

## Placing Uncoupled Entries after DQ's What Does the 2006 Hambletonian Tell Us?

One of the odder events in racing took place after the Hambletonian August. The judges at the Meadowlands, two weeks after the event, suspended trainer/driver Trond Smedshammer for 30 days for his drive on HERE COMES HERBIE in the Hambletonian.

In the Hambletonian, Smedshammer trained three of the ten horses in the race. He trained the favorite MR. PINE CHIP who was driven by Brian Sears. MR. PINE CHIP broke and finished eighth. He was placed last for a violation of the breaking rule. Smedshammer also trained BLUE MAC LAD who was driven by George Brennan who finished third, and Smedshammer trained and drove HERE COMES HERBIE who finished sixth after leading the race into the stretch. All of "Team Trond's" trainees ran uncoupled under New Jersey rules. These rules allow all horses in races with purses in excess of \$500,000 to run uncoupled and horses with a common trainer but not a common owner to run uncoupled in stakes, early closings, futurities, free-for-all or other special events at the request of the racetrack and with the approval of the Commission.<sup>1</sup> The Hambletonian had a purse of \$1.5 million. Everybody in the race could and did run uncoupled.

The judges ruled that Smedshammer – seeing that HERE COMES HERBIE was tiring – moved that horse off the rail in the stretch. That action allowed BLUE MAC LAD to "pass inside needlessly, or do any other act which constitutes what is popularly known as helping."<sup>2</sup> According to the official chart of the race, "BLUE MAC LAD left hard, and took the two hole, followed the early leader through hot fractions, found room along the cones when that one bore out, and trotted sharply inside to take show honors."<sup>3</sup> BLUE MAC LAD was HERE COMES HERBIE's stablemate, along with the favorite. In short, Smedshammer used his horse HERE COMES HERBIE to help out his entry mate, whom he also trains. The judges clearly believed that Smedshammer had engaged in egregious conduct in helping out BLUE MAC LAD. They gave him a significant 30 day suspension – which is currently under appeal.

What is problematical here is whether BLUE MAC LAD should stay in third place. If the horses had been coupled, it's pretty clear that under rule 20.8 of the New Jersey Racing Commission,<sup>4</sup> the judges could also have set back BLUE MAC LAD. This rule authorizes judges to set back all parts of an entry when misconduct by one part of the entry affects the finish of the race.

A similar incident occurred back in Yonkers Raceway in 1969. In a late closer, driver Yves Filion moved one part of the entry off the rail forcing a competitor wide.

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<sup>1</sup> N.J.A.C. Section 13:71-16.5 and 13:171-4.1(b) defining "entry." See also 34 N.J.R. 3030(b) August 19, 2002 showing the requested rule change.

<sup>2</sup> N.J.A.C. Section 13:71-20.6(a)7.

<sup>3</sup> See <http://www.hambletonian.org/index.cfm?Content=285>.

<sup>4</sup> N.J.A.C. Section 13:71 -20.8

That action opened up the rail for the other part of the entry driven by Yves' brother Herve to win the race. These actions were clearly visible to the judges who placed both parts of the entry last and suspended Yves Filion for 15 days.<sup>5</sup>

It also isn't too dissimilar from the rare – but hot unheard of cases – where one jockey passes a whip to another jockey who has lost his or her whip. Again, where this happens, both parties tend to be punished - whether or not they are uncoupled.<sup>6</sup>

It may be that the judges at the Meadowlands believed that they lacked power to alter the placing of BLUE MAC LAD since he was not coupled with HERE COMES HERBIE. This may be a very limited view of the power of the judges. Harness judges in New Jersey appear to have significant power. The can “determine all questions of fact relating to a race.”<sup>7</sup> They are authorized to control the horses, trainers and drivers.<sup>8</sup> Perhaps most importantly, they can “decide any difference between parties to a race or any contingent matter which shall arise which is not otherwise provided for in the rules.”<sup>9</sup> Given a situation where the trainer who is also the driver of a horse takes improper action to help the placing of one of his trainees, this should afford the judges enough authority to alter the placing of BLUE MAC LAD.

If, for whatever reason, the conclusion is still made that the judges still lack the authority to alter the placing of BLUE MAC LAD, then there may be some need to change the rules of the Racing Commission to reach a better result. This can be achieved without significantly altering the existing rules on uncoupling.<sup>10</sup> All you would need is explicit authority for the judges to be able to treat the uncoupled entry as if it were a

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<sup>5</sup> Louis Effrat, “Bizarre Foul in Yonkers Pace Puts a \$133.60 Longshot First,” New York Times, June 10, 1969.

<sup>6</sup> See for example Tony Reed, “Whip Swap Leads to Ban,” The Advertiser, August 5, 1999; Moore Noel, Sunday Tasmanian, November 27, 1988. These cases also resemble cases where one rider or driver takes an action designed to help a friend win a race at the expense of his or her own horse. One of the more familiar cases where this has been alleged is the 1978 Travers Stakes where Angel Cordero riding the longshot SHAKE SHAKE SHAKE allowed ALYDAR ridden by Cordero's friend Jorge Velasquez to slip inside him as the horses approached the far turn at Saratoga. This forced ALYDAR'S rival AFFIRMED (whose trainer Lazaro Barrera was in a feud at that time with Cordero) further off the rail. As Lafit Pincay on AFFIRMED moved his horse back towards the rail after passing SHAKE SHAKE SHAKE, he interfered with ALYDAR along the rail. Affirmed finished first in the race and was disqualified and placed behind the second place finisher ALYDAR. A good description of the race is found at <http://www.bloodhorse.com/articleindex/article.asp?id=34866>. The larger question is what if there had been no foul by AFFIRMED, and ALYDAR had won the race? If it could be proven that Cordero – without any strategic purpose to benefit SHAKE SHAKE SHAKE - let his friend in just like Trond let in George Brennan on BLUE MAC LAD – should action have been taken against ALYDAR'S placing? Even if there had been no action against the placement of ALYDAR, should action have been taken against Cordero, since clearly letting in an opponent to slip inside your horse cannot be considered part of a legitimate effort to win a race?

<sup>7</sup> N.J.A.C. Section 13:71- 8.22 (a) 2.

<sup>8</sup> N.J.A.C. Section 13:71- 8.22 (a) 5.

<sup>9</sup> N.J.A.C. Section 13:71- 8.22 (a) 3.

<sup>10</sup> A thoughtful description of the overall issue of uncoupling in New Jersey is contained at [http://www.harnessracing.com/wire\\_to\\_wire.php](http://www.harnessracing.com/wire_to_wire.php). This article also brings up the claim by the owner of BERTO PRIMO, who finished ninth (placed eighth in the race), that his horse was interfered with. That claim ought to be dismissed for being filed in an untimely manner.

coupled entry for purposes of placing horses in disqualifications. For example, you would amend Rule 20.8<sup>11</sup> to simply say that the judges could penalize all parts of an entry that would have been coupled in an overnight race. Perhaps it might be worthwhile to ban uncoupled entries where the trainer also serves as a driver for part of the “uncoupled” entry.<sup>12</sup>

If there is a race in harness racing that ought to attract significant wagering and does not need coupled entries, it probably is the Hambletonian. The goal of regulators, fans, and participants should be to make sure that the race gets the anticipated benefit of added handle (through uncoupled entries) without any compromise in overall racing integrity. Either strong action by the judges or minor modifications in New Jersey’s rules can accomplish this.

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<sup>11</sup> See note 4 supra.

<sup>12</sup> Unlike a catch driver, the trainer/driver of an uncoupled entry has a direct stake in how well the other parts of the entry finish in the race. Brain Sears, driving MR. PINE CHIP might not care how where BLUE MAC LAD fares in the Hambletonian, but Trond Smedshammer certainly cares where all his horses finish.