Technical Amendment
July 1, 2024

810 KAR 4:060. Objections and complaints.

RELATES TO: KRS 230.215, 230.260
STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the Kentucky Horse Racing and Gaming Corporation to promulgate administrative regulations prescribing conditions under which racing is conducted in Kentucky. This administrative regulation establishes the requirements and procedures for lodging objections and complaints.

Section 1. Persons Eligible to Lodge Objections or Complaints.
(1) Except as established by subsection (2) of this section, an objection or complaint against a horse or jockey entered in a race shall be received only if lodged:
(a) In accordance with Sections 2 and 3 of this administrative regulation; and
(b) By the owner or authorized agent of the owner, the trainer, or the jockey of another horse engaged in the same race and whose horse suffered or could suffer by the alleged violation of KAR Title 810.
(2) An inquiry may also be made by a racing official.

Section 2. Procedures for Objections and Complaints.
(1) An objection as to interference or a foul occurring during the running of the race shall be lodged with the stewards orally or by telephone. All other objections or complaints shall be made in writing and be signed by the complainant.
(2) An objection or complaint lodged during a race meeting shall be addressed to the stewards. An objection or complaint lodged after the termination of a race meeting shall be addressed to the corporation at the corporation's general office.
(3) An objection or complaint once lodged shall not be withdrawn without permission of the stewards.

Section 3. Time for Lodging Objections or Complaints.
(1) Except as established by subsection (2) of this section, an objection or complaint based on one (1) of the following violations of KAR Title 810 shall be lodged by an aggrieved person within the time prescribed:
(a) At least one (1) hour before post time of the race, if the objection or complaint is based on incorrect weight allowance claimed for a horse entered to race;
(b) Before the race has been posted as official on the infield results board, if the objection or complaint is based on interference by a horse, improper course run by a horse, foul riding by a jockey, or any other matter occurring during and incident to the running of the race;
(c) Not later than one (1) year from the date the race was run, if the objection or complaint is based on fraudulent or willful misstatement in an entry under which a horse has run;
(d) Not later than forty-eight (48) hours after post time of the race, if the objection or complaint involves the claim of a horse or a violation of 810 KAR 4:010, Section 4; and
(e) Within one (1) week after post time of the race, if the objection or complaint is based on any other violation of KAR Title 810.
(2) A steward may declare a horse ineligible or disqualified at any time.

Section 4. Final Determination of Objections to Acts in Race.
(1) The stewards shall:

(a) Make all findings of fact as to all matters occurring during and incident to the running of a race;

(b) Determine all objections and inquiries based on interference by a horse, improper course run by a horse, foul riding by a jockey, and all other matters occurring during and incident to the running of a race; and

(c) Determine the extent of disqualification, if any, of horses in a race for a foul committed during the race.

(2) Findings of fact and determination shall be final and shall not be subject to appeal.

(3) In determining the extent of disqualification, the stewards shall consider the seriousness and circumstances of the incident and may:

(a) Disqualify and place the offending horse behind any horse that may have suffered by reason of the foul;

(b) Disqualify and declare the offending horse unplaced;

(c) Disqualify the offending horse from participation in all or any part of the purse;

(d) Declare void a track record set or equaled by a disqualified horse;

(e) Affirm the placing judges' order of finish and suspend the jockey if, in the stewards' opinion, the foul riding had no effect on the order of finish; or

(f) Disqualify the offending horse and not suspend the jockey if, in the stewards' opinion, the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of the jockey.

(g) If, in the opinion of the stewards, the order of finish of the race was affected by deliberate interference that was for the benefit of another horse with common ties through ownership or training, both horses may be subject to the penalties in (3)(a), (b), (c), and (d).

Section 5. Dispute of a Race after Declared Official for Pari-mutuel Payoff. If the result of a race is placed in dispute by the lodging of an objection or complaint or by discovery of an alleged violation of KAR Title 810 after the race has been declared official for pari-mutuel payoff, the procedures established in this section shall apply pending final determination of the disputed race.

(1) The purse money and trophy to which the horse objected to may have been entitled shall be withheld and placed in escrow by the association until final adjudication of the dispute, except the stewards may order any portion of the purse money to be distributed if the distribution would not be affected by the determination of the dispute.

(2) If purse money or trophy has been awarded to an owner prior to the lodging of an objection or discovery of an alleged violation of KAR Title 810 that places the outcome of a race in dispute, the money or trophy shall be returned immediately to the association on order of the stewards. Upon final adjudication of the dispute, the person deemed to be entitled to the purse money or trophy shall be entitled to an order of recovery from any person or association holding the same.

(3) The horse that crossed the finish line first and any other horse that may become the winner of a disputed race shall be considered winners of that race until the matter is finally adjudicated.

Section 6. Determination of a Disputed Race. The stewards shall determine an objection, complaint, or alleged violation of KAR Title 810 lodged or discovered after a race has been declared official for pari-mutuel payoff and shall issue a ruling. If the stewards find that a requirement of KAR Title 810 was violated, the stewards may penalize the persons responsible, disqualify any horses in the disputed race, and award the purse money and trophy in accordance with any resulting revised order of finish in the disputed race.

Section 7. Revised Order of Finish after Race Declared Official for Pari-mutuel Payoff. If a horse is disqualified after a race has been declared official for pari-mutuel payoff and causes

revision of the order of finish in the race:

(1) The pari-mutuel payoff shall not be affected in any way; and

(2) The stewards shall ensure that appropriate corrections are made in official records for the race and in racing statistics as might pertain to the respective horses, jockeys, trainers, owners, breeders, sires, dams, and broodmare sires, by reporting the corrections to the racing secretary and to the Daily Racing Form.

Section 8. Complaints Against Officials. A complaint or protest by a licensee based on a decision or act of a racing official other than the stewards, or concerning any matter that may occur on association grounds not provided for by Sections 4 and 5 of this administrative regulation, shall be made in writing, signed by the complainant, and submitted to the stewards. A complaint or protest by a person based on a decision, act, or conduct of the stewards shall be submitted to the corporation as established by 810 KAR 9:010.

(45 Ky.R. 1927; 3121; eff. 5-31-2019; 48 Ky.R. 2633; eff. 10-4-2022; TAm eff. 7-1-2024.)

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