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NEW YORK'S SILLIEST RACING RULE

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New York's Silliest Racing Rule

New York's silliest racing rule is probably not well known to people in racing. It's §4119.5 which pertains to bets by harness horsemen and owners. It reads as follows:

No owner, trainer, driver agent, employee or attendant of a horse shall bet or cause any other person to bet on his behalf on any other horse in any race in which there shall start a horse owned, trained or driven by him, or which he in any way represents or handles or in which he has an interest. No such person shall participate in exacta, quinella, superfecta or triple wagering on a race in which such horse starts.

This means horsemen in New York harness racing are not allowed to make multi-horse bets in a single race in which their horse competes. They can't bet exactas, quinellas, trifectas (the "triple" in the above-cited rule.) or superfectas at all when their horse runs. Even if they only bet their horse on top (to win) in exactas, they are breaking the rule. They can bet multi- race bets such as daily doubles and Pick 3's when they don't bet against their horses, but any multi-horse bet in a single race is a rules violation. Given the fact that win, place, and show betting in New York harness racing constitute only about 30% of the total pools, it is likely that this rule is repeatedly violated every day.

Compounding the damage, New York has no ban at all on thoroughbred horsemen wagering on races in which their horses are running. In New York thoroughbred racing, the only formal wagering prohibition in thoroughbred racing is on jockeys. Jockeys can only bet on the horse they're riding on and only through the owner of the horse. There are no formal prohibitions on wagers by owners, trainers, jockey agents, grooms, at all in thoroughbred racing. It may be that betting a large sum of money against one's own horse could be considered a violation of the catch-all rule (Sections 4022.12 and 4022.13) which involves taking "actions detrimental to the best interests of racing generally" [adbird]. However, given the lack of any specific rule, could a steward or a racing commission in New York possibly determine that owners who box their horses in exactas are engaged in adbird? Could a government racing official similarly find that an owner who plays his or her horse on some - but not all wagers - in a Pick Six is violating the adbird rule? Is betting your horse in a quinella an adbird since you can win a quinella if your horse finishes second? What about a hedging scheme where you can make money whether your horse wins or loses? (This was pointed out by Steven Crist recently in the Daily Racing Form musing over whether Funny Cide's owners should bet against their horse in Great Britain on a betting exchange.) Obviously, this is rank speculation, but it may be that in some cases betting against your thoroughbred horse to win is not an action that violates any rule of New York racing.

In some ways, the enforcement of New York's harness rule alleviates some of the unfairness of the rule. The rule, in practice, tends to be a fallback rule. If the judges see a suspicious race, they first may try to see if the race is fixed. If they can't prove that a race is fixed but still believe it's suspicious, they may try to charge a participant with a lack of

effort. Since lack of effort in a harness race tends to be a very subjective standard that is difficult to prove, the judges – assuming they believe the race is still suspicious - will then check to see if anyone involved with the horse cashed multiple or exotic tickets on the races. If they cashed tickets, they are likely to be charged with violating §4119.5. It operates as a minimal penalty in races where the judges are (a)concerned about the integrity of the race but (b) are unable to prove a violation of other racing rules.

This hardly is a convincing case on behalf of the merits of §4119.5. The fact that it works out less harmfully in practice than on paper doesn't make it a worthwhile rule. It makes harness horsemen who place bets other than win, place or show on a single race in violation of the State's rules. Making matters worse, not only are their counterparts in thoroughbred racing not banned from these wagers, but there are also no formal prohibitions against thoroughbred horsemen even wagering against their own horses. Thoroughbred horsemen are free to place most any kind of wager; harness horsemen are banned. Harness horsemen are treated separately and unequally. Over the years, there may have been some need for stricter scrutiny of harness racing, but nothing justifies the complete ban on harness horsemen from betting exactas, quinellas, trifectas, and superfectas in the races in which their horses participate. This could reasonably be solved by letting harness horsemen make bets which place their horse first in combination with other horses.

The resolution to this issue is to treat all horsemen equally. The best model should be the California model where horsemen, regardless of breed cannot bet against their horse to win. California's Rule §1970 still has some ambiguities. Can horsemen bet quinellas? Can horsemen bet other horses in the race to place or show? Does it apply to grooms or assistant trainers? But as written below, it is far better than New York's rules which are far too harsh on harness horsemen and far too lenient on thoroughbred horsemen.

No owner, authorized agent or trainer having a horse entered in a race shall wager on, or include in any wager, any other horse competing in such races to finish first regardless of whether such wager is "exotic" or "conventional." No employee or representative of an owner, authorized agent or trainer having a horse entered in a race shall wager on, or include in any wager, any other horse competing in such races to finish first regardless of whether such wager is "exotic" or "conventional." (a) When an owner, authorized agent, trainer, jockey, or driver submits a winning parimutuel ticket for cash redemption it shall be prima facie evidence that the person submitting the ticket made the wager shown on the winning ticket.

Finally, New York is not alone in its problems with dealing with how to treat wagers by horsemen. The California rule, as noted above, has some ambiguities. Additionally, California has a slightly more restrictive rule (§1971 on wagering by jockeys and drivers.) Is there a reason for betting by jockeys to be treated differently than betting by trainers?

The model rules of racing have similar problems. The rules as agreed to by the two representative bodies of regulators (the Association of Racing Commissioners International [ARCI], and the North American Pari-Mutuel Regulators Association) have

no references to owner betting and have separate restrictions on betting by trainers, veterinarians, jockeys, and drivers. Trainers can only bet “on the trainer’s horse or entries to win or finish first in combination with other horses.” (ARCI Rules 22-020D, 8-020D) Veterinarians cannot “wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.” (ARCI Rules 22-035C, 8-045C) Jockeys can only bet on their horse to win through their owner or trainer, and records must be maintained of these wagers. Jockeys are basically subject to the same rule as trainers but must maintain records. (ARCI Rule 8-030 E). There is nothing in the rules on wagers by harness drivers. Nothing about these uniform rules is uniform.

New York may have the single most grievous rule on this subject, but all of racing should get its betting house in order.