WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Racing Commission TITLE NUMBER: 178

RULE TYPE: Legislative CITE AUTHORITY: WV Code 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-10, 19-23-13, 19-23-15

AMENDMENT TO AN EXISTING RULE: YES x NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Greyhound Racing

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 13, 2012 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Racing Commission

900 Pennsylvania Avenue, Suite 533

Charleston, West Virginia 25302

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Legislative Rule-Making

Authorized Signature

JUL 11 2012

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Review Committee

BRIEF SUMMARY OF PROPOSAL

GREYHOUND RACING -178 CSR 2

The proposed amendments to the rule are intended to update, clarify and address problems with the rule so that the West Virginia Racing Commission can effectively regulate greyhound racing in this State. In 2011, the Commission completely re-wrote, repealed and replaced the existing Greyhound Racing Rule. The current rule, effective July 10, 2011, is the product of that effort. In going through the re-write process in 2011, the Commission recognized that a more frequent examination of its rule is necessary to keep abreast of industry standards and to address issues with the rule that arise from time to time. These proposed amendments are a result of efforts undertaken in 2012, with an eye toward the 2013 legislative rule-making cycle, to keep the rule current and responsive to the needs of the industry and the regulation thereof.

When the Commission re-wrote the rule in 2011, it appointed a constituent committee to deliberate and recommend changes to the rule. The Commission followed this same practice in 2012 in re-examining the rule. The committee members who engaged in the re-examination process are as follows: The Commission's legal counsel from the Attorney General's Office, Anthony D. Eates II, Assistant Attorney General, Chair; Barbara Rumbaugh, Presiding Judge, Mardi Gras Casino and Racetrack; Ralph Brehm, Presiding Judge, Wheeling Island Casino and Racetrack; Mike Staats, Director of Mutuels, Mardi Gras Casino and Racetrack; Jane Horvath, Director of Racing, Wheeling Island Casino and Racetrack; Sam Burdette, President, WV Greyhound Owners and Breeders Association; Lester Raines, President, WV Kennel Owners Association; Dr. Mark Webster, D.V.M., State Veterinarian, Mardi Gras Casino and Racetrack; and Dr. Lori Bohenko, D.V.M., State Veterinarian, Wheeling Island Casino and Racetrack.

The committee's work resulted in a recommendation to the Racing Commission to make amendments to the rule and the proposed amendments were submitted for the Commission's consideration on April 13, 2012. The Commission voted to adopt the committee's proposed amendments and put the rule out for public comment. Therefore, the rule is now filed for public comment.

The proposed amendments to the rule are as follows:

§ 2.3. Amended the definition of "appeal" to include appeals of management ejections and exclusions.

§ 2.91. Amended the definition of "trainer" to omit that he/she is "employed by an owner."

§ 3.3. Changed "executive secretary" to "executive director."

§ 7.1 and § 19. Added the position of "brakeman" as a racing official and set forth his/her responsibilities.

§ 29.4. Added that the kennel contract must be submitted to the Commission for approval by October 1 of current year for following year and clarified that the association must only submit a single contract, rather than "all" contracts due to the fact that all contracts for a given year are the same.

§ 32.3. Provided authority for the Commission to assess the cost of the background check to the occupational permit applicant.

§ 32.6. Provided authority for the Commission to assess a credit card transaction fee for any required payment made by credit card.

§ 32.12. Amended the permit renewal schedule to comport with the amendments to W. Va. Code § 19-23-8, which staggers renewals based on birthdays, rather than all permits expiring December 31.

§ 32.17. Provided authority for the Commission to check the immigration status of an applicant or permit holder.

§ 35.3.f. and 35.3.g. Amended these sections to require the trainer to be present on association grounds during weigh-in of his/her greyhounds and added a requirement that the trainer report in person to the weigh-in when summoned by a racing official. Added the requirement that if the trainer is to be absent from association grounds for three consecutive days or less, he/she must inform the judges in writing as to who will be responsible for his/her greyhounds during that absence. If the absence is to exceed three consecutive days, then the trainer-of-record for the kennel must be changed. This change is intended to address a problem voiced by the association and state vet that some trainers are consistently absent and unavailable during the race meeting.

§ 35.n. Moved the responsibility to ensure the accuracy of the dog's ID from the paddock judge to the trainer. This requirement was previously in § 14.4 under the responsibilities of the Paddock Judge was solely his/her responsibility.

§ 41.15. Established a requirement that an association schedule no less than 8 dogs per race, which comports with current practice and added that an association may schedule less than 8 per race if approved in advance by the Commission. Clarified that this requirement does not prohibit running less than 8 per race if results from a scratch.

§ 44.1. Added requirement that dog must be wearing approved leash, muzzle and collar at weigh-in.

There were no changes approved by the Commission which were not agreed upon by the committee. In other words, there was consensus among the committee for each of the above proposed changes.

STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE

GREYHOUND RACING - 178 CSR 2

The proposed amendments to the rule are intended to update, clarify and address problems with the rule so that the West Virginia Racing Commission can effectively regulate greyhound racing in this State. In 2011, the Commission completely re-wrote, repealed and replaced the existing Greyhound Racing Rule. The current rule, effective July 10, 2011, is the product of that effort. In going through the re-write process in 2011, the Commission recognized that a more frequent examination of its rule is necessary to keep abreast of industry standards and to address issues with the rule that arise from time to time. These proposed amendments are a result of efforts undertaken in 2012, with an eye toward the 2013 legislative rule-making cycle, to keep the rule current and responsive to the needs of the industry and the regulation thereof.

The constituents in the greyhound racing industry support the Racing Commission's decision to update the rules. To develop the proposed amendments, the Racing Commission appointed a constituent committee to work with its legal counsel from the Attorney General's Office. The proposed amendments are the culmination of the committee's deliberations and represent the committee's and the Racing Commission's vision of what is in the best interest of the greyhound racing industry.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Greyhound Racing

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: West Virginia Racing Commission

Address: 106 Dee Drive, Suite 2
Charleston, WV 25311

Phone Number: (304) 558-2150 Email: jon.amores@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

It is anticipated that this proposed rule will have no impact on the costs and revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Greyhound Racing

Rule Title: Greyhound Racing

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

It is anticipated that this proposed rule will have no impact on the costs and revenues of state government.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Not applicable.

Date: 4/17/2012

Signature of Agency Head or Authorized Representative

Joe E. Smith

178CSR2

TITLE 178
LEGISLATIVE RULE
RACING COMMISSION

SERIES 2
GREYHOUND RACING

§ 178-2-1. General.

1.1. Scope. -- This rule regulates the conduct of greyhound racing in this state whether live or by simulcast, the conducting of pari-mutuel wagering at greyhound race tracks, and the breeding of greyhounds for racing.

1.2. Authority. -- W. Va. Code §§ 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-10, 19-23-13 and 19-23-15.

1.3. Filing Date. – ~~April 11, 2011.~~

1.4. Effective Date. – ~~July 10, 2011.~~

1.5. ~~Repeal of Former Rule.~~ -- This rule ~~repeals and replaces~~ amends W. Va. 178CSR2, Racing Commission, Greyhound Racing, filed ~~May 20, 2009~~ April 11, 2011 and effective ~~July 1, 2009~~ July 10, 2011.

PART 1. DEFINITIONS

§ 178-2-2. Definitions.

As used in this rule and unless the context clearly requires a different meaning, the following terms have the meaning ascribed in this section.

2.1. "Added Money" means a sum by which the established purse is increased.

2.2. "Age" means the age of a greyhound beginning on the day it was whelped.

2.3. "Appeal" means a request for the Racing Commission or its designee to consider and review any decisions or rulings of the judges of a meeting or to consider and review an ejection/exclusion of an occupational permit holder by the association as authorized by West Virginia Code § 19-23-1 et seq., and this rule.

2.4. "Applicant" means any racing association making application for a license, or any person making application for an occupational permit.

2.5 "Association" or "racing association" means any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description licensed by the Racing Commission to conduct a meeting where greyhound racing and pari-mutuel wagering are permitted for a purse involving pari-mutuel wagering.

2.6. "Association grounds" means all real property utilized by the association in the conduct of its race meeting, including the race course, grandstand, concession stands, offices, kennel compound, pari-mutuel areas, parking lots, and any other areas under the jurisdiction of the Racing Commission.

2.7. "Authorized agent" means a person appointed by another person to act as his or her representative in a notarized document signed by the owner and filed with the Racing Commission.

2.8. "Bertillon" means a card listing identifying features of a greyhound.

2.9. "Betting interest" means one or more greyhounds in a race involving pari-mutuel wagering, which is identified by a single program number for wagering purposes.

2.10. "Blanket" means the covering on which a greyhound's starting box post position number is displayed.

2.11. "Bolt" refers to a greyhound departing from the race course during the running of a race.

2.12. "Bookmaking" means a form of gambling that is not authorized by law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.

2.13. "Breakage" or "Legitimate breakage" means the remainder after deducting the payout from the net pool.

2.14. "Breeder" of a greyhound means the registered owner or registered lessee of the greyhound's dam at the time of breeding.

2.15. "Chairman" means the chairman of the West Virginia Racing Commission, or his or her designee

2.16. "Commission" means the West Virginia Racing Commission.

2.17. "Complaint" means a written allegation of a violation of these rules or West Virginia Code § 19-23-1 et seq.

2.18. "Course" means the track over which greyhounds race.

2.19. "Day" means a calendar day.

2.19.a. "Dark day" means a day during a racing meeting in which no live racing occurs at the association.

2.19.b. "Race day" means a day during a race meeting in which pari-mutuel wagering is conducted on live racing occurring at the association.

2.19.c. "Simulcast race day" means a day during a race meeting in which pari-mutuel wagering is conducted on races being conducted at a location other than the racetrack where the wager is placed.

2.20. "Dead heat" means the finish of a race in which the muzzles and/or nose of two (2) or more greyhounds reach the finish line at the same time.

2.21. "Double entry" means an entry of two (2) or more greyhounds in the same race from the same kennel that are separate wagering interests.

2.22. "Draw" means the process of selecting greyhounds and assigning post or starting box positions, and the process of selecting dogs in a manner to ensure compliance with the conditions of the rules of racing.

2.23. "Ejection" means the physical removal of a person at a licensed racetrack from the association grounds under the jurisdiction of the Racing Commission.

2.24. "Entry" means a greyhound eligible for and entered in a race.

2.25. "Equipment" means as applied to a greyhound muzzle, number blankets, and all other paraphernalia, which might be used on or attached to a greyhound when racing.

2.26. "Established weight" means the racing weight established by the trainer as the greyhound's best racing weight.

2.27. "Executive Secretary" means the racing secretary of the Racing Commission.

2.28. "False start" means any race, which fails to start as, stipulated by the rules.

2.29. "Finish" means the order of finish in which the greyhounds complete the race.

2.30. "Forfeit" means money due but withheld because of an error, fault, and neglect of duty, breach of a contract or a penalty.

2.31. "Fund" means the West Virginia greyhound breeding development fund established under the provisions of W. Va. Code §19-23-10.

2.32. "Handle" means the total amount of all pari-mutuel wagering sales less refunds and cancellations.

2.33. "Judge" means the person or persons designated to represent the Racing Commission whose duty it is to supervise any greyhound race meeting according to these rules.

2.34. "Juvenile" means a greyhound fifteen (15) months of age through twenty-four (24) months of age.

2.35. "Kennel compound" means the facilities on association grounds providing for the housing of the racing kennels.

2.36. "Kennel helper" means a person employed by a kennel owner to assist in the conditioning of greyhounds for racing.

2.37. "Kennel owner" means a person or persons who are contracted by the association to supply greyhounds for racing.

2.38. "Lead-Out" means the attendant that handles or cares for the greyhounds in the paddock and while they are en route to the starting box.

2.39. "Lessee" means a person who holds a registered lease certificate for the racing of a greyhound in his or her name.

2.40. "Lease agreement" means an Association of Racing Commissioners International and/or National Greyhound Association Uniform Greyhound Lease or other written document stating the names of the lessee, lessor, and the terms and purpose of the lease.

2.41. "License" means an authorization by the Racing Commission to an association to conduct dog racing with pari-mutuel wagering at a specified location.

2.42. "Licensee" means any racing association holding a license required by West Virginia Code §19-23-1 et seq. and this rule.

2.43. "Live racing" means greyhound racing occurring on the association grounds of a racing association holding a license required by West Virginia Code §19-23-1 et seq. and this rule.

2.44. "Lock out kennel" is the secure and restricted facility within the paddock used to temporarily house entered greyhounds prior to their participation in the current performance.

2.45. "Lure" means a mechanical apparatus consisting of the following component parts: A stationary rail installed around the track, a motorized mechanism which travels on the rail, a pole which is attached to the mechanism and extends out over the race course and the object which is attached to the pole.

2.46. "Maiden" means a greyhound, which has never, in any jurisdiction, won an official race and which is less than twenty-four (24) months of age. Conditions referring to a maiden means maidens at the time of starting. A maiden who has been disqualified after finishing first is to be considered a maiden.

2.47. "Matinee" means a performance or schedule of races conducted upon a race course in daylight hours.

2.48. "Meet" means the specified periods and dates within a race meeting, during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.49. "Meeting" means the total specified periods and dates each year during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.50. "Month" means a calendar month.

2.51. "Night performance" means a performance or schedule of races conducted upon a race course during night hours.

2.52. "Nomination" means the initial naming of a greyhound for entry in a stake race.

2.53. "No race" means a race canceled or voided for any reason by the judges.

2.54. "Official order of finish" means the order of finish of the greyhounds in a contest as declared by the judges.

2.55. "Official race" means a race in the presence of duly appointed racing officials, for which purse monies are paid involving pari-mutuel wagering.

2.56. "Official time" means the elapsed time from the moment the starting box opens and ending when the first greyhound crosses the finish line.

2.57. "Official schooling races" means trial races that are supervised by the judges which are conducted for qualification purposes. Pari-mutuel wagering is prohibited on these races.

2.58. "Owner" means the person in whose name the greyhound is registered with the National Greyhound Association determined at the time of breeding, whelping, and racing at a meeting in accordance with this rule. An owner may be a sole owner, part owner, or lessee. A beneficial interest in a greyhound, such as an interest in just the winnings of the greyhound does not constitute part ownership of that greyhound.

2.59. "Paddock" means an area that is restricted to the Racing Commission, association and restricted employees. The paddock area includes the lock-out kennel, reviewing stand and offices.

2.60. "Pari-mutuel" means a mutuel or collective pool that can be divided among those who have contributed their wagers to one central agency. The odds of these wagers are to be reckoned in accordance with the collective amounts wagered upon each greyhound running in a greyhound race relative to the amount wagered on each greyhound in each pool with the total to be apportioned among the first three contestants on the basis of the number of wagers.

2.61. "Pari-mutuel clerk" means any employee of a licensed racing association, who is responsible for the collection of wagers, the distribution of moneys for winning pari-mutuel tickets, verification of the validity of pari-mutuel ticket and accounting for pari-mutuel funds.

2.62. "Patron" means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

2.63. "Performance" means an approved number of races run consecutively as one program.

2.64. "Permit" is the written authorization issued by the Racing Commission to a person allowing occupational participation with dog racing for a purse involving pari-mutuel wagering at a licensee's dog racetrack.

2.65. "Permit holder" means any person holding a permit required by the Racing Commission.

2.66. "Person" means any individual, partnership, firm, association, corporation, or other entity or organization of whatever character or description.

2.67. "Pool" means a combination of interests in a joint wagering enterprise or a stake in the enterprise.

2.68. "Position" means the position at the starting box assigned to a greyhound for the start of the race.

2.69. "Post time" means the time set for the arrival at the starting box for the greyhounds in a race. This information shall be shown at a reasonable time prior to the race on a clock device provided specifically for this purpose, and shall be prominently displayed and clearly readable from the grandstand.

2.70. "Program" means the published listing of all races and greyhounds for a specific performance.

2.71. "Purse" means the total cash amount for which a race is contested.

2.72. "Purse race" means a race for money or other prizes to which the owners of the greyhounds engaged do not contribute.

2.73. "Race" means a contest for purse, stakes, or entry fees on any race course and while in the presence of duly appointed racing officials.

2.74. "Racetrack" means the association grounds, as defined in this rule.

2.75. "Racing association" means any individual, partnership, firm, association, corporation, or other entity or organization of whatever character or description licensed in accordance with W. Va. Code §19-23-1 et seq. to hold a greyhound race meeting.

2.76. "Random testing" means a strategy for testing for alcohol or controlled substances not based on a reasonable belief that an individual has drugs and/or alcohol in his or her system that assures that all affected individuals have an equal probability of being selected for testing.

2.77. "Reasonable cause/reasonable suspicion testing" means a strategy for testing for alcohol or controlled substances based on an official's having good reason to believe that an occupational permit holder has alcohol or controlled substance in his or her system.

2.78. "Recognized meeting" means:

2.78.a. A meeting held under license of the Racing Commission;

2.78.b. A meeting held in this or any other country under the sanction of a Commission or authority whose jurisdiction over racing is recognized by the Racing Commission and which recognizes, accepts, and gives effect to sentences imposed by the Racing Commission upon those guilty of improper practices.

2.79. "Registered Greyhound Owner" means an owner of a greyhound that is registered with the National Greyhound Association.

2.80. "Restricted area" means an area of association's grounds that is designated by the Racing Commission to which access is limited to certain persons only. Restricted areas may include, but are not necessarily limited to, the kennel compound, the paddock, the mutuel department, etc.

2.81. "Result" means that part of the official order of finish used to determine the pari-mutuel payout of pools to patrons for each individual contest.

2.82. "Ruled-off" means the act of disallowing a person to enter or remain upon the premises of any or all licensed racetracks and/or simulcast facilities.

2.83. "Rules" means the rules of the Racing Commission.

2.84. "Scratch" means the act of removing an entered greyhound from a race after the selection for the post positions in a race has been completed.

2.85. "Secretary" means the Secretary of the West Virginia Department of Revenue, or his or her designee.

2.86. "Simulcast" means the transmission and/or reception for pari-mutuel wagering purposes of greyhound racing conducted at a licensed racetrack other than where the pari-mutuel wager is placed.

2.87. "Stakes race" means a race publicly declared open to all complying with its conditions to be fulfilled wholly or in part subsequent to its closing and involved which may required a fee to be paid for each greyhound.

2.88. A "Starter" means a greyhound is a starter for a race when the doors of the starting box open.

2.89. "Tote" or "tote board" means the totalizator system used for recording, calculating and disseminating information about pari-mutuel ticket sales, wagers, odds and payoff prices to patrons at a licensed racetrack.

2.90. "Touting" means soliciting or providing unauthorized wagering tips on animals for a profit in races under the jurisdiction of the Racing Commission.

2.91. "Trainer" means a person ~~employed by an owner to~~ who conditions or prepares greyhounds for racing.

2.92. "Weighing in" means the weight of the greyhound taken at first weighing in as provided for in this rule.

2.93. "Weighing out" means the weight of the greyhound prior to post time or time of the race in which it is entered.

2.94. "Weight loser" means a greyhound recognized by the officials known to be a consistent weight loser while in the lockout kennel.

2.95. "Whelped" means the time of a greyhound's birth.

2.96. "Withdrawal" means the act of withdrawing an entered greyhound from a race before the time for the posting of starting box positions for the race in which the greyhound is entered.

2.97. "Year" means a calendar year.

PART 2. GENERAL AUTHORITY OF THE RACING COMMISSION

§ 178-2-3. General Authority.

3.1. The West Virginia Racing Commission shall regulate each greyhound race meeting in the State of West Virginia and the conduct of all persons who participate in each greyhound race meeting.

3.2. This rule applies to all individuals, firms, associations, partnerships, or corporations holding, conducting, participating in or observing a meeting.

3.3. Pursuant to the authority granted in West Virginia Code § 19-23-1 et seq., the Commission may delegate to its executive ~~secretary~~ director, the judges or its representatives all powers and duties necessary to fully implement and enforce these rules.

3.4. The laws of the State of West Virginia and this rule supersede the conditions of a race or the regulations of a racing association.

3.5. The jurisdiction of the Racing Commission over matters related to subjects covered by this rule is continuous throughout the year.

§178-2-4. Racing Commission Personnel.

The following provisions apply to the employment of certain personnel by the Racing Commission to assist it, the judges, the Racing Commission Veterinarian and other Racing Commission employees and representatives in fulfilling their regulatory duties and obligations:

4.1. Security Officer. The Racing Commission shall employ a security officer at each licensed racetrack. The security officer's duties shall include:

4.1.a. Working with and/or at the direction of the judges and/or the Racing Commission Veterinarian(s) and/or the Racing Commission to investigate and inquire into any alleged violations of this rule or the laws of this state governing racing;

4.1.b. Working with and/or at the direction of the judges and/or the Racing Commission to review and evaluate applications for occupational permits or licenses, and any information submitted or gathered in connection with such applications;

4.1.c. Determining, or assisting the Racing Commission and/or the judges in determining, that all persons participating in racing that are required to hold an occupational permit have such a permit;

4.1.d. Inspecting the association's restricted areas, including, but not limited to, the kennel compound, test area, the wagering area, the paddock, to determine if proper security measures are in effect, to ensure that the integrity of these areas are preserved and protected, and to ensure that all personnel having access to the restricted areas hold occupational permits or other proper credentials;

4.1.e. Working with and assisting all Racing Commission employees and representatives in the performance of their duties to ensure the enforcement of this rule and the laws of this state governing racing, and to ensure that the integrity of racing is preserved and protected; and

4.1.f. Any other duties that may be assigned by the Racing Commission.

4.2. Investigator(s). In addition to the Security Officer, the Racing Commission may employ one (1) or more persons as investigators at each licensed racetrack. The duties and responsibilities of the investigator(s) shall be fixed by the Racing Commission, but may include working in connection with the Racing Commission security officer in the performance of his or her duties.

4.3. License Clerks. The Racing Commission shall employ an adequate number of persons as license clerks at each licensed racetrack. The license clerks' duties shall include:

4.3.a. Distributing applications for occupational permits;

4.3.b. Assisting in the review of applications for occupational permits;

4.3.c. Maintaining records and data on each individual who applies for and/or is issued an occupational permit;

4.3.d. Collecting fees and fines imposed by the judges and/or the Racing Commission and reporting to the Racing Commission the amount of such fines and fees collected;

4.3.e. Depositing fines and fees collected in accordance with Racing Commission policy and procedure;

4.3.f. Assisting the judges in the performance of their duties and responsibilities; and

4.3.g. Any other duties that may be assigned by the Racing Commission.

4.4. Director of Audits and Auditors of Pari-Mutuel Wagering. The Racing Commission shall employ a director of audits in accordance with West Virginia Code § 19-23-5(b) and a minimum of one (1) auditor of pari-mutuel wagering to be stationed at each licensed racetrack. The director of audits and the auditors of pari-mutuel wagering shall be certified public accountants or experienced accountants. The duties and responsibilities of the director of audits and the auditors of pari-mutuel wagering shall be fixed by the Racing Commission. The following provisions apply to the director of audits and the auditors of pari-mutuel wagering:

4.4.a. The director of audits and the auditors of pari-mutuel wagering shall have free access to the space or enclosure where the pari-mutuel system of wagering is conducted or calculated at any greyhound race meeting for the purpose of ascertaining whether or not the licensee is deducting and retaining only a pari-mutuel commission as provided in the West Virginia Code, and is otherwise complying with the other provisions of the West Virginia Code relating to the pari-mutuel system.

4.4.b. The director of audits and the auditors of pari-mutuel wagering shall have full and free access to all records and papers maintained or generated pertaining to the pari-mutuel system of wagering at licensed racetracks and shall make a written report to the Racing Commission as to whether or not the licensee has deducted and retained any pari-mutuel commission in excess of that permitted under the West Virginia Code or has otherwise failed to comply with the provisions of those sections of the Code pertaining to the pari-mutuel system.

4.4.c. Copies of all pari-mutuel work sheets are to be turned over by the association to the auditor of pari-mutuel wagering immediately after each race.

4.4.d. At the end of each race day, the association shall produce a consolidated report showing detailed figures of the pari-mutuel handle, pari-mutuel commission and breakage to the auditor of

pari-mutuel wagering. The association shall also provide the auditor of pari-mutuel wagering a report of pari-mutuel tickets paid at the end of each race day.

4.4.e. At the end of each race day, every signed complaint made by any patron, with reference to transactions with the association's pari-mutuel clerks, shall be reported by the association on printed complaint forms and furnished to the auditor of pari-mutuel wagering.

4.4.f. A totalisator report shall be maintained by the association that reflects all errors, commonly called shorts or overs, made by the association's pari-mutuel clerks. The report shall detail the name of the clerk, his or her working place, and the amount involved. At the end of each meet, this report shall be provided to the auditor of pari-mutuel wagering.

4.4.g. In accordance with West Virginia Code § 19-23-13, all moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety (90) days after the close of the greyhound race meeting in connection with which the tickets were issued, shall be turned over by the licensee to the director of audits within fifteen (15) days after the expiration of the ninety (90) day period. The licensee shall give any information requested by the Racing Commission and/or the director of audits concerning outstanding and unredeemed tickets including, but not limited to:

4.4.g.1. the "outs" ledger enumerating all outstanding pari-mutuel tickets at the end of the ninety (90) day period;

4.4.g.2. a statement accompanying the "outs" ledger setting forth the dollar amount of the redeemed tickets in the ninety (90) day period;

4.4.g.3. a statement accompanying the "outs" ledger setting forth the quantity and amount of each denomination redeemed during the ninety (90) day period; and

4.4.g.4. a statement verifying that the redeemed amount was subtracted from the "outs" balance which existed at the close of the meeting with the remaining balance to be included in the remittance of the association in settlement of the "outs" account for the meeting.

4.4.h. The association shall provide a work area for the exclusive use of the auditor of pari-mutuel wagering that is subject to the approval of the Racing Commission. This work area shall:

4.4.h.1. be located within or adjacent to the totalisator room with desk and chair facilities;

4.4.h.2. permit direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside totalisator board or closed circuit television monitors of the outside totalisator board whichever is used, and printers;

4.4.h.3. include space for locking file cabinets within the work area or other proper storage facilities to be supplied by the association;

4.4.h.4. include an audio listening device for the public address system being used by the association so that announcements made on the address system can be heard intelligibly in the work area; and

4.4.h.5. include power outlets to operate electronic equipment.

4.4.i. Purging of pari-mutuel tickets shall be done in the presence of the auditor of pari-mutuel wagering, a totalisator representative, and an association representative and may only be done after the association provides two (2) weeks' prior notice to the director of audits.

§ 178-2-5. Power Of Entry.

5.1. Members of the Racing Commission, the judges, and the Racing Commission's designated employees and representatives have the right of full and complete entry to any and all parts of the grounds of a racing association licensed to conduct greyhound racing.

5.2. Members of the Racing Commission, the judges, and the Racing Commission's designated employees and representatives may permit and direct any individual to enter in or upon the kennels, rooms, trailers, vehicles or any other places within the grounds of a racing association licensed to conduct greyhound racing.

§ 178-2-6. Ejection/Exclusion.

6.1. Any person ejected by the judges or the association from the grounds of an association shall be denied admission to the grounds until permission for his or her reentry has been obtained from the association and the Racing Commission. However, all occupational permit holders who are ejected have the right of appeal to the Racing Commission.

6.2. The judges or the association have the power to suspend or exclude from the stands and grounds persons acting improperly or whose behavior is otherwise objectionable. The judges shall enforce the suspension or exclusion.

PART 3. GREYHOUND RACING OFFICIALS

§ 178-2-7. General Provisions.

7.1. Officials of a race meeting, unless otherwise approved by the Racing Commission, are as follows: Director of Racing, Judges, Racing Secretary, Lure Operator, Chart Writer, Clerk of Scales, Paddock Judge, Patrol Judge, Starter, Racing Commission Veterinarian, Kennel Master, Brakeman and any other person designated by the Commission.

7.2. No racing official may serve in a dual capacity unless otherwise authorized by the Racing Commission. In the event of an emergency which prevents the association from obtaining Commission

approval for an official to serve in a dual capacity, the association may seek approval from the judges so that racing may continue. The judges' shall promptly forward the matter to the Commission for approval.

7.3. Should a vacancy occur among the racing officials other than the judges or Racing Commission Veterinarian, the association's director of racing shall immediately fill the vacancy. The appointment shall be effective only for the day unless the association fails to fill the vacancy on the following day and has notified the judges of its action less than one hour before post time of the first race of the day. Such appointment shall be reported promptly by the judges to the Commission.

7.4. All racing official appointments, including temporary appointments provided for subsections 7.2 and 7.3, are subject to the approval of the Racing Commission.

7.5. The Racing Commission shall not approve an individual to serve as a racing official unless the individual possesses the following:

7.5.a. Good character and reputation;

7.5.b. Experience in greyhound racing is preferred, but not required;

7.5.c. Familiarity with the duties of the position and with the Commission's rules of racing;

7.5.d. Mental and physical ability to perform the duties of the position; and

7.5.e. Is in good standing and not under suspension or ineligible for a permit in any racing jurisdiction.

7.6. Unless written approval is obtained from the Racing Commission, no person shall be approved as a racing official who is an officer of the association, or who has any financial interest in the association, or who has any financial interest in greyhounds running at the association.

7.7. No racing official may directly or indirectly wager money or any other thing of value on the result of any greyhound race taking place in any jurisdiction. In addition, no racing official may wager money or any other thing of value on the result of a race of any type in any jurisdiction while the official is on the grounds of the association to which he/she is assigned.

7.8. No racing official may consume intoxicating liquor or any controlled substance, or be under the influence of alcohol or any controlled substance, while on duty.

7.9. Racing officials or their assistants shall report all violations of this rule to the judges.

§ 178-2-8. Director of Racing.

8.1. Subject to the authority of the judges set forth in these rules, the director of racing shall have full supervision over kennel owners, greyhound owners, trainers, kennel helpers, lead-outs and all association officials.

8.2. The director of racing shall ascertain that all persons under his/her supervision are properly trained in the discharge of their duties.

§ 178-2-9. Judges.

9.1. There shall be three (3) judges for each race meeting, all three (3) of which shall be employees of the Racing Commission. The Commission shall select one of the judges to serve as Presiding Judge.

9.2. In the event a judge is temporarily incapacitated or for some sufficient reason cannot serve as judge, the Racing Commission shall appoint a temporary replacement until the absent judge is able to return to duty and promptly advise the association of such temporary appointment. If, without advance notice to the Commission and the association, one or more judges fail to report for duty, the association shall name qualified persons to serve as a temporary replacement judge(s) for no longer than the day and immediately make a full written report of the absence and the names of the temporary replacement(s) to the Commission. If necessary, the Commission shall appoint a temporary replacement until the absent judge is able to return to duty.

9.3. In matters pertaining to racing, the orders of the judges supercede the order of the officers of the association.

9.4. The judges shall interpret the rules and decide all questions not specifically covered by the rules.

9.5. Should any incident occur which may not be covered by the rules of racing, it shall be determined by the judges in conformity with justice and in the best interest of racing.

9.6. All decisions and/or rulings within the judges' authority shall be determined by a majority of the judges, and in accordance with these rules, may be subject to the review of the Commission.

9.7. The judges shall have general supervision over all occupational permit holders, other racing officials and greyhounds on association grounds.

9.8. Every person participating in and every patron of a licensed race meeting shall abide by the laws and this rule and accept the judges' decisions on any and all questions, subject to the right of appeal to the Racing Commission.

9.9. The judges shall have authority over and free access to all places in use for the purpose of racing.

9.10. All entries and withdrawals are under the supervision of the judges who may refuse the entries of any person or the transfer of any entries for violation of the rules or statutes.

9.11. The judges shall have the authority to resolve all conflicts involving entries and racing.

9.12. Persons entering greyhounds to run at licensed association tracks in this jurisdiction agree in so doing to accept the decision of the judges on any questions relating to a race or racing.

9.13. The judges shall have the authority to sanction any person for violation of the rules or statutes, including but not limited to, suspension or revocation of an occupational permit and/or fine. No racing official other than the judges are authorized to impose disciplinary action on a permit holder.

9.14. The judges may eject or cause to have ejected any person who is currently under suspension or exclusion in any other jurisdiction.

9.15. The judges may order a physical examination by the Racing Commission Veterinarian of any greyhound entered for a race or which has run in a race.

9.16. The judges shall take appropriate action on alleged violations of this rule with or without complaint thereof.

9.17. The judges shall record all objections and complaints, which allege a violation of these rules.

9.18. All complaints must be in writing and signed by the complainant, and shall be filed with the judges. If the complaint involves the judges, it shall be filed directly with the Commission or Commission designee.

9.19. The judges shall investigate or cause to have investigated promptly all objections and/or complaints made to them and make prompt report of their investigation findings and decision and/or recommendation to the Commission.

9.20. The judges shall order the exclusion of persons ruled off from areas under their jurisdiction. They may exclude any person found guilty of any prohibited acts by greyhound racing authorities of any other jurisdictions, or by the judges of any recognized meeting. The names of all persons ordered excluded shall be promptly reported to the Commission.

9.21. At least one judge shall be present on association grounds for the weigh-in process for each performance.

9.22. The judge present at weigh-in may scratch a greyhound, and in addition, at the discretion of the judges, the kennel owner and/or trainer may be fined or suspended if:

9.22.a. The greyhound is in violation of the rules applicable to greyhound weight or weighing;

9.22.b. The greyhound is not present at the weigh-in room promptly at the appointed time; or

9.22.c. The greyhound is in violation of any rule of racing.

9.23. The Presiding Judge shall signal to close the pari-mutuel ticket issuing machines when the lure is called into motion by the Racing Commission judge.

9.24. The judges shall determine the official order of finish of the race.

9.25. The judges shall consider only the relative position of the respective muzzles of the greyhounds in determining the places of the greyhounds at the finish of the race. In the event a greyhound loses its muzzle or finishes with a hanging muzzle, the judges shall consider only the relative position of the nose of said greyhound and the muzzles of the other greyhounds in the race.

9.26. The judges shall promptly display the numbers of the first three or four greyhounds in each race in order of their finish if there is no disagreement among the judges.

9.27. Nothing in these rules shall prevent the judges from correcting an error before the display of the sign "Official" or from recalling the sign "Official" displayed through error.

9.28. The photo and video equipment shall be used as needed by the judges. However, if there is a malfunction of this equipment, the decision of the judges shall prevail.

9.29. Any greyhound may be placed on the schooling list by the judges at any time for cause.

9.30. The judges shall make periodic report in writing to the Commission of all infractions of these rules and of all rulings upon matters coming before the judges during the race meeting.

9.31. The judges may disqualify any greyhound that has been the subject of corrupt practices for no longer period than the duration of the meeting and the judges shall report the circumstances to the Racing Commission for any action it determines proper.

9.32. The judges may cancel or postpone any race that is abandoned in whole or in part.

9.33. After conferring with the association and Racing Commission Veterinarian, the judges may cancel any races determined in the interest of the safety of the public or the greyhounds.

§ 178-2-10. Racing Secretary.

10.1. The racing secretary shall keep a complete record of all races, receive all stakes, entrance money, arrears and fines, and deposit them with the person(s) responsible for such accounts.

10.2. The association's racing secretary is responsible for the accuracy of the program.

10.3. In consultation with the Racing Commission license clerk, the racing secretary shall verify that kennel operators, authorized agents, greyhound owners and trainers possess current occupational licenses for their respective positions. He/she shall also examine licenses, pertinent papers and documents dealing with trainers, kennel operators, appointment of authorized agents and any adoption of assumed names in order to satisfy him/herself as to their validity in conformance with these rules.

10.4. All lease agreements for greyhounds which are entered for schooling or racing on the association's grounds shall be filed with the racing secretary.

10.5. The racing secretary shall receive all entries, nominations, withdrawals and scratches.

10.6. The racing secretary may program up to five (5) T races per week. Any additional T races shall have the approval of the Racing Commission.

10.7. The racing secretary may call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not the property, either wholly or in part, of any person who is disqualified; or to produce proof of the extent of his/her interest in the greyhound; and in default of such proof being given to their satisfaction, shall immediately report the matter to the judges.

10.8. The racing secretary shall determine the grade and distance for each race.

10.9. The racing secretary shall assign the proper grade to each greyhound under the provisions of the approved grading system.

10.10. Upon completion of each day's draw, the racing secretary shall compile and post in a conspicuous place a list of overnight entries, post positions and any left-over list.

§ 178-2-11. Lure Operator.

11.1. The lure operator shall:

11.1.a. Operate the lure in a smooth, uniform and consistent manner and direct complete attention to the operation of the mechanical lure during each race. This process involves adjustments in speed to maintain a safe distance ahead of the runners while allowing the greyhounds constant visual contact.

11.1.b. Each association shall provide the lure operator with a room as free as possible from any disturbance that may distract the lure operator during the conduct of duties.

11.1.c. Run the lure as consistently as possible at all times in conjunction with the guidelines set forth by the judges. A lure operator shall be held accountable by the judges for all aspects of the mechanism's operation. The lure operator must immediately report to the judges any circumstance or obstruction that may prevent the running of a consistent lure.

11.1.d. Run the mechanical lure completely around the racing strip at least twice prior to the first post time to determine that the lure is in perfect working condition.

11.1.e. Be at the controls when the greyhounds are placed in the starting box.

11.2. To ensure safety, the lure operator must be provided with a device that enables direct communication capabilities with personnel assigned to the racetrack area. The lure operator must have direct access to a power-shut-off that eliminates electrical supply to the system. The system should only be turned on by the lure operator at the time the lure is to be started for a race or test operation and immediately shut down upon its arrival in the escape area.

11.3. The location on the course and the prevailing weather conditions shall be taken into consideration by the lure operator when calculating the appropriate distance of the lure from the lead greyhound.

§ 178-2-12. Chart Writer.

12.1. The chart writer shall compile the information necessary for the official program.

§ 178-2-13. Clerk of Scales.

13.1. The clerk of scales shall:

13.1.a. Weigh greyhounds in and out on a scale sealed by a duly authorized sealer of weights and measures and shall exhibit the accurate weight of each greyhound. The established racing weight, weigh-in and weigh-out weight shall be promptly posted to inform the public;

13.1.b. Record any overweight or variation from the weight appearing on the weight sheet as soon as the weights are exhibited;

13.1.c. Ensure that all greyhounds are weighed in and out in a uniform manner;

13.1.d. Promptly report infraction of the rules as to weight or weighing to the judges;

13.1.e. Report to the judges all late scratches and weights in a place conspicuous to the wagering public;

13.1.f. Keep a list of all greyhounds known as "weight losers" and shall notify the presiding judge as to the weight loss before each race; and

13.1.g. Perform periodic tests to check the accuracy of the official scale or other approved weighing device.

13.2. All greyhounds shall be weighed in and out wearing their muzzles, collars and lead straps.

§ 178-2-14. Paddock Judge.

14.1. The paddock judge shall review a Bertillon card for each greyhound entered for schooling or for a purse race. No greyhound shall be permitted to start in a schooling or purse race that has not been fully identified and checked against the Bertillon card system of identification maintained by each association.

14.2. The paddock judge shall fully identify and check each entered greyhound against the Bertillon card prior to schooling and purse races. The paddock judge shall report any greyhound which does not conform to the Bertillon card identification to the judges.

14.3. The paddock judge shall supervise the kennel master in the performance of his/her duties

~~14.4. Prior to the weigh-in the paddock judge shall ensure the identification tag is attached to each greyhound's collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out and blanketed.~~

~~14.5.~~ 14.4. The paddock judge shall ensure that anyone presenting a greyhound for the weigh-in has in his/her possession a valid permit issued to him/her by the Commission.

~~14.6.~~ 14.5. The paddock judge shall ensure the lock-out kennels are cleaned, disinfected, sanitized and in good repair prior to each performance.

~~14.7.~~ 14.6. Only the paddock judge, the kennel master, other racing officials, persons approved by the Commission or designated representatives of the Commission shall be allowed in or near the lock-out kennels after the greyhounds are placed inside. No person shall enter the lockout kennel unless accompanied by one other person who is authorized by these rules to enter the lock-out kennel, unless permitted otherwise by the judges.

~~14.8.~~ 14.7. The paddock judge shall ensure that each greyhound is properly fitted with an approved muzzle and blanket prior to its leaving for the starting box.

~~14.9.~~ 14.8. The paddock judge shall supervise all personnel in the paddock and be primarily responsible for the training and conduct of lead-outs.

§ 178-2-15. Patrol Judge.

15.1. The patrol judge shall:

15.1.a. Supervise the lead-outs from paddock to post;

15.1.b. Inspect the muzzles and blankets of the greyhounds after they have left the paddock either in view of the judges' stand or the starter; and

15.1.c. Assist the starter in his/her duties upon the arrival of the lead-outs and greyhounds at the starting box.

15.2. At the start of a race, the patrol judge shall rapidly pass in front of the entire starting box to ascertain that no greyhound remains in its hole. Should a greyhound fail to break, the patrol judge shall remove the greyhound from the starting box and promptly secure it behind the starting box until the race is complete.

§ 178-2-16. Starter.

16.1. The starter shall give such orders and take all such measures, in conjunction with the Rules of Greyhound Racing, as are necessary to ensure a fair start.

16.2. The starter shall report any causes of delay that occur to the judges.

16.3. The starter will be responsible for maintaining the starting box and the starting area during the racing performance. Included in these duties will be meticulous inspection of each starting position and the operative function of all starting box components, and should also ensure a smooth breaking path on the racing surface from the box to the main track.

16.4. The starter will direct an efficient and expedient loading of the greyhounds for a race. The starter, assistant starter and or patrol judge will be responsible for actually loading the greyhounds into the starting box.

§ 178-2-17. Racing Commission Veterinarian.

17.1. The Racing Commission shall employ a veterinarian licensed by the West Virginia Board of Veterinary Medicine who shall be known as the Racing Commission Veterinarian. The Racing Commission Veterinarian may not during the term of his or her employment treat or prescribe medication for any greyhound on the grounds or registered to race at any association for compensation or otherwise unless an emergency arises. In case of an emergency necessitating treatment, the veterinarian shall make a full and complete report to the judges.

17.2. If, after inspecting a greyhound, the Racing Commission Veterinarian finds that the greyhound is not in condition to race, he or she shall immediately notify the judges, who shall order the greyhound scratched out of the race. The greyhound automatically goes on the veterinarian's list for at least 10 calendar days, which is to be maintained by the Racing Commission Veterinarian. Thereafter the greyhound may not enter until the veterinarian notifies the judges that the greyhound is again able to compete.

17.3. The Racing Commission Veterinarian is authorized to examine any greyhound on association grounds. No owner or trainer may object to the examination.

17.4. The Racing Commission Veterinarian shall approve all personnel utilized in the test area and is responsible to the Racing Commission for the proper operation of the test area and the taking of specimens as directed by him or her.

§ 178-2-18. Kennel Master.

18.1. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to assure that the kennels are in perfect condition and that nothing has been placed in any of the kennels for the greyhounds' consumption. He or she shall assure that the kennels are sprayed, disinfected and kept in proper sanitary conditions. He or she or his or her assistant shall receive the greyhounds from the trainer, one at a time, and determine that each greyhound is placed in its crate. The kennel master shall remain on guard from that time until the greyhounds are removed for the last race.

18.2. The kennel master shall ensure that no unauthorized persons are admitted into the lock-out kennels.

§ 178-2-19. Brakeman.

19.1. The brakeman is responsible for the condition and operation of the lure motor, rail and braking system.

19.2. The brakeman performs a daily inspection of the mechanical lure and entire rail, performs routine maintenance on the lure, stops the lure after each race, replaces the motor and arm for the lure, rakes in front of the brake and immediately reports any mechanical or safety issues to the judges.

~~§ 178-2-19.~~ §178-2-20. Lead-Outs.

~~19.1.~~ 20.1. Lead-outs are not considered racing officials for purposes of these rules. Lead-outs shall be properly trained by the association in the scope and proper performance of their duties before working official races.

~~19.2.~~ 20.2. The greyhounds shall be led from the paddock to the starting box by one lead-out per greyhound during official schooling races and official purse races, unless otherwise approved by the judges.

~~19.3.~~ 20.3. A licensed lead-out shall lead the greyhounds from the paddock to the starting box. Owners, trainers or attendants shall not be allowed to lead their own greyhounds.

~~19.4.~~ 20.4. Lead-outs shall be assigned to post position by the paddock judge before each race and a record thereof shall be maintained.

~~19.5.~~ 20.5. Lead-outs shall adhere to the starting box loading procedure and swiftly proceed to occupy the post assigned to him/her during the running of the race.

~~19.6.~~ 20.6. Lead-outs are prohibited from holding any conversation with the public or with one another, either in the paddock, en route to the starting post or while returning to the paddock and are prohibited from communicating by or using electronic devices, such as a cell phone, while performing their duties.

~~19.7.~~ 20.7. Lead-outs shall be attired in clean uniforms, present a neat appearance and conduct themselves in an orderly manner.

~~19.8.~~ 20.8. Lead-outs are prohibited from smoking, drinking beverages, other than water, or eating unless on duly authorized breaks and in a designated area.

~~19.9.~~ 20.9. No lead-out shall be permitted to have any interest in the greyhounds racing for the association.

~~19.10.~~ 20.10. Lead-outs are prohibited from wagering on the result of any greyhound racing at the association where they assigned.

~~19.11.~~ 20.11. Lead-outs shall immediately report any infirmities or physical problems they observe in greyhounds under their care to the nearest racing official for communication to the Racing Commission Veterinarian.

~~19.12.~~ 20.12. Lead-outs shall not remove racing blankets until the greyhounds are accepted by licensed kennel representatives at the conclusion of the race.

~~19.13.~~ 20.13. Lead-outs shall exercise proper handling and treatment of the greyhounds while in their possession.

~~19.14.~~ 20.14. Lead-outs shall at all times conduct themselves in an orderly and professional manner.

~~§ 178-2-20.~~ § 178-2-21. Any Other Person Designated by the Commission.

~~20.1.~~ 21.1. The Racing Commission may approve additional racing official positions as needed. Persons appointed under this subsection must comply with the eligibility requirements outlined in these rules.

PART 4. DUTIES AND REQUIREMENTS OF GREYHOUND ASSOCIATION

~~§ 178-2-21.~~ § 178-2-22. License Required.

~~21.1.~~ 22.1. Any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description seeking to obtain a license to conduct a race meeting with pari-mutuel

wagering during any calendar year shall file a license application with the Racing Commission on forms prescribed by the Racing Commission.

~~21.2.~~ 22.2. Such application shall disclose, but not be limited to, the following:

~~21.2.a.~~ 22.2.a. If the applicant is an individual, the full name and address of the applicant;

~~21.2.b.~~ 22.2.b. If the applicant is a partnership, firm or association, the full name and address of the each partner or member thereof and the name of the partnership, firm or association and its address;

~~21.2.c.~~ 22.2.c. If the applicant is a corporation, its name, the state of its incorporation, its address, the full name and address of each officer and director thereof, and if a foreign corporation, whether it is qualified to do business in the state of West Virginia;

~~21.2.d.~~ 22.2.d. The dates such applicant intends to hold or conduct each race meeting during the calendar year;

~~21.2.e.~~ 22.2.e. The location of the racetrack, place or enclosure where such applicant proposes to hold or conduct such race meeting;

~~21.2.f.~~ 22.2.f. Whether the applicant, any partner, member, officer or director has previously applied for a license under West Virginia Code §§ 19-23-1 *et seq.* or for a similar license in this or any other state, and if so, whether such license was issued or refused, and, if issued, whether it was ever suspended or revoked;

~~21.2.g.~~ 22.2.g. If the applicant is an individual, his or her fingerprints; if the applicant is a partnership, firm or association, the fingerprints of each partner or each member; if the applicant is a corporation, the fingerprints of each officer and director. Such fingerprints shall be provided for examination by the West Virginia State Police Criminal Investigation Bureau and the Federal Bureau of Investigation and shall be accompanied by a signed authorization for the release of information by those agencies;

~~21.2.h.~~ 22.2.h. Such other information as the Racing Commission may in its discretion reasonably require, including, but not limited to, satisfactory evidence that the applicant has the ability to pay all taxes due the state, purses, salaries of racing officials and other expenses incident to the greyhound race meeting for which a license is sought. If satisfactory evidence of ability to pay such expenses and fees cannot be furnished by the applicant, the Racing Commission may require a bond or other adequate security before the license is issued; and

~~21.2.i.~~ 22.2.i. A signed, notarized verification that the information contained on the application is true and accurate. Such verification shall be signed by the individual seeking the license; or, by a partner or member if the applicant is a partnership, firm or association; or, by an officer or director if the applicant is a corporation.

~~21.3.~~ 22.3 Licenses are neither transferrable nor assignable. The sale of the assets of an association requires the buyer to apply for a racing license from the Racing Commission.

~~§ 178-2-22.~~ §178-2-23. Auditing, Accounting and Reporting Requirements.

~~22.1.~~ 23.1. Each licensee shall file audited financial statements on or before the thirtieth (30th) day of April of each year, unless otherwise authorized by the Racing Commission, covering all income and disbursements relating directly and indirectly to greyhound racing activities in the state, including, but not limited to, the following: concessions, programs, parking, pari-mutuel wagering, and breakage. The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by the report of an independent certified public accountant. The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by the report of an independent certified public accountant. If the association is a corporation, it shall provide the Racing Commission with a copy of its annual audited, consolidated financial statements contained in the corporation's annual report to its shareholders and, if applicable, as submitted to the United States Securities and Exchange Commission.

~~22.2.~~ 23.2. All associations granted a license from the Racing Commission shall annually submit the names of the officers and a complete list of administrative personnel, showing addresses, duties and compensations. At least two (2) weeks after the start of each meet, the association shall submit a complete list of all other employees. With the exception of lead-outs, an association shall notify the Commission of any change in racing official personnel within ten (10) days of the change.

~~22.3~~ 23.3. The president or general manager of the association shall annually provide a list of all stockholders to the Racing Commission.

~~22.4~~ 23.4. Thirty (30) days prior to conducting a meet, each association shall submit to the Racing Commission the conditions for all races it proposes to hold, together with the stake, purse or reward, all of which are subject to the approval of the Racing Commission. All proposed purses are exclusive of any entrance or starting fees that may be charged.

~~§ 178-2-23.~~ §178-2-24. Other Requirements.

~~23.1.~~ 24.1. Each association shall maintain adequate liability insurance for the association grounds and all racing officials employed by the association. Upon request, each association shall provide proof of insurance to the Commission.

~~23.2.~~ 24.2. No racing association may employ, in any capacity, an individual less than sixteen (16) years of age.

~~23.3.~~ 24.3. Each association shall observe and enforce the rules of racing and orders of the Racing Commission.

~~§ 178-2-24.~~ §178-2-25. Wagering.

~~24.1.~~ 25.1. No racing association shall permit wagering to be made on the grounds of the association on any race run outside of the grounds, except as provided by W. Va. Code §19-23-12c. No foreign book or gambling device of any kind is permitted on the grounds, nor shall the association provide or permit to be provided any conveniences or facilities for the use of bookmakers, betting commissioners, their agents or their employees, except as provided by the W. Va. Code §19-23-6. No facilities shall be provided or permitted for the handling of "Come-Back" money at the track. The maintenance of credit accounts or the granting or extension of credit by the association in any form including markers, the payment of commissions in any form, the providing of telephone or other communication services and any other form of aid to bookmakers, betting commissioners, their agents or their employees are prohibited. This subsection does not prohibit wire service privileges or any other form of communication service privileges to legitimate and approved news outlets, which do not service bookmakers, betting commissioners or their agents or their employees. The Racing Commission shall give approval on other forms of communication service before the beginning of the race meeting for which the license is granted.

~~24.2.~~ 25.2. No racing association shall permit the making of handbooks on its grounds.

~~24.3.~~ 25.3. No minor shall be sold a pari-mutuel ticket nor be permitted to cash a pari-mutuel ticket at any licensed racetrack.

~~24.4.~~ 25.4. No association employee who is employed in any function related to racing may directly or indirectly wager money or anything of value on the results of a live race occurring on the grounds of an association licensed by the Commission.

~~§ 178-2-25.~~ §178-2-26. Facilities and Equipment.

~~25.1.~~ 26.1. Officials' Facilities.

~~25.1.a.~~ 26.1.a. The association shall maintain a stand for judges in a position commanding an uninterrupted view of the entire racing course. and is subject to approval of the Racing Commission.

~~25.1.b.~~ 26.1.b. Each association shall designate an office and suitable parking spaces for the exclusive use of the Racing Commission and all of its representatives. The association shall offer sufficient office space for private consultation, with office equipment, be equipped with a telephone it must also have sufficient space for the secure locked storage for Racing Commission records and supplies, with the key being available only to the Racing Commission or its representatives. The association shall also provide sufficient office space for the Racing Commission license clerk, auditors and Security Officer as requested by the Racing Commission.

~~25.2.~~ 26.2. Kennel Compound.

~~25.2.a.~~ 26.2.a. Each racing association shall provide facilities within the association grounds for a minimum of twenty (20) kennels. Each kennel shall consist of not less than fifty (50) crates.

Each contracted kennel shall maintain an active list of not less than thirty-five (35) greyhounds. If a kennel's active list drops below the required number thirty-five (35), the Racing Commission shall direct the kennel to increase its active list to thirty-five (35) as soon as practicable.

~~25.2.b.~~ 26.2.b. Each crate shall be no smaller than the following dimensions: Length: forty-four (44) inches; Width: thirty-two (32) inches; Height: thirty-four (34) inches.

~~25.3.~~ 26.4. Audio and Video Equipment.

~~25.3.a.~~ 26.3.a. The association shall provide an approved telephone or intercommunication system to maintain contact between the judges and other designated stations.

~~25.3.b.~~ 26.3.b. The association shall install an automatic film timing device, approved by the Racing Commission, upon which the time of each race is recorded. This time is the official time for the race. In the event of a mechanical failure, the judge shall use a stop watch for the official time. When the stop watch is used as the official time of the race, its use shall be announced to the public.

~~25.3.c.~~ 26.3.c. The association shall install and use an approved type "Film Patrol" with not less than one (1) camera operating from a position designated by the Racing Commission.

~~25.3.d.~~ 26.3.d. The association shall furnish and maintain at its track, at all times during the period of racing, the necessary camera and equipment to produce motion pictures or video tape of each race from start to finish. The Racing Commission shall approve all cameras and camera equipment.

~~25.3.e.~~ 26.3.e. The association shall install a proper camera to record each race to serve as an aid to the judges. The Racing Commission shall approve the type of camera and the operator.

~~25.3.f.~~ 26.3.f. The association shall maintain on file for the duration of the meeting and one (1) month thereafter, all media of each race for reference or reproduction upon request of the Racing Commission.

~~25.3.g.~~ 26.3.g. The association shall prohibit the removal of race video or photo finish pictures from the association grounds unless approved by the judges.

~~25.4.~~ 26.4. Race Course.

~~25.4.a.~~ 26.4.a. The National Greyhound Association racetrack standards shall serve as the guide for race course design. The association shall provide an approved race course, subject to periodic inspections by the Commission or it representatives.

~~25.4.b.~~ 26.4.b. The race course shall:

~~25.4.b.1.~~ 26.4.b.1. Be constructed and elevated in a manner that is safe for greyhounds;

~~25.4.b.2.~~ 26.4.b.2. Have a surface including the cushion subsurface and base that is constructed of materials and to a depth that adequately provides for the safety of the greyhound; and

~~25.4.b.3.~~ 26.4.b.3. Have a drainage system.

~~25.5.~~ 26.5. Lure.

~~25.5.a.~~ 26.5.a. The association shall provide and maintain, in good working order, the lure to be used on the race course.

~~25.6.~~ 26.6. Official Scale.

~~25.6.a.~~ 26.6.a. The association shall provide and maintain, in good working order, an official scale or weighing device. The association shall require periodic certification of the accuracy of the scale or weighing device.

~~25.7.~~ 26.7. Starting Boxes.

~~25.7.a.~~ 26.7.a. Each racing association shall provide and maintain two (2) starting boxes on every race day of its meeting and on every day during the racing meeting on which it permits the schooling of greyhounds on its racing course. An additional reserve unit of starting boxes shall be provided and maintained on every race day.

~~25.8.~~ 26.8. Lighting.

~~25.8.a.~~ 26.8.a. The association shall provide an maintain, in good working order, lighting for the race course, patron facilities and kennel compound, which is adequate to ensure the safety and security of the patrons, permit holders and greyhounds and to ensure the proper operation of videotape and photofinish equipment.

~~25.8.b.~~ 26.8.b. The association shall provide auxiliary lighting for patron facilities and the kennel compound to serve in an emergency.

~~25.9.~~ 26.9. Test Area.

~~25.9.a.~~ 26.9.a. The association shall set aside an enclosed area for the purpose of collecting specimens for any tests required by the Racing Commission. The test area shall be operated under the supervision of the Racing Commission Veterinarian. The Racing Commission shall approve all aspects of the test area, including its location, arrangement, furnishings and facilities with refrigeration and hot and cold running water.

~~25.10.~~ 26.10. Modifications.

~~25.10.a.~~ 26.10.a. Any association contemplating a change of any kind pertaining to the race course or the erection of new buildings, stands or other structures, on the grounds of the association which are to be used as a part of the facilities for conducting a race meeting, shall notify the Racing Commission in writing before any changes are made. All modifications must be in compliance with this rule.

~~§178-2-26.~~ §178-2-27. Operations.

~~26.1.~~ 27.1. Security.

~~26.1.a.~~ 27.1.a. Each association shall maintain and furnish police or security guard service as may be needed or requested by the Racing Commission. The police or security shall be fully empowered to enforce law and order and cooperate in the enforcement of this rule.

~~26.1.b.~~ 27.1.b. Each racing association shall restrict all unauthorized persons from entering restricted areas in the interest of public safety.

~~26.1.c.~~ 27.1.c. Each racing association shall monitor its grounds at all times in a manner to restrict the admission of persons in and around the kennels to only those occupational permit holders who require access to the kennels.

~~26.1.d.~~ 27.1.d. It is the responsibility of the racing association to assure that all individuals under the age of eighteen (18) years are properly supervised by an adult when admitted to the association grounds. In addition, no individual under the age of eighteen (18) years may be admitted in a restricted area without the written permission of the judges.

~~26.1.e.~~ 27.1.e. No photographer, other than the official photographer holding an occupational permit, is permitted on the racetrack, unless special permission is granted by the judges or the Racing Commission, and then only for those pictures that are specifically requested and in places as are indicated by the judges or the Racing Commission.

~~26.1.f.~~ 27.1.f. Upon request by the judges or the Commission, the racing association shall provide the judges with any incident reports, arrest information or other security related information, with the names and addresses of individuals alleged to have violated the law and any witnesses.

~~26.1.g.~~ 27.1.g. The association's security staff shall cooperate with and provide assistance to the Racing Commission Security Officer and/or Investigator in the performance of their duties.

~~26.1.h.~~ 27.1.h. The association and all officials and employees thereof shall give every possible assistance to any state or federal government agency which may be investigating or prosecuting any person that they may suspect of being guilty of possessing any drug, narcotic, stimulant, depressant, local anesthetic, any electrical, mechanical or other device which, in the opinion of the judges, violates any provision of these rules.

~~26.2.~~ 27.2. Visitor's Pass.

~~26.2.a.~~ 27.2.a. The association may issue a visitor's pass to a person to enter restricted areas in accordance with these rules. Association security personnel shall maintain a log showing the date and time of issuance, the name of the visitor, pass number and the name and permit number of the permit holder requesting the pass. The visitor shall display the pass at all times while in the restricted area. However, only the judges may grant a visitor access to the kennel compound.

~~26.3.~~ 27.3. Fire Protection.

~~26.3.a.~~ 27.3.a. The association shall develop and implement a program for fire prevention on association grounds and instruct employees of the procedures for fire prevention. The association shall post an evacuation plan conspicuously throughout the association grounds.

~~26.4.~~ 27.4. Parasite and Rodent Control.

~~26.4.a.~~ 27.4.a. The association shall ensure effective insect, parasite and rodent control in all areas of the association grounds at all times during a race meeting.

~~26.5.~~ 27.5. Performances.

~~26.5.a.~~ 27.5.a. The minimum number of races per performance at all racetracks under supervision of the Racing Commission is ten (10), the maximum number of races per performance is twenty (20) unless otherwise authorized by the Racing Commission.

~~26.5.b.~~ 27.5.b. The association shall submit the post time for the first race at each meeting to the Racing Commission for its approval. And each race thereafter shall be run at intervals to be approved in advance by the Racing Commission. In the case of an emergency requiring adjustment to post times, the judges shall have the final decision after consultation with the association.

~~26.5.c.~~ 26.5.c. Each association shall maintain a sufficient number of lead-outs for each performance. In the event that the association experiences a shortage of lead-outs, it shall promptly appoint substitute lead-outs who shall be able to meet the requirements of this rule.

~~§ 178-2-27.~~ §178-2-28. Conflicts of Interest.

~~27.1.~~ 28.1. No person who is the holder of a racing license, a director, officer, or any employee of a corporation, association, trust or partnership having or holding a license or who has a financial interest in the corporation, association, trust, partnership, or other business entity shall race or permit, or cause to be raced, any greyhound in which he or she has an interest, direct or indirect, at any meeting where racing is conducted under the license.

~~§ 178-2-28.~~ §178-2-29. Kennel Contracts.

~~28.1.~~ 29.1. There shall be a kennel contract between the kennel and the association.

~~28.2.~~ 29.2. All ownership interests of the kennel must be disclosed in the kennel contract.

~~28.3.~~ 29.3. Any termination of the kennel contract by either party must be in writing and duly served on the other party, with a copy of said termination notice delivered to the Commission.

~~28.4.~~ 29.4. No later than October 1st of the current year, ~~T~~he the association shall present ~~all~~ its kennel contracts for the following year to the Racing Commission for approval. The Commission shall consider whether such contract complies with this rule and the provisions of any other applicable law.

~~§ 178-2-29.~~ §178-2-30. Program.

~~29.1.~~ 30.1. The association shall prepare and print an official program for each racing performance. The program must contain the order of the races, the distance of each race and the track record for each distance.

~~29.2.~~ 30.2. The greyhounds' names shall appear in the order of their post positions. The post positions shall be designated by numbers placed at the left and in line with the names of the greyhounds.

~~29.3.~~ 30.3. The program shall contain: name; color; sex; date of whelping; breeding; established racing weight; number of starts in official races and number of times finishing first, second or third; name of owner and/or lessee; name of trainer; distance of race; track record; and other information.

~~29.4.~~ 30.4. The program must list at least the three most recent past performances for each greyhound scheduled to run An exception would involve a greyhound participating in its first official start where at least two official schooling lines must be displayed.

~~29.5.~~ 30.5. All past performance lines shall be in sequential order with the last performance appearing on the top line.

~~29.6.~~ 30.6. If the name of a greyhound is changed, the new name and the former name shall be published in the program until after the greyhound has started six times subsequent to the name change.

~~§178-2-30.~~ §178-2-31. Greyhound Adoption Program.

~~30.1.~~ 31.1. The association shall provide a program to receive and maintain greyhounds for adoption.

~~30.2.~~ 31.2. All facilities used to maintain greyhounds are subject to inspection and approval by the Commission and shall be maintained in a manner to promote the health, safety and welfare of the greyhounds.

~~30.3.~~ 31.3. The association shall provide a plan which ensures sufficient personnel, training and funding to operate and maintain an adoption program consistent with the directions and orders of the Commission.

~~30.4.~~ 31.4. Crates housing the greyhounds available for adoption shall meet the same specifications as those used for housing greyhounds in the racing kennels.

~~30.5.~~ 31.5. Only one greyhound shall be housed per crate at any time.

~~30.6.~~ 31.6. A feeding program for all greyhounds in the adoption center shall be established and maintained by the association subject to the review and approval of the Racing Commission Veterinarian. Fresh water shall be available for the greyhounds in the adoption center at all times unless otherwise directed by a veterinarian.

~~30.7.~~ 31.7. Greyhounds placed in the adoption program are not to be utilized in any manner that is detrimental to the well being of the greyhounds.

~~30.8.~~ 31.8. The association shall ensure the following veterinarian services have been provided to each greyhound which is in the adoption program:

~~30.8.a.~~ 31.8.a. Fecal examination;

~~30.8.b.~~ 31.8.b. Heartworm test;

~~30.8.c.~~ 31.8.c. Vaccination series including DHLPP and rabies; and

~~30.8.d.~~ 31.8.d. Surgical sterilization.

PART 5. DUTIES AND REQUIREMENTS OF OCCUPATIONAL PERMIT HOLDERS

~~§178-2-31.~~ §178-2-32. General Provisions.

~~31.1.~~ 32.1. Any person who is involved in or employed by those involved in racing or operating a licensed association or those operating concessions for or under authority from any association, shall have a valid occupational permit issued by the Racing Commission, unless he or she is otherwise specifically exempted by the Commission.

32.2. All applicants for an occupational permit, or renewal thereof, shall file an application with the Racing Commission License Clerk. The application shall be submitted to the judges who may issue the occupational permit, hold the application for further investigation, or refer it to the Racing Commission for final action. All judges shall review and sign all occupational permit applications.

32.3. All applicants for an occupational permit or renewal may be required to furnish their respective fingerprints for examination by the West Virginia Criminal Investigation Division and the Federal Bureau

of Investigation. All applicants shall furnish fingerprints and sign an authorization for the release of information by the Criminal Investigation Division and Federal Bureau of Investigation. In addition to the permit fee provided in this rule, the Commission may assess the cost of the background check(s) to the applicant.

32.4. The association shall provide equipment for fingerprinting and photographing all occupational permit holders and shall provide the equipment necessary to include the picture of the permit holder on the permit.

~~31.5.~~ 32.5. All applicants for an occupational permit or renewal thereof shall pay the prescribed fee for the specific permit requested. The fees for occupational permits effective for calendar year 2012 and thereafter are listed in Table ~~31.5~~ 32.5 included in this rule.

32.6. The Commission may assess an applicant or permit holder a credit card transaction fee for any required payment by the applicant or permit holder who chooses to pay by credit card.

~~31.6.~~ 32.7. Any person who is suspended or revoked, or whose permit has been denied by any racing board or commission in another jurisdiction shall apply to and be reinstated by the board or commission of that jurisdiction in which the original ruling was made before being eligible to hold an occupational permit by the Racing Commission.

~~31.7.~~ 32.8. All occupational permit holders shall visibly display identification while in restricted areas. In addition, all permit holders shall have their occupational permit on their person at all times while on association grounds. Permit holders shall be held responsible for the safekeeping of his or her permit. No occupational permit is transferable and no duplicate cards shall be issued except upon payment of a fee of five dollars ($5.00).

~~31.8.~~ 32.9. The judges or the Racing Commission may deny or refuse to renew an occupational permit if the applicant does not meet the requirements set forth in this rule for the permit sought, or for any reason that would constitute grounds for discipline under these rules, or if a conflict of interest exists or could exist by the issuance or renewal of the permit. In addition, the Racing Commission may designate categories of permit applications that require a determination of issuance or denial by the Commission and not the judges. The Racing Commission may require, however, that the judges provide a recommendation as to the issuance or denial of any such permit application.

~~31.9.~~ 32.10. When the judges or the Racing Commission deny an application for an occupational permit, they shall set forth the reasons for the denial in an Order or Ruling to the applicant and shall further report the matter to the Association of Racing Commissioners International.

~~31.10.~~ 32.11. The judges may allow any applicant for an occupational permit permission to pursue his or her vocation pending action on the application by issuance of a conditional permit.

~~31.11.~~ 32.12. ~~Every~~ Each occupational permit is valid for one (1) year ~~and expires on December 31 of each year.~~, unless approved otherwise by the Commission. Each permit shall be renewed according

to the following schedule: Permits issued to persons whose date of birth is January 1 through and including April 30 shall be renewed no later than April 30 of each year; permits issued to persons whose date of birth is May 1 through and including August 31 shall be renewed no later than August 31 of each year; and permits issued to persons whose date of birth is September 1 through and including December 31 shall be renewed no later than December 31 of each year.

~~31.12.~~ 32.13. The responsibility for obtaining an occupational permit for an employee rests with the employer. Any permit holder who employs an individual must report that employment to the judges and immediately obtain an occupational permit for the employee.

~~31.13.~~ 32.14. No individual under the age of sixteen (16) years shall be granted an occupational permit.

~~31.14~~. 32.15. The judges or the Racing Commission may impose any condition on the issuance or renewal of an occupational permit that they consider necessary to protect the best interest of racing.

~~31.15.~~ 32.16. All permit holders shall abide by the laws of the State of West Virginia and these rules and accept the decision of the judges on all questions, subject to the right of appeal to the Racing Commission.

32.17. The Commission is authorized to confirm the immigration status of any applicant or permit holder.

~~§ 178-2-32.~~ § 178-2-33. Workers' Compensation.

~~32.1.~~ 33.1. All occupational permit holders who are employers shall carry workers' compensation insurance covering their employees, unless exempted by state law. Occupational permit holders shall produce proof of coverage or, if applicable, a letter of exemption from the West Virginia Insurance Commissioner, upon the request of the association or the judges.

~~§ 178-2-33.~~ §178-2-34. Consent to Search.

~~33.1.~~ 34.1. Members of the Racing Commission, the judges, Racing Commission Veterinarian and Racing Commission Security Officer have the right to inspect and search any person on association grounds who has been granted an occupational permit by the Racing Commission, as well as any kennels, rooms, trailers, vehicles or other places or things within the association grounds and to seize any illegal substances or items discovered in such a search. By accepting an occupational permit, all permit holders are deemed to consent to the search and seizure as provided for by this section.

~~§ 178-2-34.~~ § 178-2-35. Permit Holders.

~~34.1.~~ 35.1. Kennel Owner.

~~34.1.a.~~ 35.1.a. A kennel owner who desires to race under a kennel name must apply for and obtain an occupational permit from the Racing Commission under the kennel name.

~~34.1.b.~~ 35.1.b. A trainer, who holds an occupational permit as an kennel owner or part owner, may use a kennel name as kennel owner or part owner. However, no trainer may be an occupational permit holder as trainer other than in his or her legal name.

~~34.1.c.~~ 35.1.c. In applying to race under a kennel name, the applicant shall disclose the identity or identities of all persons who have an ownership interest in the kennel.

~~34.1.d.~~ 35.1.d. If a partnership or other entities are involved in or have an interest in a kennel, each of the partners shall hold an occupational permit as kennel owner and each shall comply with the rules governing partnerships set forth herein.

~~34.1.e.~~ 35.1.e. Any changes in the parties involved in or having an interest in a kennel shall be reported immediately to the Racing Commission for approval.

~~34.1.f.~~ 35.1.f. A kennel owner holding an occupational permit cannot have an ownership interest in more than one kennel at the same time at the same association.

~~34.1.g.~~ 35.1.g. Any kennel owner desiring to change the kennel name must notify the Racing Commission and the association. The kennel owner must register the new name with the Racing Commission license clerk and pay the prescribed fee.

~~34.1.h.~~ 35.1.h. No kennel owner may register a kennel name that is already registered by any other kennel owner at the same association.

~~34.1.i.~~ 35.1.i. A kennel name shall be plainly distinguishable from that of another duly registered kennel name.

~~34.2.~~ 35.2. Greyhound Owner.

~~34.2.a.~~ 35.2.a. A greyhound owner's occupational permit is required of any person who is designated as an owner or lessee on the greyhound's National Greyhound Association registration papers, and of every person who has a right to receive any share of a purse won by a greyhound in this jurisdiction except kennel operators and their employees who are licensed in this jurisdiction.

~~34.2.b.~~ 35.2.b. The spouse of an owner does not need to be licensed unless the spouse's name appears on the greyhound's National Greyhound Association registration papers.

~~34.2.c.~~ 35.2.c. If a person is suspended or ejected from the association grounds, every greyhound wholly or partly owned by such person may also be suspended or ejected for the duration of such suspension or ejection. Any entry received from any person, or of any greyhound that stands suspended or expelled shall be void unless otherwise approved by the Commission.

~~34.3.~~ 35.3. Trainer.

~~34.3.a.~~ 35.3.a. Each trainer shall obtain an occupational permit from the Racing Commission, listing all the names of owners or part owners on the application for the occupational permit of all greyhounds trained by him or her.

~~34.3.b.~~ 35.3.b. All individuals applying for an occupational permit as a trainer shall pass an examination approved by the Racing Commission. Provided, any individual holding an occupational permit as a trainer as of the effective date of this rule shall be exempt from the examination requirement.

~~34.3.c.~~ 35.3.c. There shall be only one individual serving as trainer for any kennel at any given time.

~~34.3.d.~~ 35.3.d. The trainer is the absolute insurer of and is responsible for the condition of the greyhound entered in a race, regardless of the acts of third parties.

~~34.3.e.~~ 35.3.e. All trainers shall file with the Racing Commission and the association a roster displaying the name of the trainer, assistant trainers, authorized agent and other employees. If any kennel owner changes trainer, he or she shall notify the Racing Commission immediately and require the new trainer or any new employee to register in at the Racing Commission office at the association where the kennel is racing.

~~34.3.f.~~ 35.3.f. The trainer is required to be present on association grounds ~~at~~ during the weigh-in of his or her greyhound scheduled to participate in a race. The trainer shall report in person to the weigh-in when summoned by a racing official.

~~34.3.g.~~ 35.3.g. ~~35.3.g. In the event that a trainer is to be absent at the time of weigh-in for one of his or her greyhounds scheduled to participate in a race, the trainer is required to notify the Racing Commission Veterinarian and the judges prior to the weigh-in of the name of the permit holder who is assuming responsibility for the trainer's greyhound. This notification must be in writing and identify the length of time that the trainer is scheduled to be absent.~~ If the trainer is to be absent from association grounds during the weigh-in of his/her greyhounds for a period of three (3) consecutive days or less, then the trainer must notify the Racing Commission Veterinarian and the judges in writing prior to the start of his/her absence and provide the name of the permit holder who will be assuming responsibility for the trainer during the trainer's absence. If the trainer is to be absent from association grounds for more than three (3) consecutive days during which his/her greyhounds are to be weighed-in, then the kennel's trainer-of-record must be changed and submitted to the Racing Commission Veterinarian and the judges.

~~34.3.h.~~ 35.3.h. A trainer shall have his or her greyhounds in the paddock at the time appointed.

~~34.3.i.~~ 35.3.i. Each trainer shall register all the greyhounds in his or her charge giving the name, age, sex, breeding, and ownership of each greyhound with the association's racing secretary. The trainer shall not have any unregistered greyhound kenneled on the grounds of the association.

~~34.3.j.~~ 35.3.j. Each trainer shall register with the Racing Commission license clerk and the racing association security department every person he or she employs and every person affiliated with the operation of the kennel who requires access to the kennel compound. The trainer is responsible for the proper permitting of these individuals and shall not harbor, engage or have in his or her charge any person or persons not holding an occupational permit.

~~34.3.k.~~ 35.3.k. No trainer shall have in his or her charge or under his or her supervision any greyhound owned, in whole or in part, by a disqualified person.

~~34.3.l.~~ 35.3.l. No trainer shall move or permit to be moved any greyhound or greyhounds in his or her care from the grounds of an association without permission from the association's racing secretary and the judges.

~~34.3.m.~~ 35.3.m. Each trainer shall report to the association's racing secretary any greyhound under his or her care that is ineligible to be drawn into a race. The racing secretary shall immediately notify the judges. The reported greyhounds are not eligible to enter or to start until approved by the Racing Commission Veterinarian and schooled to the satisfaction of the judges.

35.3.n. Prior to the weigh-in , the trainer shall ensure the identification tag is attached to each greyhound's collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out and blanketed.

~~34.4.~~ 35.4. Assistant Trainer.

~~34.4.a.~~ 35.4.a. The assistant trainer is responsible for assisting the trainer in the conditioning of greyhounds for racing.

~~34.4.b.~~ 35.4.b. All individuals applying for an occupational permit as an assistant trainer shall pass an examination approved by the Racing Commission for trainers. Provided, any individual holding an occupational permit as an assistant trainer as of the effective date of this rule shall be exempt from the examination requirement.

~~34.4.c.~~ 35.4.c. The assistant trainer must be qualified to execute the duties of trainer in the trainer's absence. While executing the duties of trainer, the assistant trainer shall comply with the duties of the trainer as set forth in these rules.

~~34.5.~~ 35.5. Partnership.

~~34.5.a.~~ 35.5.a. Each and every partner, including husband and wife, must obtain an occupational permit as an owner in order for the partnership to operate at any licensed association. All partnerships shall complete all partnership forms as required by the Racing Commission or the association.

~~34.5.b.~~ 35.5.b. Partnership forms shall, at a minimum, set forth the following:

~~34.5.b.1.~~ 35.5.b.1. The name and address of each and every person having an interest in the greyhound or greyhounds involved;

~~34.5.b.2.~~ 35.5.b.2. The relative proportions of the interests;

~~34.5.b.3.~~ 35.5.b.3. To whom the winnings are payable;

~~34.5.b.4.~~ 35.5.b.4. In whose name the greyhound or greyhounds shall run;

~~34.5.b.5.~~ 35.5.b.5. With whom the power of entry and withdrawal rests; and

~~34.5.b.6.~~ The terms of any contingency, lease or any other arrangement.

~~34.5.c.~~ 35.5.c. All partnership forms shall be signed by all parties or by their authorized agent.

~~34.5.d.~~ 35.5.d. To be effective, any changes to the partnership must be signed by all partners and reported in writing to the Racing Commission license clerk.

~~34.5.e.~~ 35.5.e. All partners are jointly and severally liable for all stakes, forfeits, and other obligations.

~~34.6.~~ 35.6. Authorized Agent.

~~34.6.a.~~ 35.6.a. Each authorized agent shall file a power of attorney, or other proper written instrument, with the Racing Commission that clearly sets forth the powers delegated to the agent.

~~34.6.b.~~ 35.6.b. Any changes in authorized agency relationship shall be in writing and filed with the Racing Commission license clerk.

~~34.6.c.~~ 35.6.c. The authorized agent's occupational permit expires December 31 of each year, unless the agent's appointment is sooner revoked by the agent's principle or by the Racing Commission.

~~34.6.d.~~ 35.6.d. The revocation of the authorized agency relationship shall be in writing, sworn to before a notary public, and filed with the Racing Commission.

~~34.7.~~ 35.7. Substance Abuse and Testing.

~~34.7.a.~~ 35.7.a. No occupational permit holder shall appear on the grounds of the association under the influence of alcohol or controlled substance.

~~34.7.b.~~ 35.7.b. Acting with reasonable cause, the judges or designated Racing Commission representative may direct any occupational permit holder to submit to appropriate testing, to which the permit holder is required to submit. If the results of such testing demonstrate that the permit holder is under the influence of alcohol or shows the presence of any controlled substance, the judges shall direct that the permit holder be relieved of his or duties for the day.

~~34.7.c.~~ 35.7.c. A sufficient sample should be collected to insure a quantity necessary for a split sample whenever possible.

~~34.7.d.~~ 35.7.d. Any permit holder who refuses to provide the samples required under this section as directed is in violation of this rule and is subject to discipline by the judges or the Racing Commission.

~~34.7.e.~~ 35.7.e. All testing shall be at the expense of the association.

~~34.7.f.~~ 35.7.f. or a first violation of this section, the permit holder shall not participate in racing until the permit holder has been ~~has been~~ professionally evaluated and evidences a negative test result. If, after professional evaluation, the permit holder's condition proves non-addictive and not detrimental to the best interest of racing and evidences a negative test result, the permit holder may resume participation in racing, provided the permit holder agrees to further random testing at the discretion of the judges or designated Racing Commission representative.

~~34.7.f.1.~~ 35.7.f.1. If the professional evaluation after the first violation demonstrates to the judges that the occupational permit holder's condition is in fact addictive or detrimental to the best interest of racing, the permit holder shall be suspended and not be allowed to participate in racing until such time as he or she can produce a negative test result and show documented proof that he or she has successfully completed a certified alcohol or drug rehabilitation program approved by the judges or the Racing Commission. In addition, the permit holder shall agree to further random testing at the discretion of the judges or Racing Commission representative.

~~34.7.g.~~ 35.7.g. For all subsequent violations of this section, the permit holder shall be suspended until such time as the permit holder completes a certified alcohol or drug rehabilitation program approved by the judges or the Racing Commission. The permit holder may apply for reinstatement of his or her permit upon completion of program.

PART 6. PROHIBITED CONDUCT

~~§ 178-2-35.~~ § 178-2-36. General Provisions.

The Commission or the judges may deny or refuse to renew an occupational permit, or may suspend or revoke a permit, impose a fine, exclude from association grounds, and/or order other disciplinary measures against any person engaging in conduct which violates the provisions of this rule. The Commission may also deny or refuse to renew an association license, or suspend, revoke or otherwise impose discipline on a licensed association for violation of these rules.

~~§ 178-2-36.~~ § 178-2-37. Prohibited Conduct.

The following conduct is grounds for discipline by the judges or the Commission:

~~36.1.~~ 37.1. Disturbing the peace, in any manner, at any time, on the grounds of the association;

~~36.2.~~ 37.2. The use of profane, indecent or vulgar language to any racing official;

~~36.3.~~ 37.3. Refusal to obey an order of a racing official or security personnel of the Commission or the association;

~~36.4.~~ 37.4. Submission or knowingly allowing the submission to the Racing Commission, Racing Commission Security Officer/Investigator, judges, racing secretary or the National Greyhound Association any report or document which contains false or misleading information;

~~36.5.~~ 37.5. Altering any identification mark on a greyhound;

~~36.6.~~ 37.6. Making false or misleading statements to the Commission, its representatives or the judges in the course of an investigation;

~~36.7.~~ 37.7. Employing, in any capacity, an individual less than sixteen (16) years of age;

~~36.8.~~ 37.8. Harboring on the grounds of an association, engaging, or retaining in his or her employ, any person not holding an occupational permit;

~~36.9.~~ 37.9. Appearing on the grounds of the association under the influence of alcohol or drugs.

~~36.10.~~ 37.10. The use of any animal or fowl in the training or racing of greyhounds, which are being trained for pari-mutuel racing. Any greyhound that has been trained utilizing an animal or ~~foul~~ fowl shall be forever banned from participating in pari-mutuel racing.

~~36.11.~~ 37.11. Engaging in any dishonest or corrupt practice, fraudulent act, or other conduct detrimental to racing, including but not limited to bookmaking, touting or selling or purchasing mutuel tickets other than through mutuel machines.

~~36.12.~~ 37.12. Accepting or offering to accept on his or her own behalf or on behalf of another any gift or gratuity with intent to bribe.

~~36.13.~~ 37.13. Willfully entering, or causing to be entered or started in any race, a greyhound that he or she knows or believes to be disqualified.

~~36.14.~~ 37.14. Offering or receiving any amount of money or other consideration for the withdrawing of an entry out of any race.

~~36.15.~~ 37.15. Subjecting or allowing any animal under his or her control, custody or supervision to any form of cruelty, mistreatment, neglect, abuse, abandon or deprivation of necessary care or sustenance, shelter or veterinary care.

~~36.16.~~ 37.16. The use or possession on the grounds of any electrical or mechanical device or other expedient designed or intended to increase or decrease the speed of a greyhound.

~~36.17.~~ 37.17. Tampering, attempting to tamper, or aiding and abetting the tampering with any greyhound in such a way as to affect its speed in a race.

~~36.18.~~ 37.18. Engaging in any act which creates an unfair advantage in a race, any act which would tend to mislead the betting public, or any act detrimental to the best interest of racing.

~~36.19.~~ 37.19. Engaging in any act, or possessing any substance or drug, that is intended to interfere with any specimen testing procedure.

~~36.20.~~ 37.20. Making a handbook or foreign book on the grounds of an association.

~~36.21.~~ 37.21. Soliciting for or wagering with a handbook or a foreign book on the grounds of an association. A resale of any pari-mutuel ticket from an individual to another is prohibited.

~~36.22.~~ 37.22. Except for a veterinarian licensed in the State of West Virginia or except when specifically authorized by the Racing Commission Veterinarian or judges, possession of any illegal drugs, stimulants, hypodermic needle, syringe or injectable of any kind on the association grounds.

~~36.23.~~ 37.23. Obtaining food, feed, shelter, drugs, transportation, services for greyhounds, veterinary services or supplies for oneself or others, regardless of whether the other holds an occupational permit, and failing to pay for such services or supplies. This conduct may result in disciplinary action only if there has been a court judgment issued as to the amount of debt. Neither the association nor the Racing Commission are obligated to collect any debt.

~~36.24.~~ 37.24. Conviction of a crime in any jurisdiction. In considering the conviction, the judges or the Commission shall examine: (1) the nexus, or relationship, between the crime committed and the qualifications, functions or duties necessary to engage in the racing industry; (2) the nature and seriousness of the conduct; (3) the individual's conduct since the events leading to the conviction; (4) the individual's

age and maturity at the time of the offense; (5) the amount of time that has elapsed since the conviction; (6) whether the conviction represented an isolated event; and (7) whether the individual demonstrates any consciousness of the wrongfulness of his conduct, i.e., remorse.

~~36.25.~~ 37.25. Any misrepresentation in connection with racing, breeding or otherwise;

~~36.26.~~ 37.26. Allowing another to use one's occupational permit or badge for the purpose of transferring any of the benefits pertaining to the occupational permit card or badge.

~~36.27.~~ 37.27. Violation of the rules of racing in any other jurisdiction.

~~36.28.~~ 37.28. Violation of any judges' ruling or Racing Commission Order.

~~36.29.~~ 37.29. Engaging in other conduct which violates any provision of these rules.

PART 7. GREYHOUND RULES OF THE RACE

~~§ 178-2-37.~~ § 178-2-38. Registration.

~~37.1.~~ 38.1. The National Greyhound Association of Abilene, Kansas is recognized as the official breeding registry of all greyhounds.

~~37.2.~~ 38.2. Any person wishing to enter a greyhound for racing or schooling at any association shall have it tattooed and registered in the National Greyhound Association, including the last six (6) performance lines, if applicable. The racing history of the greyhound shall be made available to the association's racing secretary.

~~37.3.~~ 38.3. All certificates of registration shall be available at all times for inspection by the judges.

~~37.4.~~ 38.4. All transfers of any title, leasehold, or other interest in a greyhound that is schooled, entered or racing at any association under the jurisdiction of the Racing Commission shall be registered and recorded with the National Greyhound Association.

~~§ 178-2-38.~~ §178-2-39. Schooling

~~38.1.~~ 39.1. Greyhounds shall be properly schooled in the presence of the judges, and shall, in the opinion of the judges, be sufficiently experienced before they can be entered or started.

~~38.2.~~ 39.2. All schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the association.

~~38.3.~~ 39.3. Each official schooling race shall consist of at least six (6) greyhounds. However, if this requirement is not feasible, less than six (6) may be schooled with the permission of the judges.

~~38.4.~~ 39.4. Hand schooling shall not be considered official schooling.

~~38.5.~~ 39.5. Any greyhound that has not been entered for a period of six (6) racing days and/or has not raced for a period of ten (10) racing days or more, shall be schooled at least once at its racing weight before being eligible for entry.

~~38.6.~~ 39.6. All greyhounds in official schooling races shall be raced at their established racing weight and started from the starting box wearing their blankets.

~~38.7.~~ 39.7. The judges shall order any greyhound on the schooling list to be officially and satisfactorily schooled before entering a race.

~~38.8.~~ 39.8. Each association shall provide a photo-finish camera approved by the Racing Commission to be in operation at all official schooling races.

~~§ 178-2-39.~~ §178-2-40. Grading.

~~39.1.~~ 40.1. There shall be six (6) grades for experienced greyhounds. When designating the grades of races, the Grades AA, A, B, C, D, and M will be used. Grade AA is the highest classification, but this grade shall not be in effect unless twenty (20) or more greyhounds are on the premises and capable of being entered in this grade. Grade D is the lowest classification, and grade M refers to maiden classification, which indicates greyhounds that have not won an official race or that have not reached the age of twenty-four (24) months.

~~39.2.~~ 40.2. The winner of any graded race shall advance one (1) grade until reaching Grade AA: Provided, however, that any greyhound which wins in a maiden classification has the option of racing in a grade C or grade D event.

~~39.3.~~ 40.3. In Grades AA, A, B, any greyhound which fails to finish third or better in three (3) consecutive events shall be dropped one (1) grade. In these grades, any greyhound that fails to finish better than one third position in any four (4) consecutive starts shall also be lowered one (1) grade. In grade C, events any greyhound that fails to finish fourth or better in any four (4) consecutive starts shall be lowered one (1) grade. In grade D events any greyhound that fails to finish fourth or better in any four (4) consecutive starts is ineligible to race for the remainder of the current race meeting.

~~39.4.~~ 40.4. T races designate mixed grade races and shall consist of greyhounds within two consecutive grades and shall be at a distance of 3/8 or longer. The greyhound's regular grade shall follow the designation T in the program.

~~39.5.~~ 40.5. S (stake races) may be of a mixed grade and may be scheduled by the racing association with the approval of the Racing Commission. The greyhound's regular grade shall follow the designation S in the program.

~~39.6.~~ 40.6. Stakes Q shall indicate qualifying races and the regular grade of the greyhound shall also be listed.

~~§ 178-2-40.~~ §178-2-41. Entries.

~~40.1.~~ 41.1. For all races, the association's racing secretary is responsible for and authorized to receive entries and withdrawals.

~~40.2.~~ 41.2. Every entry in a race shall be in writing and in the name of the greyhound owner, lessee or his or her kennel name. Entries received by facsimile are acceptable. However, no entries will be accepted over the telephone.

~~40.3.~~ 41.3. The complete name of every person having an ownership interest in a greyhound or accepting the payout percentage shall be registered with the association's racing secretary before the draw. Every change in ownership or interest thereafter made during that meeting shall be promptly delivered to the Racing Commission license clerk by the racing secretary of the association where the greyhound is racing.

~~40.4.~~ 41.4. If it is determined that any greyhound that has run in a race should have been disqualified from running in that race, then its winnings in that race shall be forfeited and the purse redistributed by the judges. The redistribution shall in no way affect the pari-mutuel pay off for the race.

~~40.5.~~ 41.5. The racing secretary or the judges may call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not owned, either wholly or in part, by any person who is disqualified. If the person fails to produce this proof, the judges may remove the greyhound from the race.

~~40.6.~~ 41.6. No greyhound shall be permitted to start that has not been fully identified.

~~40.7.~~ 41.7. Any person who fraudulently attempts to establish himself or herself as the owner of a greyhound shall be held responsible as the owner.

~~40.8.~~ 41.8. Disqualified greyhounds are not permitted to be entered or started in any race. If the association receives an entry from any person for a greyhound that is disqualified, the entry is void and the entrance fee, if any, shall be refunded.

~~40.9.~~ 41.9. No greyhound shall be permitted to enter or to start in any race when owned, in whole or in part, or when under the control of a disqualified person.

~~40.10.~~ 41.10. If a greyhound is sold to a disqualified person, the greyhound's racing engagements are void as of the date of sale.

~~40.11.~~ 41.11. No greyhound shall be permitted to enter or start a race unless conditioned by a licensed trainer.

~~40.12.~~ 41.12. No entry shall be accepted from a spouse while the other spouse is disqualified.

~~40.13.~~ 41.13. No greyhound on the schooling list or the veterinarian's list shall be permitted to enter or to start a race.

~~40.14.~~ 41.14. No greyhound under the age of fifteen (15) months shall run in any official race other than races conditioned for greyhounds of the same age.

~~40.15.~~ 41.15. In purse races, there shall be no less than eight (8) greyhounds scheduled in each race, with at least six (6) greyhounds of completely different ownership. No kennel shall have more than two (2) greyhounds in any race except in stakes races and feature races. The association may schedule less than eight (8) greyhounds per race only if approved in advance by the Commission. Nothing in the section is to be construed as prohibiting the running of a race with less than eight (8) greyhounds if it results from the scratching of one or more greyhound from the race.

~~40.15.a.~~ 41.15.a. Double entries are not allowed until all single interests are used and standard rules of the draw observed.

~~40.15.b.~~ 41.15.b. Double entries shall be uncoupled for wagering purposes.

~~40.15.c.~~ 41.15.c. There shall be no more than two (2) double kennel entries in any race except stakes races and feature races.

~~40.15.d.~~ 41.15.d. Upper grade distance races (AA and A) shall consist of no more than two (2) owners who have a double entry.

~~40.16.~~ 41.16. Once closed, all entries shall be compiled without delay and conspicuously displayed by the association's racing secretary.

~~40.17.~~ 41.17. Once closed, only the association's racing secretary may make corrections to any entry.

~~40.18.~~ 41.18. All entries are free unless otherwise stipulated in the race conditions. If the conditions require an entrance fee, the fee shall accompany the entry.

~~40.19.~~ 41.19. Entries for stake races, the conditions of which have previously been published, shall close at the time advertised in the publication. No entry shall be received after that time, except when races fail to fill, then the judges may grant additional time.

~~40.20.~~ 41.20. When the association designates a specific time for the closing of nominations/entries for a stakes race, no entries may be accepted after such time. When the association does not designate a specific time for the closing of nominations/entries for a stakes race, then the nomination/entry must be received no later than 5 p.m. on the day of closing.

~~40.21.~~ 41.21. An entry in a stake race is a nomination, which cannot be withdrawn unless the Racing Commission veterinarian approves the withdrawal.

~~40.22.~~ 41.22. A greyhound shall not become a starter for a stake race unless there has been paid any stake or entrance fee due in respect to that race.

~~40.23.~~ 41.23. Unless otherwise required by this rule, entrance fees are not refundable.

~~40.24.~~ 41.24. A person making a wrong entry or nomination is liable for the stake and forfeits under the nomination.

~~40.25.~~ 41.25. When a race is not held, for any cause, all stakes or entrance money paid shall be refunded.

~~§ 178-2-41.~~ §178-2-42. Withdrawals and Scratches.

~~41.1.~~ 42.1. The withdrawal of a greyhound
from of an engagement is irrevocable.

~~41.2.~~ 42.2. Withdrawals from stakes races shall be made in the same manner as making an entry. The association's racing secretary shall record the day and hour of receipt of the withdrawal and take appropriate action to make the withdrawal known to the public.

~~41.3.~~ 42.3. Withdrawals from purse races shall be made by the trainer to the association's racing secretary or his or her assistant at any time before the post positions are assigned.

~~41.4.~~ 42.4. To scratch a greyhound entered in a race, sufficient cause shall be given to satisfy the judges.

~~41.5.~~ 42.5. Any scratch that is the result of a violation of this rule is grounds for the judges to impose disciplinary action against the offending permit holder(s).

~~41.6.~~ 42.6. Notwithstanding the provision of any other rule, the judges may cancel the race if three (3) or more greyhounds are withdrawn or scratched in any one race.

~~§ 178-2-42.~~ § 178-2-43. Post Positions.

~~42.1.~~ 43.1. The association's racing secretary shall assign the post position of greyhounds by method of random selection, supervised by one or more judges, at a time and place properly posted in the paddock, at least one (1) day prior to the running of the races. Any owner, trainer or authorized agent may be present if they desire.

~~§ 178-2-43.~~ § 178-2-44. Weights and Weighing

~~43.1.~~ 44.1. All greyhounds shall be weighed not less than one (1) hour before the time of the first race of the day. All greyhounds shall be weighed wearing an approved leash, muzzle and collar.

~~43.2~~ 44.2. Before a greyhound is allowed to school or race at any association, the trainer shall establish its racing weight with the paddock judge.

~~43.3.~~ 44.3. At weighing-in time, if there is a variation of more than one and one-half (11/2) pounds either way from its established weight, the judges shall order the greyhound scratched.

~~43.4.~~ 44.4. At weighing-out time, if a greyhound loses weight in excess of one and one-half (11/2) pounds from its weigh-in weight while in the lock-out kennels, the judges shall order the greyhound scratched. However, upon a certificate from the veterinarians that this loss of weight while in the lock-out kennels does not impair the racing condition of the greyhound, the judges may allow the greyhound to race.

~~43.5.~~ 44.5. At weighing-in time if there is more than a two (2) pound variation between a greyhound's weight in the present race and its weight at weighing-in time of its last race, the judges shall order that greyhound scratched.

~~43.6.~~ 44.6. The weight requirements provided in this section shall be printed in the daily program.

~~43.7.~~ 44.7. Immediately after being weighed in, the greyhounds shall be placed in a lock-out kennels under the supervision of the paddock judge. No owner or other person with the exception of the paddock judge, veterinarian, kennel master, scales clerk, lead-out, judges or Racing Commission's representatives, shall be allowed in or near the lock-out kennels.

~~43.8.~~ 44.8. The established racing weight may be changed from time to time on written request of the owner or trainer. The change must be made four (4) calendar days before the greyhound is allowed to race at the new weight.

~~43.9.~~ 44.9. A greyhound having an established weight change of more than one (1) pound may be required to be schooled at least once, at the discretion of the judges, at the new established weight before it is eligible for starting.

~~43.10.~~ 44.10. Greyhounds that have not raced or schooled officially for a period of three (3) weeks shall be allowed to establish a new racing weight.

~~43.11.~~ 44.11. The judges may order a greyhound to be weighed at any period from the time the greyhound is entered in a race until post time.

~~§ 178-2-44.~~ §178-2-45. Running of the Race.

~~44.1.~~ 45.1. The greyhounds shall be started from a starting box, which has been approved by the Racing Commission. There shall be no start until and no recall after, the doors of the starting box have opened.

~~44.2.~~ 45.2. The time of the race shall begin from the opening of the doors of the starting box.

~~44.3.~~ 45.3. If a greyhound bolts the course of its own volition, runs in the opposite direction, or does not run the entire prescribed distance of the race, the greyhound forfeits all rights in the race and no matter where the greyhound finished, the judges shall declare the finish of the race the same as if the greyhound were not a contender. However, for the purpose of the rule, the greyhound shall be considered a "starter".

~~44.4.~~ 45.4. If a greyhound bolts the course of its own volition or runs in the opposite direction during the running of the race, and the greyhound, in the opinion of the judges, interferes with any other greyhound in the race, the judges shall declare a "No Race" and all moneys wagered shall be refunded, except when, in the opinion of the judges, the interference clearly did not affect the outcome of the race.

~~44.5.~~ 45.5. If it appears that a greyhound may interfere with the running of the race because of its failure to leave the box, any person under the supervision of the judges stationed around the race course may remove the greyhound from the race course. However, for the purpose of the rule, the greyhound shall be considered a "starter".

~~44.6.~~ 45.6. All greyhounds shall wear the regulation association muzzle and blanket when racing. Blinker muzzles may not be used.

~~44.7.~~ 45.7. Muzzles and blankets shall be carefully examined in the paddock by the paddock judge before the greyhounds leave the post, and again before the judges at the judges' stand or before the starter at the starting box by the patrol judge.

~~44.8.~~ 45.8. All greyhounds shall be exhibited in the show paddock before post time of the race in which they are entered.

~~44.9.~~ 45.9. After the greyhounds leave the paddock on their way to the starting box and, until the judges direct the gates to be reopened, all persons except the racing officials and necessary attendants shall be excluded from the race course.

~~44.10.~~ 45.10. No race shall be called official unless the lure is in advance of the greyhound at all times during the race. If, at any time during the race, any greyhound catches or passes the lure, the judges shall declare it "No Race" and all moneys shall be refunded.

~~44.11.~~ 45.11. If at any time during the race there is a malfunction of the lure, which at the discretion of the judges creates unfairness to any greyhound, the judges may declare a "No Race" and all moneys shall be refunded.

~~44.12.~~ 45.12. If less than four (4) greyhounds finish the race, the judges shall declare a "No Race" and all moneys shall be refunded.

~~§ 178-2-45.~~ Dead Heats.

~~45.1.~~ 46.1. When greyhounds run a dead heat for first place, all moneys and prizes to which the greyhounds would have been entitled shall be divided equally between them. This applies regardless of the number of greyhounds running a dead heat. Each greyhound shall be determined a winner.

~~45.2.~~ 46.2. When greyhounds run a dead heat for second place, they shall divide the second and third moneys.

~~45.3.~~ 46.3. When greyhounds run a dead heat for third place, they shall divide the third and fourth moneys.

~~45.4.~~ 46.4. If the dividing owners cannot agree as to which of them is to receive some other prize which cannot be divided, the recipient of the prize shall be determined by lot in the presence of one (1) or more of the judges.

~~§ 178-2-46~~ § 178-2-47 Objections.

~~46.1.~~ 47.1. All objections must be made to the judges in writing, dated and signed by the permit holder making the objection. The objection must clearly state the grounds for the objection.

~~46.2.~~ 47.2. Permission of the judges is necessary before an objection can be withdrawn.

~~46.3.~~ 47.3. Objections shall be filed with the judges within forty-eight (48) hours from the conclusion of the race which is the subject of the objection, unless waived by the judges. If not otherwise prohibited by these rules, the judges' decision resulting from an objection may be appealed to the Commission.

~~46.4.~~ 47.4. Objections pertaining to a greyhound engaged in a race may be made by the kennel operator or trainer of some other greyhound engaged in the same race.

~~46.5.~~ 47.5. Objections to any decision of the clerk of scales shall be made before the greyhounds leave the paddock for the start of the race.

~~46.6.~~ 47.6. Unless the judges declare otherwise, the filing of an objection shall not cause the prize or purse to be held until the objection is ruled upon. If an objection is declared valid, the judges shall determine the new order of finish and the redistribution of all purse monies, if not already distributed. If already distributed, the judges shall take necessary action to enforce their decision on the objection. The judges' decision shall not affect the pari-mutuel payout.

~~46.7.~~ 47.7. Objections that the judges determine to be frivolous, without foundation, or made in bad faith may be cause for discipline.

~~§ 178-2-47.~~ § 178-2-48. Purses.

~~47.1.~~ 48.1. Unless the Commission approves otherwise, purses shall be paid directly to the owner of a greyhound or, if the greyhound is leased, the purse shall be paid according to the written lease agreement on file with the association.

~~47.2.~~ 48.2. The holder of a claim whether it is a mortgage, a bill of sale, or lien of any kind against a greyhound shall file a notarized copy with the association's racing secretary prior to the time the greyhound starts. The holder of a claim who fails to file the claim shall forfeit his or her rights in the winnings of the greyhound previous to the time his or her claim is properly filed.

PART 8. GREYHOUND WELFARE, HEALTH AND MEDICATION

~~§ 178-2-48.~~ § 178-2-49. Female Greyhound Considerations.

~~48.1.~~ 49.1. Bitches coming in season during the racing meeting shall not be accepted for entry within thirty (30) days from the date of coming in season. Before being accepted for entry, these bitches shall be examined by the veterinarian and schooled to the satisfaction of the judges.

~~48.2.~~ 49.2. Bitches in milk are not eligible to school or to race.

~~48.3.~~ 49.3. Owners and trainers shall report bitches in season to the judges and the Racing Commission Veterinarian.

~~§ 178-2-49.~~ § 178-2-50. General Care of Greyhounds.

~~49.1.~~ 50.1. Any veterinarian practicing veterinary medicine on a racetrack shall use "one-time disposable type needles" and shall keep them in his or her possession until disposed of by him or her away from the association grounds.

~~49.2.~~ 50.2. Any illness or unusual symptoms of illness shown by a greyhound shall be immediately reported by the trainer or attending veterinarian to the judges and Racing Commission Veterinarian.

~~49.3.~~ 50.3. When directed by the Racing Commission Veterinarian, every greyhound owner, kennel owner, trainer or authorized agent shall immediately submit any greyhound on association grounds, of which he or she is the owner, lessor, trainer or authorized agent, to any veterinary surgeon for any examination or tests the Racing Commission Veterinarian considers advisable. In addition, the judges may notify the National Greyhound Association of any evidence that a greyhound has been mistreated or neglected, whether or not such mistreatment or neglect occurred on association grounds.

~~§ 178-2-50.~~ § 178-2-51. Medications and Drugs.

~~50.1.~~ 51.1. No greyhound participating in a race shall have been given or administered any internal or external substance, narcotic, stimulant, local anesthetic or drug which is foreign to the natural greyhound. Innocuous compounds, such as flea/tick products are permitted under this rule and must be reported to Racing Commission Veterinarian prior to weigh-in and approved by the judges.

~~50.2.~~ 51.2. The trainer is the absolute insurer of and is responsible for the condition of the greyhound entered in a race, regardless of the acts of third parties. However, the owner of the greyhound, the foreman in charge of the greyhound, the attendant and any other person shown to have had the care, or attendance, of the greyhound may also be found in violation of this rule by the judges.

~~50.3.~~ 51.3. Any moneys and/or prizes won by a greyhound found to have been administered a substance in violation of this section shall be forfeited and redistributed.

~~50.4.~~ 51.4. An investigation by the Racing Commission or the association into an alleged violation of this section may result in the judges suspending all greyhounds racing out of the investigated kennel pending the conclusion of the investigation.

~~50.5.~~ 51.5. Any portion of the purse, if not already paid, which is to be redistributed in accordance with the provisions of this section, shall be held until the redistribution is approved by the judges. This subsection applies only to the amount payable to the owner or owners of the disqualified greyhound and shall not prevent payment due to other greyhounds in the race pending approval of the judges.

~~50.6.~~ 51.6. Urine, blood and other specimens shall be taken and tested from the greyhounds as the judges or the Racing Commission Veterinarian may designate. The Racing Commission Veterinarian or other persons designated by him/her shall collect the specimens. Testing is conducted under the supervision of the Racing Commission.

~~50.7.~~ 51.7. Samples collected may be frozen. All samples shall be submitted to a laboratory approved by the Racing Commission, to be known as official laboratory. The racing association shall pay all laboratory expenses for sample analysis.

~~50.8.~~ 51.8. The official laboratory selected by the Racing Commission shall be accredited by the Association of Official Racing Chemists. The official laboratory shall make all reports directly to the Racing Commission Veterinarian.

~~50.9.~~ 51.9. Each specimen shall be marked and bear any information that may be essential to its proper analysis. The identity of the greyhound from which the specimen was taken or the identity of its owner, trainer or kennel shall not be revealed to the official laboratory or its staff. The container of each specimen shall be sealed as soon as the specimen is placed in it.

~~50.10.~~ 51.10. No action shall be taken by the judges on the report of the official laboratory unless and until the substance or drug has been properly identified as well as the greyhound from which the

specimen was taken nor until such time as an official report signed by the chemist has been received by the judges.

~~50.11.~~ 51.11. The winner and any other greyhounds that the judges may designate shall be taken immediately after the race to the testing area for the taking of specimens of body fluids and eliminations as directed by the Racing Commission Veterinarian.

~~50.12.~~ 51.12. The Judges or Racing Commission Veterinarian may also require the taking of specimens from any greyhound kenneled at an association during a race meeting.

~~50.13.~~ 51.13. The owner, trainer or authorized representative shall witness the taking of any specimen from his/her greyhound and sign the sample tag on such specimen. If, for any reason, the trainer is not or cannot be present at the time of collection the specimen from his/her greyhound, the person actually in custody of the greyhound is deemed authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to this action. Provided, the Racing Commission Veterinarian is authorized to take any specimen from the greyhound while in the lock-out kennel without the presence or witness of the owner, trainer or authorized representative.

~~50.14.~~ 51.14. No owner, trainer or authorized representative may willfully fail to witness the taking of a specimen, or impede, prevent or otherwise interfere with the taking of any specimen, or refuse to sign the specimen tag to the taking of a specimen. Such conduct shall be reported to the judges, who may subject the person or persons guilty of the interference to immediate suspension from the meeting. However, any owner, trainer, or authorized representative may sign, under protest, the specimen tag as long as the reason for the protest is stated in writing and given to the Racing Commission Veterinarian.

~~50.15.~~ 51.15. The Racing Commission Veterinarian, the judges or authorized representatives of the Racing Commission may confiscate any substances or other items suspected of containing improper substances which could affect the racing condition of a greyhound in a race, which may be found in the kennels or elsewhere on the racetracks or in the possession of such tracks or any person connected with racing. These substances or items shall be delivered to the official laboratory for analysis under the same conditions as are prescribed for analysis of saliva and urine. Once returned from the official laboratory, the Racing Commission may, if necessary, maintain custody of the confiscated medicine or items.

~~§ 178-2-51.~~ § 178-2-52. Euthanasia.

~~51.1.~~ 52.1. In the event that it becomes necessary for a permit holder to have a greyhound euthanized, the euthanasia may only be done by licensed veterinarian.

~~51.2.~~ 52.2. All greyhound euthanasias and deaths must be reported to the Racing Commission Veterinarian.

~~51.3.~~ 52.3. The Racing Commission Veterinarian is authorized, but not required, to conduct a post-mortem examination on a greyhound to determine injury or sickness which resulted in the euthanasia or death if a greyhound suffers a breakdown on the track or the dies while kenneled on association grounds.

~~§ 178-2-52.~~ § 178-2-53. Transportation of Greyhounds.

~~52.1.~~ 53.1. Any greyhound entering a West Virginia Greyhound track shall be accompanied by a State Department of Agriculture or Federal issue Certificate of Veterinary Inspection (health certificate) dated within fifteen (15) days prior to the greyhound's arrival and signed by an accredited veterinarian. Current documentation of vaccination status shall be included on the Certificate of Veterinary Inspection or on a separate Vaccination Certificate that has been issued by an accredited veterinarian. All vaccinations shall be administered by a licensed veterinarian within the previous 12 months and shall include: Rabies (indicate type, manufacturer and serial number), Distemper, Hepatitis, Leptospira, Adenovirus, Parvovirus, Parainfluenza (DA2HLPP), Bordatella, and Canine Influenza Virus. Annual vaccination boosters are required while the greyhound is housed in the track kennel compound.

~~52.2.~~ 53.2. All current vaccination records shall be kept attached to the greyhound registration papers which are on file with the racing secretary.

PART 9. GREYHOUND TRAINING TRACKS

~~§ 178-2-53.~~ § 178-2-54. Greyhound Training Track Requirements.

~~53.1.~~ 54.1. Any training track funded pursuant to West Virginia Code §19-23-10(d) must be approved by the Commission in accordance with these rules.

~~53.2.~~ 54.2. The state may own, operate and/or lease any training track funded pursuant to West Virginia Code §19-23-10(d). The state may contract operations to a private entity. Any lease or contract for services shall meet the requirements of West Virginia Code § 5A-3-1 *et seq*. and the purchasing requirements of the Department of Administration.

~~53.3.~~ 54.3. The track compound shall have the following:

~~53.3.a.~~ 54.3.a. A minimum area of ten acres for development of the initial facility and an additional ten acres available for future expansion;

~~53.3.b.~~ 54.3.b. An approved sewage disposal system;

~~53.3.c.~~ 54.3.c. Adequate ingress and egress for safety and accessability; and

~~53.3.d.~~ 54.3.d. Adequate parking.

~~53.4.~~ 54.4. The track shall be at least 1,320 feet in circumference or 1/4 mile in length.

~~53.5.~~ 54.5. The track shall have an approved racing surface, rails, lure, timing equipment, starting box and perimeter fencing.

PART 10. WEST VIRGINIA GREYHOUND BREEDING DEVELOPMENT FUND

~~§ 178-2-54.~~ § 178-2-55. West Virginia Greyhound Breeding Development Fund.

~~54.1.~~ 55.1. The Racing Commission shall serve as the official registering agency and process all affidavits, breeding, whelping and individual registrations to maintain the West Virginia Bred Greyhound Registry and the West Virginia Whelped Registry.

~~54.2.~~ 55.2. To be eligible to receive purse money in a stake race where the purse is funded in whole or in part with money from the West Virginia Greyhound Breeding Development Fund as well as or for purse supplements and awards that are funded in whole or in part from the West Virginia Greyhound Breeding Development Fund, all registered owners of the greyhound shall be a bona fide resident of West Virginia as required by West Virginia Code § 19-23-10(d).

~~54.3.~~ 55.3. An owner of a greyhound claiming to be a bona fide resident of this State must satisfy all of the following requirements:

~~54.3.a.~~ 55.3.a. The owner of a registered greyhound may not claim residency in any other State, the District of Columbia, a territory or possession of the United States, a foreign country, or any other place outside this State.

~~54.3.b.~~ 55.3.b. When the owners of a registered greyhound are husband and wife, each must be a bona fide resident of this State.

~~54.3.c.~~ 55.3.c. When the owner of a registered greyhound is a corporation, the corporation must have its commercial domicile in this State and each owner of an equity interest in the corporation must be a bona fide resident of this State. As used in the preceding sentence, "corporation" includes any corporation, association, syndicated, publicly traded partnership or other group treated as a corporation for federal income tax purposes.

~~54.3.d.~~ 55.3.d. When the owner of a registered greyhound is a partnership, limited liability company or any other entity treated as a partnership for federal income tax purposes, the entity must have its commercial domicile in this State and each partner, member or other person owning an equity interest in the partnership, limited liability company or other entity treated as a partnership for federal income tax purposes must be a bona fide resident of this State.

~~54.3.e.~~ 55.3.e. When the owner of a registered greyhound is a trust, the trust must be a resident trust, the administrator of the trust, by whatever name called, as well as all of th e beneficiaries of the trust must be bona fide residents of this State.

~~54.4.~~ 55.4. Proof of bona fide residency.

The owner of a registered greyhound must prove bona fide residency by providing the Commission with true copies of the following documents:

~~54.4.a.~~ 55.4.a. A true copy of the personal income tax return of the owner filed with the West Virginia Tax Commissioner for the most recently completed tax year and for each of the three tax years prior to the most recently completed tax year: Provided, That once true copies of the owner's West Virginia personal income tax returns have been filed with the Racing Commission for the four most recent completed consecutive tax years, only a true copy of the owner's personal income tax return for the most recently completed tax year needs to be filed with the Racing Commission each year thereafter.

Example. The owner first files the papers required by this paragraph on May 1, 2006. The filing will include true copies of personal income tax returns filed with the West Virginia Tax Commissioner for calendar years 2002 through 2005. In May of 2007, the same owner again files with the Racing Commission. That filing will include a true copy of the personal income tax return filed with the West Virginia Tax Commissioner for calendar year 2006. The May 2007 filing will not include copies of the returns filed for calendar years 2003 through 2005 because the Racing Commission already has copies of those returns.

~~54.4.b.~~ 55.4.b. A true copy of the property tax payment receipt issued by the county sheriff showing payment of real or personal property taxes on property located in West Virginia during the most recent property tax year (calendar year) for which tax tickets have been issued by the county sheriff and true copies of receipts showing payment of property taxes on property in this State for each of the three property tax years (calendar years) prior to the most recent property tax year for which property tax tickets have been issued: Provided, That once true copies of property tax receipts showing the owner paid property taxes on property located in this State have been filed with the Racing Commission showing payment of property taxes for four consecutive property tax years, only a true copy of the owner receipt showing payment of property taxes for the most recent property tax year for which property tax tickets have been issued by the county sheriff needs to be filed with the Racing Commission each year thereafter.

~~54.4.c.~~ 55.4.c. If the filing with the Racing Commission occurs after first half property taxes are paid but before second half property taxes are due and the owner did not prepay second half property taxes, the owner only has proof of payment of first half property taxes to file showing payment of property taxes for the most current property tax year for which tax tickets have been issued. Proof of payment of second half property taxes will be filed the next time the owner is required to show proof of residency.

Example. The property tax year is the calendar year. Tax tickets for calendar year 2005 are issued by the county sheriff in July of 2005. The amount of taxes due are payable in two installments. Half is due September 1, 2005 and half is due March 1, 2006. The papers required by this paragraph are filed with the Racing Commission on May 1, 2006. That filing should include property tax receipts showing that the owner paid West Virginia property taxes levied for tax year (calendar year) 2005 and for tax years 2004, 2003 and 2002. For each year the owner must provide a true copy of receipts showing full payment of taxes levied for the tax year. If the owner pays property taxes for the full year in a single payment each year, the

owner will file true copies of four receipts showing full payment of property taxes for the years 2001 through 2005. If the owner pays property taxes in two installments each year, the owner will remit true copies of eight property tax receipts for these years. In May of 2007, the same owner again files with the Racing Commission. That filing will include either a true copy of one receipt showing full payment of property taxes levied for property tax year 2006 or true copies of receipts showing payment of first half and second half taxes for the 2006 property tax year. The May 2007 filing will not include copies of property tax receipts showing payment of property taxes levied for calendar years 2003 through 2005 because the Racing Commission already has copies of those returns.

~~54.4.d.~~ 55.4.d. In the event that an owner is unable, because of his or her age, to produce the required tax returns required by these rules, the owner may petition the Racing Commission to prove his or her bona fide residency through other means as determined by the Racing Commission on a case by case basis.

~~54.4.e.~~ 55.4.e. If the owners of a registered greyhound are husband and wife, each must be a bona fide resident of this State for the period required by W. Va. Code §19-23-10. Failure of either one to so qualify results in both the husband and the wife being ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or any purse supplement or award that is funded from that Fund.

~~54.4.f.~~ 55.4.f. If the owner of a registered greyhound is a corporation or other organization treated as a corporation for federal income tax purposes, or is a partnership, limited liability company or other organization treated as a partnership for federal income tax purposes, all owners of an equity interest in the corporation, or other organization treated as a corporation for federal income tax purposes, or in the partnership, limited liability company or other organization treated as a partnership for federal income tax must be a bona fide resident of this State for the period required by W. Va. Code §19-23-10. Failure of any equity owner to qualify as a bona fide resident of this State results in the corporation, partnership, limited liability company or other organization treated as a corporation or partnership for federal income tax purpose being ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or to receive any purse supplement or award that is funded from the West Virginia Greyhound Breeding Development Fund.

~~54.4.g.~~ 55.4.g. If the owner of a registered greyhound is a trust, the trust must be a resident trust and its administrator(s) and all of the trusts beneficiaries must be bona fide residents of this State for the period required by W. Va. Code §19-23-10. Failure of the administrator(s) of the trust, by whatever name called, or failure of any beneficiary of the trust to qualify as a bona fide resident of this State for the period required by W. Va. Code §19-23-10 results in the trust and its beneficiaries being ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound Breeding Development Fund or to receive any purse supplement or award that is funded in whole or in part from the West Virginia Greyhound Breeding Development Fund.

~~54.4.h.~~ 55.4.h. If the owner of a registered greyhound is a nonresident trust, the trust is ineligible to receive any purse in a stakes race funded in whole or in part from the West Virginia Greyhound

Breeding Development Fund or to receive any purse supplement or award that is funded from the West Virginia Greyhound Breeding Development Fund.

~~54.5.~~ 55.5. Eligibility of greyhound.

~~54.5.a.~~ 55.5.a. In order to participate in the West Virginia Greyhound Breeding Development Fund, the greyhound must be from a litter that was whelped in the State of West Virginia and remained domiciled in West Virginia at least until the puppies were twelve (12) months of age.

~~54.6.~~ 55.6. Affidavits required.

~~54.6.a.~~ 55.6.a. All registered owners of a greyhound, including any person who owns an interest in the registered greyhound, who enter a greyhound in either a stakes race in this State where the purse is funded in whole or in part by the West Virginia Greyhound Breeding Development Fund or a race for a purse or award that is funded in whole or in part by the West Virginia Greyhound Breeding and Development Fund shall file the appropriate affidavit (see Forms 54.6 (1) and (2) at the end of this rule) with the Racing Commission. This affidavit shall:

~~54.6.a.1.~~ 55.6.a.1. Affirm that the person making the affidavit is a registered owner of the greyhound or greyhounds listed in the affidavit;

~~54.6.a.2.~~ 55.6.a.2. Affirm that the person making the affidavit in the case of a registered owner whois a association, corporation, partnership, limited liability company, limited partnership, syndicate or other group or combination acting as a unit, or a trust is duly authorized to make the affidavit stating the relationship between the maker and the registered owner, e.g., president of the corporation, managing partner, managing member of limited liability company, etc.

~~54.6.a.3.~~ 55.6.a.3. Affirm that the registered owner of the greyhound is and has continuously been a bona fide resident of this State for the period required by W. Va. Code §19-23-10;

~~54.6.a.4.~~ 55.6.a.4. Affirm that any person who owns an interest in the registered greyhound is and has been a bona fide resident of this State for the period required by W. Va. Code §19-23-10;

~~54.6.a.5.~~ 55.6.a.5. Affirm that the resident owner of the greyhound is not currently and has not been a resident of any other State or other jurisdiction located outside this State during the period required by W. Va. Code §19-23-10;

~~54.6.a.6.~~ 55.6.a.6. Affirm that the owner or lessee of the dam at the time of breeding met all of the requirements of this rule;

~~54.6.a.7.~~ 55.6.a.7. Affirm that the greyhound was whelped in West Virginia and that the greyhound was not removed from West Virginia at any time prior to the completion of twelve (12) consecutive months of being domiciled in West Virginia starting from the date of whelping.

~~54.6.a.8.~~ 55.6.a.8. Affirm that the owner or lessee further understands that if any West Virginia bred greyhound is removed from West Virginia prior to twelve (12) months of age, it is the owner's or lessee's responsibility to notify the Racing Commission within ten (10) days of the greyhound's removal and that any West Virginia bred greyhound that is removed to a location outside of West Virginia prior to the completion of twelve (12) consecutive months in West Virginia starting from the date of whelping shall be disqualified by the Racing Commission from participation in the West Virginia Greyhound Breeding Development Fund;

~~54.6.a.9.~~ 55.6.a.9. Affirm that the address of the individual making the affidavit, as stated in the affidavit, is the physical location of the primary residence of the individual making the affidavit;

~~54.6.a.10.~~ 55.6.a.10. When the registered owner of the greyhound is not an individual, affirm that the address of the registered owner stated in the affidavit is the physical location of the commercial domicile of the registered owner of the greyhound;

~~54.6.a.11.~~ 55.6.a.11. When the registered owner of a greyhound is not an individual, affirm that to the personal knowledge of the maker of the affidavit, the registered owner of the greyhound and each person who has an equity interest in the registered owner of a greyhound is a bona fide resident of this State for the period specified in W. Va. Code §19-23-10; and

~~54.6.a.12.~~ 55.6.a.12. Waive the confidentiality rule in W. Va. Code §11-10-5d for the limited purpose of authorizing the Tax Commissioner to verify, upon written request of the Racing Commission or its designated employee, to the Racing Commission or its designated employee, whether or not resident personal income tax returns were filed with the Tax Commissioner by the maker(s) of the affidavit, for the years required by W. Va. Code §19-23-10.

~~54.6.b.~~ 55.6.b. An affidavit attesting that all requirements imposed by W. Va. Code §19-23-10 and this rule have been met shall be on file at the Racing Commission's office prior to the first day of the month in which the qualified West Virginia bred greyhound runs in a race to qualify for any purse or purse supplement or award funded from the West Virginia Greyhound Breeding Development Fund during the calendar year in which the affidavit is filed with the Racing Commission. The registered owner of a West Virginia bred and whelped greyhound, and each person who owns an equity interest in the registered owner, shall make and file this affidavit annually with the West Virginia Racing Commission, as required by this subsection. A new affidavit shall be made and filed with the Racing Commission during the calendar year, whenever there is a material change in the information provided in or with last affidavit filed with the Racing Commission, within five days after the occurrence of the material change but before the next race in this State in which the greyhound is a contestant. If a material change occurs during the 48 hour period immediately preceding the start of a stakes race, or other race, for a purse or award funded in whole or in part by the West Virginia Greyhound Breeding Development Fund in which the greyhound is a contestant, written notice of the material change shall be hand delivered to the chief judge of the race prior to the start of that race. This notice is in addition to and not in lieu of the requirement to file a new affidavit with the Racing Commission.

Table ~~31.5.~~ 32.5. Occupational Permit Fees

Kennel Name - $40.00
Corporation - $40.00
Vendor - $40.00
Kennel Owner/Trainer - $60.00
Kennel Owner - $30.00
Greyhound Owner - $30.00
Trainer - $30.00
Assistant Trainer - $30.00
Veterinarian Assistant - $20.00
Mutuel Employee - $20.00
Photographers, Totalizator, Film Patrol - $20.00

Officials
Director of Racing - $30.00
Racing Secretary - $30.00
Assistant Racing Secretary - $20.00
Paddock Judge - $30.00
Patrol Judge - $20.00
Starter - $20.00
Clerk of Scales - $20.00
Chart Writer - $20.00
Lead-Out - $20.00
Lure Operator - $20.00
Kennel Helper - $20.00
Kennel Master - $20.00

All other occupational permits not specified - $20.00

FORM ~~54.6(1)~~ 55.6(1)
AFFIDAVIT OF OWNER WHEN OWNER IS AN INDIVIDUAL

AFFIDAVIT

TO THE WEST VIRGINIA RACING COMMISSION

I_____, hereby swear that:

1. That I am the registered owner of the greyhounds listed hereon;

[Or That I am the authorized representative of the partnership, limited liability company, corporation, trust, or any other group or combination acting as a unit, that is the registered owner of the greyhounds listed hereon;]

2. The address of my primary residence is: [list below];

3. That the greyhound(s) listed above were whelped in West Virginia and that the greyhound was not removed from West Virginia to a location outside of West Virginia at any time prior to completion of twelve (12) consecutive months of being domiciled in West Virginia from the date of whelping;

4. That no individual or other person who has an ownership interest in a greyhound listed hereon is a resident of any place located outside the State of West Virginia;

5. That each of the greyhounds listed hereon was whelped in West Virginia and was domiciled in West Virginia for at least twelve (12) consecutive months immediately following their whelping;

6. That each of the greyhounds listed hereon meet all other applicable criteria as established by the West Virginia Racing Commission to qualify and be recognized as "West Virginia Whelped;"

7. That I am a *bona fide* resident of the State of West Virginia as that term is used in W. Va. Code §19-23-10;

8. That I have at all times during this calendar and during each of the preceding four calendar years been a *bona fide* resident of the State of West Virginia;

9. That I have not at any time claimed to be a resident of any other state during this calendar year and during the preceding four calendar years;

10. That I have owned property located in West Virginia during each of the four calendar years preceding the making of this affidavit and that I have paid property taxes due on that property for the current property tax year and for the preceding four calendar years;

11. That I have filed West Virginia resident personal income tax returns for the four most recent calendar years; and

12. That I hereby waive confidentiality under W. Va. Code §11-10-5d, for the sole and limited purpose of authorize the State Tax Commissioner to, upon written inquiry of the West Virginia Racing Commission, verify whether or not I did file resident personal income tax return, as above stated.

(Your signature must have notaries' stamp and date)

SIGNED:_____
Owner of greyhound(s)

Sworn before me this_____day of _____, 19___.

_____
Notary Public

FORM ~~54.6(2)~~ 55.6(2)
AFFIDAVIT WHEN REGISTERED OWNER IS NOT AN INDIVIDUAL

AFFIDAVIT

TO THE WEST VIRGINIA RACING COMMISSION

I_____, hereby swear that:

1. That I am the authorized representative of the partnership, limited liability company, corporation, trust, or any other group or combination acting as a unit, that is the registered owner of the greyhounds listed hereon;]

2. The address of the commercial domicile is: [list below];

3. That the greyhound(s) listed above were whelped in West Virginia and that the greyhound was not removed from West Virginia to a location outside of West Virginia at any time prior to completion of twelve (12) consecutive months of being domiciled in West Virginia from the date of whelping;

4. That no individual or other person who has an ownership interest in a greyhound listed hereon is a resident of any place located outside the State of West Virginia;

5. That each of the greyhounds listed hereon was whelped in West Virginia and was domiciled in West Virginia for at least twelve (12) consecutive months immediately following their whelping;

6. That each of the greyhounds listed hereon meet all other applicable criteria as established by the West Virginia Racing Commission to qualify and be recognized as "West Virginia Whelped;"

7. That I am a *bona fide* resident of the State of West Virginia as that term is used in W. Va. Code §19-23-10;

8. That I have at all times during this calendar and during each of the preceding four calendar years been a *bona fide* resident of the State of West Virginia;

9. That I have not at any time claimed to be a resident of any other state during this calendar year and during the preceding four calendar years;

10. That I have owned property located in West Virginia during each of the four calendar years preceding the making of this affidavit and that I have paid property taxes due on that property for the current property tax year and for the preceding four calendar years;

11. That I have filed West Virginia resident personal income tax returns for the four most recent calendar years;

12. That I hereby waive confidentiality under W. Va. Code §11-10-5d, for the sole and limited purpose of authorize the State Tax Commissioner to, upon written inquiry of the West Virginia Racing Commission, verify whether or not I did file resident personal income tax return, as above stated;

(Your signature must have notaries' stamp and date)

SIGNED:_____
Owner of greyhound(s)

Sworn before me this_____day of _____, 19___.

_____
Notary Public