

205 CMR: MASSACHUSETTS GAMING COMMISSION

3.12: Judges

- (1) The Judges shall have the power to interpret 205 CMR 3.00 and to decide all questions not specifically covered by them, such decisions to be reported to the Commission within 24 hours.
- (2) In matters pertaining to racing, the orders of the Judges supersede the orders of the officers and directors of the Association.
- (3) The Judges shall have general supervision over owners, trainers, drivers, grooms and other persons attendant on horses, and also over all the other officials of the meeting.
- (4) Judges' Authority Concerning Race Objections.
 - (a) An objection to an incident alleged to have occurred during a race shall be received only when lodged with the Judges, by the owner, the authorized agent of the owner, the trainer or the driver of a horse engaged in the same race.
 - (b) An objection following the completion of any race must be filed before the race results are declared official.
 - (c) The Judges shall make all findings of fact as to all matters occurring during and incident to the completion of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race. Such findings of fact and determinations shall be final and shall not be appealable.
 - (d) In the case of disqualification the Judges shall immediately make public the reason for the disqualification and the same shall be announced over the public address system.
- (5) During each racing day the Judges of the meeting shall be at the office building on the grounds of the Association where the racing meeting is being held not later than one hour before post time of the first race of the day to exercise the authority and perform the duties imposed on the Judges by the Rules of Racing.
- (6) At least one Judge shall occupy the Judges' Stand during the running of all qualifying races and non-wagering races.
- (7) The Judges shall require all horses not showing a satisfactory racing line during the previous ~~30~~45 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.
- (8) All questions pertaining to the conduct of the meeting shall be determined by a majority of the Judges.
- (9) No hearing shall be held on 205 CMR 3.00 following the last race of any day during the racing meeting, unless by special permission of the Commission. 205 CMR 3.12(8) shall not apply on the last day of any racing meeting.
- (10) The Judges shall occupy the Judges Stand, from the time the post parade is formed for each race until the race is made official, and their duty shall be to place and record five horses or as many more as they think proper in the order of their finish in each race.
- (11) The Judges shall properly display the numbers of the first four horses in each race in the order of their finish.
- (12) When the Judges differ in their placing the majority shall prevail.
- (13) The Judges shall make public their decision as promptly as possible.
- (14) If it is considered advisable to consult a picture from the finish camera, the Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.
- (15) The Judges may call for a picture from the photo-finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.
- (16) In determining the places of the horses at the finish of a race, the Judges shall consider only the relative position of the

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respective noses of such horses.

(17) After the finish of the race all drivers shall report to the Judges' Stand. The Judges shall not declare the race official until each driver has had an opportunity to file a protest as to what occurred in the race.

(18) There shall be no alteration of placement after the sign "Official" has been purposely displayed, except as in provided in 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

(19) The Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to the other officials such information in respect to the racing as the Association may require.

(20) The Judges may suspend ~~for no greater period than 180 days~~ anyone whom they have authority to supervise, and/or they may impose a forfeiture. In the case of a finding of a violation of 205 CMR 3.29, the Judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. ~~If the punishment to be imposed is not in the opinion of the Judges sufficient, they shall so report to the Commission.~~

REGULATORY AUTHORITY

205 CMR 3.00: M.G.L. c. 128A, § 9.