

## **810 KAR 2:040. Stewards.**

RELATES TO: KRS 230.215(2)

STATUTORY AUTHORITY: KRS 230.215(2), 230.240(1), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.240(1) authorizes the commission to prescribe by administrative regulation the required officials for horse racing and their official duties. KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing conditions under which all horse racing is conducted. This administrative regulation establishes the qualifications, duties, powers, and responsibilities of the stewards.

Section 1. Steward Qualifications. To qualify for employment or approval by the commission to serve as a steward, a person shall have:

- (1)(a) Successfully completed an accreditation school or program approved by the commission; and
- (b) Satisfactorily passed a written and oral examination given by the school or program;
- (2) Served as a steward, racing secretary, assistant racing secretary, starter, placing judge, horse identifier, paddock judge, or clerk of scales, at one (1) or more recognized race meetings for a period of not less than sixty (60) racing days per year during at least three (3) of the five (5) preceding calendar years;
- (3) Been an observer in the stewards stand for a period of at least thirty (30) days; and
- (4) Satisfactorily passed an optical examination within one (1) year prior to approval as a steward evidencing corrected twenty-twenty (20-20) vision and ability to distinguish colors correctly.

Section 2. Steward Prohibitions. (1) No person shall serve as a steward until approved by the commission.

(2) No person under suspension or ejection by a racing jurisdiction shall be employed or approved by the commission to serve as a steward.

(3) No person shall serve as a steward unless 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 a 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.

Section 3. Employment of Stewards. (1) The commission shall employ and compensate two (2) of the three (3) stewards for each race meeting, including the chief steward.

(2) A racing association shall nominate one (1) of the three (3) stewards for each race meeting for approval by the commission and shall be responsible for that person's compensation as a steward.

(a) The association nomination for steward shall be submitted when an association applies for a license if possible, but in no event later than thirty (30) days before commencement of a race meeting, and shall be accompanied by biographical data describing the experience and qualifications of the nominee.

(b) The association shall submit successive nominees until one (1) person is approved by the commission as qualified to serve as a steward.

(3) Stewards shall serve from one (1) minute after midnight on the day before the first racing day until one (1) minute before midnight on the day after the last racing day of the race meeting for which they are employed. If a dispute or controversy arises during a race meeting and is

not settled at the conclusion of the race meeting the matter shall be adjudicated by the stewards at a successive race meeting in Kentucky, or until the matter is referred or appealed to the commission.

(4) Stewards shall be responsible only to the commission and may be replaced by the commission at any time for failure to perform their duties to the satisfaction of the commission.

(5) If a steward becomes ill, resigns, or is unable to serve for any reason, the remaining stewards shall nominate a successor or temporary steward to the commission for approval. In emergencies, a single member of the commission by telephone may approve employment of a successor steward.

Section 4. General Powers of Stewards. The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of and responsible only to the commission. The powers of the stewards shall include:

(1) Authority over horses and persons, licensed or unlicensed, on association grounds and at locations under the jurisdiction of the commission during a race meeting as to matters relating to racing;

(2) Determining questions, disputes, protests, complaints, or objections concerning racing that arise during a race meeting and enforcing the determinations;

(3) Suspending the license of a participant in racing or denying licensed or unlicensed persons access to association grounds or locations under the jurisdiction of the commission, upon reasonable belief that a violation of KAR Title 810 has or is about to occur;

(4) Interpreting and enforcing Chapter 230 of the Kentucky Revised Statutes and Title 810 of the Kentucky Administrative Register and determining questions pertaining to a racing matter not specifically covered by these administrative regulations;

(5) Issuing decisions or rulings pertaining to racing that shall supersede orders of the officers, directors, and officials of the association and which shall, if the stewards deem proper, vary any arrangement for the conduct of a race meeting, to include postponing or canceling a race, or ruling a race run as "no contest";

(6) Requesting assistance from commission employees, racing officials, members of the Thoroughbred Racing Protective Bureau, track security police, or state or local police, in the investigation of possible rule infractions;

(7) Conducting hearings on questions, disputes, protests, complaints, or objections concerning racing matters;

(8) Selecting a substitute, if a regularly named rider or racing official other than a steward is unable for any reason to perform. Upon suspicion of fraud or misconduct, the stewards may excuse a horse or replace a rider or racing official other than a steward; and

(9) All other powers and duties established for stewards in KAR Title 810.

Section 5. 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 these and other duties enumerated in KAR Title 810, the stewards shall have the following specific duties and responsibilities:

(1) To take appropriate action on misconduct or administrative regulation infractions, to cause investigations to be made of instances of possible infractions, and to take appropriate action to prevent an administrative regulation infraction;

(2) To have at least one (1) steward on association grounds from scratch time, or if not a racing day, when entries are first taken until entries are closed. At least two (2) stewards shall be present for the scheduled viewing of race replays. All three (3) stewards shall be on association grounds no less than ninety (90) minutes before post time until conclusion of the last

race. All three (3) stewards shall be present in the stewards' stand during the running of each race;

(3) To have at least one (1) steward, or a designated representative of the stewards, present in the paddock at least twenty (20) minutes before each race;

(4) To inspect applications for licenses to participate in racing, and administer, or cause to be administered by technically qualified persons, standard examinations to first-time applicants for a trainer, jockey, apprentice jockey, veterinarian, dental technician, or farrier license, and make recommendations to the commission as to the qualifications of applicants for licenses to participate in racing;

(5)(a) To review licenses and registration certificates, and contracts, papers, and other documents pertaining to the sale or ownership of a horse, payment of purse money, jockey and apprentice jockey contracts, appointments of agents, and adoptions of racing colors or stable name; and

(b) To determine the eligibility and appropriateness for participation in racing under supervision of the stewards;

(6) To call for proof of eligibility of a horse or person to participate in a race, if eligibility is in question, and in absence of sufficient proof to establish eligibility, the stewards may rule that horse or person ineligible;

(7) To review stall applications and advise the association of undesirable persons, if any, among owners and trainers applying for stalls and provide the association with information pertaining to the undesirable persons;

(8) To supervise the taking of entries and receive declarations and scratches and determine questions arising and pertaining to declarations and scratches. The stewards may in their discretion refuse the entry of a horse by any person, refuse to permit a declaration or scratch, or may limit entries;

(9) To lock pari-mutuel betting machines not later than the moment the starting gate is opened for the commencement of a race, to cause the "inquiry" sign to be posted immediately after the horses have crossed the finish line in a race if any doubt is held by a steward or other racing official as to the fairness of the running of that race, to cause the objection sign to be posted upon the lodging of an objection, and to cause the "official" sign to be posted after determining the official order of finish for purposes of pari-mutuel payoff;

(10) To draw up a list of riders, including all apprentice jockeys, to review the race replays for instructional purposes and post that list in the jockey's room;

(11) To maintain a daily Stewards Report recording actions taken by the stewards on controversies that arise during the day. The report shall show name of track, date, weather, track condition, claims, rulings issued, and other circumstance or condition regarded as unusual. The reports shall be signed by all three (3) stewards and filed with the commission;

(12) To make periodic inspections of the barn area, check track security, make occasional and informal visits to the jockeys' room, observe weighing out, and check security. Inspections and observations made pursuant to this section shall be noted in the stewards' report;

(13) To maintain a written record of questions, disputes, protests, complaints, or objections brought to the attention of the stewards, and which, at the discretion of the stewards, warrant investigation and the creation of a written record. The record shall be available to the commission for inspection at all times; and

(14) If deemed necessary, after the conclusion of a race meeting, to submit to the commission a written report setting out the condition of the meeting and association grounds, and any recommendations for improvement. (45 Ky.R. 1873; 3082; eff. 5-31-2019.)