to L, see M.R.]

[For text of subps 2 and 3, see M.R.]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subp 1, see M.R.]

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to start unless:

[For text of item A, see M.R.]

B. its registration certificate and Arabian ID Supplement or any supplement relative to other breeds as required showing the lip tattoo number, microchip number, or freeze branded registration number of the horse is filed with the racing secretary by scratch time for that race. In stakes races only, a horse shall be allowed to start without the registration certificate on file, if a photocopy or telefacsimile copy of both sides of the foal certificate is on file with the racing secretary. This copy must have been forwarded to the secretary along with a photocopy or a telefacsimile copy of the horse's equine infectious anemia certificate;

C. it is owned by a licensed owner and is in the care of a licensed trainer;

D. at the time of entry, the horse was eligible for the conditions of the race as specified by the racing secretary and it remains eligible until the race;

E. if a horse's name is changed, its new name is registered with The Jockey Club, the American Quarter Horse Association, the Arabian Horse Registry of America, Inc., or the nationally recognized registration organization relative to other breeds and its old, as

well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races;

F. the stakes or entrance money for the horse has been paid; and

G. it is in sound racing condition as determined by the commission veterinarian.

Subp. 2a. **Prohibited starters.** No horse shall be permitted to start if:

A. it is wholly or partially owned by, or under the care, custody, or control of, a person who for any reason is unlicensed by the commission; or

B. it is on the starter's list, steward's list, or veterinarian's list.

[For text of subp 3, see M.R.]

Subp. 4. **Entering procedure.** Nominations and entries shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which entries, scratches, and declarations are to be made for all races.

[For text of item A, see M.R.]

B. Entries may be made by telephone or electronic means, but shall be confirmed promptly in writing, signed by the owner or the owner's authorized agent, if requested by the stewards or racing secretary.

[For text of items C and D, see M.R.]

[For text of subp 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

[For text of items A to C, see M.R.]

D. enter in a race a horse if it is wholly or partly owned by, trained by, or under the management of a person whose license has been revoked or denied and has not been reinstated at the time of entry, or a person who acts in concert with or under the control of

such a person. If an entry from any such person is received, the entry shall be void and any money paid to make the horse eligible for the race shall be paid to the winner. An entry may not be taken from a person whose license is under suspension in any racing jurisdiction unless the term of the suspension ends prior to the day of the race for which the entry was made and any other requirements associated with the suspension have been satisfied prior to the entry;

E. enter a horse that is 14 years of age or older;

F. enter a horse that is subject to a lien that has not been approved by the stewards and filed with the horseperson's bookkeeper;

G. enter a horse that is subject to a lease that has not been approved by the stewards;

H. enter a horse that is barred or suspended in any racing jurisdiction; or

I. enter a horse that has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered means of identification.

[For text of subps 7 to 18, see M.R.]

Subp. 19. **Commission's access to entered horses.** The stewards may require an entered horse to be on the grounds of a licensed racetrack anytime prior to the race and remain there until after the race is completed.

7883.0120 SCRATCHES.

Subpart 1. **Procedure for scratching horses.** Scratches shall be made in writing and signed by the owner or trainer of the horse, the owner's authorized agent, or a commission veterinarian. Each association shall provide forms on which scratches are to be made, and for all races:

A. no horse shall be scratched without permission of stewards;

B. all scratches shall be made by scratch time, designated by the association, except as provided by subparts 2 to 5; and

C. should scratches reduce the body of a race, the horses left in the race shall move into the lower numbered post positions before any horses are drawn from the "also eligibles."

[For text of subps 2 to 6, see M.R.]

Subp. 7. [See repealer.]

7883.0130 PENALTIES AND ALLOWANCES.

Subpart 1. **Determining penalties and allowances.** Penalties and allowances shall be determined as follows.

[For text of items A to F, see M.R.]

G. When a race is in dispute, both the first- and second-place finishers are liable to all penalties attached to the winner of that race until the matter is decided.

[For text of subps 2 to 4, see M.R.]

7883.0140 CLAIMING RACES.

Subpart 1. **Who may claim.** In claiming races, any horse is subject to claim for its entered price by any person who is eligible to claim or by an authorized agent. The following persons are eligible to claim:

A. Any owner licensed by the commission.

B. An applicant for an owner's license who is approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no

circumstances shall the claiming authorization be issued until the commission completes a preliminary background investigation. An owner's license will not be granted until after the claiming authorization has been executed and the applicant completes the licensing process. The applicant must complete the licensing process within ten days of executing the claiming authorization. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.

[For text of subps 2 to 7, see M.R.]

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

The stewards shall void a claim if:

A. the horse dies or is euthanized within one hour of racing; or

B. the horse is placed on the veterinarian's list for a musculoskeletal injury within one hour of racing. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this provision shall be made on the claim form.

Subp. 9. **Prohibition on claims.** No person or racing interest shall:

[For text of items A to J, see M.R.]

K. claim a horse if he or she only leases a horse for racing purposes, unless the claim is executed pursuant to subpart 1, item B.

[For text of subps 10 to 31, see M.R.]

Subp. 32. [See repealer.]

7883.0150 PADDOCK TO POST.

Subpart 1. **Horses must have identifying equipment.** In a race, each horse must carry a conspicuous saddlecloth number corresponding to its number on the official program. In the case of any coupled entry, each horse making up the coupled entry shall carry the same number as the first part of the entry, along with a distinguishing letter; for example: 1, 1a, or 1b.

[For text of subps 2 to 14, see M.R.]

7883.0160 POST TO FINISH.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Determination of disqualifications.** The stewards are vested with sole and complete power and authority to determine when a disqualification is proper, its extent, and whether it applies to any other part of an entry. Their decision is final.

[For text of items A and B, see M.R.]

C. When two horses with a common ownership interest or common trainer are racing uncoupled and one is disqualified, the stewards shall also disqualify any other commonly owned or trained horse if they determine it is in the interest of racing integrity to do so.

D. In the event of a disqualification, the stewards, at the request of the owner of the disqualified horse, shall review the race with that owner within 72 hours of the race.

[For text of subps 8 to 14, see M.R.]

7884.0120 ELIGIBILITY AND ENTERING.

[For text of subps 1 to 15, see M.R.]

Subp. 16. **Entered horse to be on grounds.** All entered horses must be present on the grounds of the licensed racetrack before the race, at a time prescribed by the stewards, that is at least five hours before the first race of the day.

Subp. 17. **Commission's access to entered horses.** The stewards may require an entered horse to be on the grounds of a licensed racetrack at any time prior to the race and remain there until after the race is completed.

7884.0140 COUPLED ENTRIES.

Subpart 1. **Horses to be coupled as an entry.** Horses shall be coupled as an entry if:

A. one person, stable, or partnership is the owner of two or more horses in a race;

[For text of items B and C, see M.R.]

D. the trainer of one of the horses in a race is the owner or driver of another horse in that race. When a driver participates in a purse race in which the driver has an ownership interest in one or more horses, the driver must drive one of the horses in which the driver has an ownership interest.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Program notes.** The fact that any two or more horses in a race are owned or trained by the same person shall be indicated prominently by the association in the program, whether or not those horses are racing as a coupled entry.

7884.0170 SCRATCHES.

Subpart 1. **Stewards to approve scratches.** A horse entered to race shall not be scratched from a race without permission of the stewards.

[For text of subp 2, see M.R.]

Subp. 3. **On advice of veterinarian.** A horse scratched by the stewards on the advice of the commission veterinarian shall not be allowed to race for a minimum of seven days

as determined by part 7877.0175, subpart 8, or until approved for entry by the commission veterinarian.

Subp. 4. **Scratched as unsound.** Any horse that is scratched by the stewards as unsound must compete in a qualifying race prior to reentry. Horses competing in qualifying races may be selected for random postrace drug testing under chapter 7892, and if so selected, negative test results must be returned prior to reentry.

Subp. 5. **Horse off grounds scratched.** If a horse is not on the grounds of an association and is scratched from the entries due to illness or injury, the trainer must present written documentation of the necessity of the scratch from a private veterinarian. If such documentation is not presented at the time the horse is scratched, the horse shall be placed on the veterinarian's list for a minimum of seven days from the day the documentation is provided to the commission veterinarian.

7884.0190 QUALIFYING RACES.

[For text of subp 1, see M.R.]

Subp. 2. **Horses required to compete in qualifying races for race meets longer than two weeks.** If the meet extends longer than two weeks, the following horses shall not be eligible to enter any race until they have competed in qualifying races:

[For text of items A to E, see M.R.]

F. A horse adding or removing hobbles regardless of gait. However, if a horse that previously qualified with hobbles fails to qualify without hobbles, the horse shall remain qualified to race with hobbles. If a horse previously qualified without hobbles and fails to qualify with hobbles, the horse shall remain qualified to race without hobbles.

[For text of subps 2a to 8, see M.R.]

7884.0210 CLAIMING RACES.

A. Claiming shall be conducted according to Rule 11 from the current United States Trotting Association (USTA) Charter, Bylaws, Rules and Regulations, but any conflict between the USTA Rule 11 and this chapter will be controlled by this chapter.

[For text of items B and C, see M.R.]

D. The stewards shall void a claim if:

(1) the horse dies or is euthanized within one hour of racing; or

(2) the horse is placed on the veterinarian's list for a musculoskeletal injury within one hour of racing. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this part shall be made on the claim form.

E. If a horse is scratched from a claiming race or declared a nonstarter, any claim on the horse is void. In that case, the horse's next start in the following 30 days must be in a race in which it can be claimed for the same price or less.

F. Postrace testing on all claimed horses shall be performed as set forth in chapter 7892. Upon receipt of notification from the commission veterinarian that the initial forensic analysis demonstrates a medication violation under chapter 7890, the stewards shall immediately notify the successful claimant, who shall then have 72 hours to decide whether to keep the horse or request that the claim be voided. In that case, the following provisions shall apply.

(1) When a claim is voided after the claimant has taken possession of the horse, the claimant is responsible for all expenses incurred for the care of the horse from the time the horse was transferred to the claimant until the time the horse is returned to the prior owner following voidance of the claim by the stewards.

(2) Voidance of a claim is not permitted if, after coming under the care, custody, and control of the claimant, the horse has already run for the claimant or has died.

7884.0250 RECALLS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Inquiry into failure to sound recall.** If the starter fails to sound a recall when required, the stewards shall immediately cause the "Inquiry" sign to be displayed. If the stewards determine a horse was interfered with before the word "go" was given, wagers on that horse shall be refunded and the horse shall be declared racing for purse money only.

7884.0260 DRIVING RULES.

[For text of subp 1, see M.R.]

Subp. 2. **Conduct after word "go" is given.** After the word "go" is given no driver shall:

[For text of items A to S, see M.R.]

T. use a whip exceeding four feet in length or a snapper longer than six inches in length, or use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing visible injury, nor whip any horse about the head including but not limited to trailing horses, nor whip any horse after the finish line has been crossed except when it has been deemed by the board of judges necessary to control the horse. The board of judges will notify the commission veterinarian to conduct any postrace examination on any horse deemed to have been subject to unreasonable or unnecessary force. The following actions shall be considered indiscriminate, unreasonable, or unnecessary uses of the whip:

(1) any one-handed whipping;

[For text of subitem (2), see M.R.]

(3) whipping under the arch or shafts of the sulky, use of the whip as a goading or poking device, or placing the whip between the legs of the horse;

(4) using the whip when it does not appear that the horse is advancing its position in the race and appears exhausted or not in contention; or

(5) any whipping other than by wrist action only;

[For text of items U and V, see M.R.]

W. fail to keep a line in each hand, with both hands in front of the driver, until the finish of the race; and

X. lay back at an angle greater than 45 degrees.

[For text of subp 3, see M.R.]

Subp. 4. **Lapped on break.** If there has been no violation of subpart 3, the stewards shall not place the horse unless a competing horse on its gait is lapped on the hind quarter of the breaking horse at the finish. Placing a horse is at the discretion of the stewards and not necessarily required, even when there is an extended break.

[For text of subps 5 and 6, see M.R.]

Subp. 7. **Use of stirrups.** After the word "go" is given, barring mishap, both of the driver's feet must be kept in or in contact with the stirrups, posts, or pegs until the race has been completed. Notwithstanding this provision, a driver may use his or her feet as necessary to remove a horse's earplugs.

[For text of subps 8 to 11, see M.R.]

7884.0270 EXPANDED HOMESTRETCH RACING.

[For text of subp 1, see M.R.]

Subp. 2. **Rules.** In the event the homestretch is expanded pursuant to subpart 1, the following apply.

[For text of items A and B, see M.R.]

C. Horses using the expanded inside lane, during the homestretch drive for the finish of the race must first have complete clearance of the pylons marking the inside boundary of the race course. A horse or sulky going inside one or more pylons, while attempting to use the expanded inside lane, may be disqualified and placed at the discretion of the stewards, whose decision shall be final.

[For text of item D, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 6, see M.R.]

Subp. 6a. **Hostile acts.** No person shall engage in conduct or use language that is threatening, harassing, or abusive toward a person or animal while on the grounds of an association.

[For text of subps 7 to 21, see M.R.]

Subp. 22. **Use of nonrecognized racing equipment.** Nonrecognized racing equipment must not be used on a horse on a day the horse is scheduled to race, unless the use is approved in advance by the stewards in consultation with the commission veterinarian.

Subp. 23. **Chain shank.** No person may lead a horse with a chain shank unless the oral portion is covered with a soft, nonabrasive material.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose racing duties

place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide one of the following for analysis: blood, breath, saliva, or urine samples. The type or types of sample to be provided shall be determined by the board of stewards after consideration of the circumstances involved and the alleged substance involved. Failure to comply with this requirement shall be a serious violation under part 7897.0130.

Should any licensee other than a racing official, jockey, apprentice jockey, assistant starter, or driver be found to have levels of any nonprescription, prohibited, or illegal drug, or prescription medication at a concentration greater than which has been prescribed, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

[For text of items A to C, see M.R.]

Subp. 2. [Repealed, 15 SR 2307]

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Sanctions.** Any licensee engaging in any prohibited act as provided in parts 7897.0100 to 7897.0115, or any other violation of Minnesota Statutes, chapter 240, or the commission's rules, is subject to license suspension or revocation, the levying of a fine as provided in part 7897.0130, and having such conditions placed on the license as reasonably necessary to ensure the integrity of racing and the health, safety, and welfare of its participants. The commission or stewards may also impose such sanctions on a person whose license has expired for conduct that occurred when the license was in effect. When determining what sanction or sanctions to issue, the commission or stewards must consider the nature, chronicity and severity of the violations, and their effects on the integrity of racing and the safety and welfare of racing participants.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Effect of sanctions.**

A. An individual whose license has been denied is ineligible to apply for a license from the commission for two years.

B. An individual whose license has been revoked is ineligible to apply for a license from the commission for five years.

C. An individual whose license has been revoked or suspended, and has not been restored to good standing, is excluded from the grounds of all licensed racetracks under the jurisdiction of the commission.

D. An individual who has not paid a fine levied by the commission, and has not timely appealed the fine, is ineligible to reapply for a license until the fine is paid in full.

E. An individual whose license has been denied, revoked, or suspended, and has not been restored to good standing, may not benefit financially from racing, training, or caring for horses at a licensed racetrack. This includes but is not limited to prohibiting the transfer of ownership, training, or care of horses to any of the following without the express permission of the stewards:

(1) a licensee related to the individual by blood, marriage, or domestic partnership;

(2) a licensee related to the individual's spouse by blood; or

(3) a licensee who has had a business or employment relationship with the individual in the past year.

7897.0130 SCHEDULE OF FINES.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Serious violations.** Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm in violation of state law,

setting or attempting to set a fire on the racetrack premises, a violation of part 7897.0110, and any violation involving a substance defined by the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances as a Class 1 foreign substance shall be deemed per se serious violations.

[For text of subps 5 and 6, see M.R.]

7897.0150 DISCIPLINARY PROCEDURES.

[For text of subp 1, see M.R.]

Subp. 2. **Penalties imposed by stewards.** The stewards may suspend a license up to 90 days or impose a fine of up to $5,000 in accordance with the schedule of fines in part 7897.0130 or both; in addition, they may order any other appropriate disciplinary or corrective action. The stewards may also make recommendations to the commission for penalties in excess of their authority.

Subp. 3. [See repealer.]

Subp. 4. [Renumbered 7897.0155, subp 2.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [Renumbered 7897.0155, subp 5.]

Subp. 8. [See repealer.]

Subp. 9. [Renumbered 7897.0155, subp 7.]

Subp. 10. **Penalties imposed by stewards or commission for medication violations.**

A. Upon a finding of a violation of chapter 7890, the stewards or commission shall consider the classification and penalty category of the substance at the time of the violation as referenced in the Association of Racing Commissioners International Uniform

Classification Guidelines for Foreign Substances and Recommended Penalties, as well as any existing mitigating or aggravating factors, and shall impose penalties and disciplinary measures consistent with the recommendations contained therein except as limited by part 7897.0130, subpart 5.

B. Mitigating or aggravating factors must be shown by a preponderance of evidence that the circumstances were actually present in the instant case. Mere speculation that the circumstances might have been present is not sufficient proof.

C. For purposes of this subpart, mitigating factors are conditions or circumstances that do not excuse or justify wrongful conduct, but are considered out of fairness in deciding to reduce a penalty.

D. For purposes of this subpart, aggravating factors are conditions or circumstances that permit a harsher penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule.

7897.0155 APPEAL TO COMMISSION.

Subpart 1. **Appeals.**

A. A license denial, a sanction under part 7897.0120, or a stewards' decision regarding a Class C licensee may be appealed to the commission.

B. The licensee may ask the commission to reverse the decision in whole or in part or to lessen the sanction ordered.

C. Appeals to the commission are not subject to the contested case procedures.

Subp. 2. **Review or appeal by commission, director, or deputy director.** Nothing in this chapter precludes the commission, director, or deputy director from instituting proceedings to appeal a steward's decision; or the commission from instituting proceedings

to review a steward's decision on its own motion. [Renumbered from part 7897.0150, subpart 4.]

Subp. 3. **Stays of decisions.** An appeal of a sanction or stewards' decision shall not automatically stay the decision. A party may request the director to stay the decision. The director shall order a stay for good cause shown.

Subp. 4. **Procedure for appeal to commission.** A licensee may appeal a license denial, sanction, or decision of the stewards by filing with the director a written request for an appeal within five days after being orally advised of the decision or receiving a written order, whichever is earlier. The appeal request shall contain the following information:

A. the name, address, and telephone number, if any, of the appellant;

B. a description of the objections to the license denial, sanction, or decision of the stewards;

C. a statement of the relief sought; and

D. whether the appellant desires to be present in person at the hearing of the appeal.

Subp. 5. **Deposit shall be required.** The appellant shall deposit with the commission at the time of filing his or her written request for an appeal an amount equal to ten times the appellant's occupational license fee in part 7877.0120, subpart 1, but not to exceed $250. The deposit will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the deposit will be forfeited. In addition, if the commission determines that the appeal was commenced in bad faith for purposes of delay or was unreasonable and without substance or merit, the commission may impose a fine of not more than $450. [Renumbered from part 7897.0150, subpart 7.]

Subp. 6. **Commission shall set date for hearing.** Within five days of receipt of a written request for an appeal and the deposit, the commission chair, director, or the deputy director shall set a date, time, and place for the hearing. The hearing must be held within

15 days of the receipt of the request for the appeal and the deposit. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of the sanction or prolong a stay issued by the director.

Subp. 7. **Appeal by commission.** When the commission institutes an appeal on its own motion or at the request of the stewards or director, a notice of appeal shall be served personally or sent by mail to the licensee, addressed to his or her last known place of residence, at least ten days prior to the hearing of the appeal. This notice of appeal shall contain the following:

A. the decision being appealed from;

B. the date on which the decision was made;

C. the grounds of the appeal; and

D. the date, time, and place on which the commission proposes to hear the appeal.

[Renumbered from part 7897.0150, subpart 9.]

Subp. 8. **Designation of panel.** All appeals shall be heard by a panel of three or more commission members. The commission chair shall appoint the panel members and shall also designate one of them as the chair of the panel.

Subp. 9. **Hearing panel's decision.** All decisions of the hearing panel must be made by majority vote. In the event the hearing panel is unable to arrive at a decision by a majority vote, the commission shall consider the appeal based on the record before the hearing panel. The hearing panel shall issue its written decision within ten days, excluding Saturday, Sunday, and holidays, based on the record and must include the hearing panel's findings of fact and conclusions on all material issues. A copy of the panel's decision shall be served

upon all parties by first class mail or personal service. The decision of the hearing panel shall be the final agency decision.

7897.0170 CONDUCT OF APPEAL HEARING.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Summary disposition.** If the hearing panel finds there are no genuine issues of material fact and the matter can be decided as a matter of law, the hearing panel shall, within ten days of receiving the written request for appeal, issue a written decision without holding a hearing. The decision shall be a final agency decision.

7897.0190 CONTESTED CASE HEARINGS.

Subpart 1. **Right to a contested case hearing.** In lieu of an appeal under part 7877.0155, if the commission orders any of the following disciplinary sanctions, the licensee may elect to appeal by requesting a contested case hearing, to be held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

A. revocation of a license;

B. suspension of a Class A, B, or D license;

C. suspension of a Class C license for more than 180 days; or

D. a fine of more than $5,000.

Subp. 2. **Contested case procedure.** The commission shall notify a licensee in writing of the sanction, and of the licensee's right to appeal by requesting a contested case hearing. A request for a contested case hearing must be made in writing and delivered to the commission's director by certified mail or personal service. If delivered by certified mail, the request must be postmarked within ten calendar days after the licensee received the commission's sanction order. If a request is delivered by personal service, it must be received

by the commission's director within ten calendar days after the licensee received the commission's sanction order. If a licensee submits a timely request for a contested case hearing under this subpart, the disciplinary sanction shall be stayed until the commissioner issues a final order following the contested case hearing. However, the imposition of the sanction shall not be stayed if the commission had summarily suspended the license in the 90 days preceding the issuance of the sanction order and the licensee either did not appeal the summary suspension or the commission affirmed the summary suspension after appeal. Any contested case hearing shall be commenced and held in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

Subp. 3. **Exceptions.** Parties affected by the report of the administrative law judge shall have 20 days from the date of service of the report to file exceptions with the commission and request an opportunity to present written arguments to the commission.

Subp. 4. **Consideration of arguments.** If there has been a request for an opportunity to present written arguments, the commission shall, as soon as practicable, set dates for the filing of such arguments and give reasonable notice thereof to all parties to the contested case. [Renumbered from part 7897.0200, subpart 2.]

Subp. 5. **Decision or order.** The decision or order shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be served personally or by first-class mail with a copy of the decision or order and accompanying statement of reasons. [Renumbered from part 7897.0200, subpart 3.]

7897.0200 COMMISSION DECISION.

Subpart 1. [See repealer.]

Subp. 2. [Renumbered 7897.0190, subp 4.]

Subp. 3. [Renumbered 7897.0190, subp 5.]

REPEALER. Minnesota Rules, parts 7869.0100, subparts 21 and 33a; 7873.0189, subpart 13; 7873.0300, subpart 3; 7878.0120, subpart 1; 7878.0150, subpart 1; 7883.0120, subpart 7; 7883.0140, subpart 32; 7897.0150, subparts 3, 5, 6, and 8; 7897.0160; and 7897.0200, subpart 1, are repealed.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900
TTY (651) 361-7878
FAX (651) 539-0310

April 18, 2018

VIA EMAIL ONLY
Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: ***In the Matter of the Possible Amendments to Rules Governing Horse Racing***
OAH 60-9011-34699; Revisor R-4497

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Patricia M. Sifferle
General Counsel
Minnesota Racing Commission
15201 Zurich St NE Ste 212
Columbus, MN 55025

If you have any questions regarding this matter, please contact Katie Lin at (651) 361-7911 or katie.lin@state.mn.us.

Sincerely,

Sheena Denny

Enclosures
cc: Patricia M. Sifferle (via email)