

## DIVISION 120

### LICENSING PROCEDURES

#### 462-120-0030

##### Minimum Work Age

(1) Minimum Work Age Requirements. No person under 15 years of age shall be employed on a racecourse during a licensed race meet. However, a licensed parent or legal guardian may be permitted to employ his or her child around the stable/kennel area if the child is 14 years of age or older and licensed for the category.

(2) Any applicant for a license or any licensee under the age of 18 must show evidence of active participation in a certified education program within the last five months, have a high school diploma or have a plan acceptable to the stewards/judges.

(3) Exercise riders and pony riders must be at least 15 years of age.

(4) Jockeys and apprentice jockeys must be at least 16 years of age.

(5) Assistant trainers must be at least 17 years of age.

(6) Trainers and racing officials must be at least 18 years of age.

#### 462-120-0040

##### Types of Licenses

(1) Every person, in order to obtain and maintain his/her qualifications for any license held by him/her, shall attest to the knowledge of the rules and statutes, including all amendments.

(2) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.

(3) When the decedent was the owner either in part or in full the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

~~(2)~~(4) Each person described below must have a valid license issued by the commission before participating in or beginning employment at a licensed race meet:

(a) A race meet license is required of any person or corporation who conducts pari-mutuel racing.

(b) A horse owner's license is required of every person who is shown as an owner or lessee on the horse's registration papers or foal certificate, of every person who has a right to receive any share of a purse of a horse racing in Oregon, of any lessor of any horse racing in Oregon regardless of whether that person receives any share of the purses won by the leased horse(s), and of every person who owns or operates a stable which races horses in a licensed race meet in Oregon, and any person who has a right to receive any part of a stable owner's share of a purse of a horse racing in Oregon. However, a licensed employee of a stable may receive, as part of the employee's compensation, a percentage of the stable's earnings without having a horse owner's license and without being shown on the registration papers. The stable owner must disclose the employees' percentage to the commission in writing prior to any payment to the employees. A spouse of an owner does not need to be licensed unless the spouse's name appears on the horse's registration papers or foal certificate. No person is eligible for a horse owner's license unless the person has an officially documented ownership interest in a racehorse unless otherwise approved by the stewards.

~~(A) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.~~

~~(B) When the decedent was the owner either in part or in full the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.~~

(c) An owner's license/prospective owner's license with valid claim certificate is required of any person wishing to claim a horse if they do not have an eligible race horse with its registration papers on file in the race office.

(d) A greyhound owner's license is required of every person who is shown as an owner and/or lessor on the greyhound's NGA registration papers, and of every person who has a right to receive any share of a purse of a greyhound racing in Oregon, except kennel owners and their employees who are licensed in Oregon. A spouse of an owner does not need to be licensed unless the spouse's name appears on the greyhound's NGA registration papers. If two or more individuals are listed on the greyhound's registration papers using the disjunctive (e.g. John Jones "or" Sam Smith) each individual is shown as an owner or lessee and each individual must be licensed.

(e) A kennel owner's license is required of every person who owns or operates a kennel which races greyhounds in a licensed race meet in Oregon, and any person other than a licensed greyhound owner who has a right to receive part of a kennel owner's share of a purse of a greyhound racing in Oregon. However, a licensed employee of a kennel may receive, as part of the employee's compensation, a percentage of the kennel's earnings without having a kennel owner's license and without being shown on the NGA papers. The kennel owner licensee must disclose the employee's percentage to the commission in writing prior to any payment to the employee. A kennel owner's license also constitutes a license for the premises where the kennel's greyhounds are housed. A kennel owner who owns greyhounds and also leases greyhounds from other owners must be licensed as a greyhound owner and as a kennel owner.

(f) A stable/kennel/assumed name owners license is required if the name appears as an owner on the foal certificate, NGA ownership or registration papers of any animal racing in Oregon.

(g) A trainer's license is required of persons employed by a racing animal owner or stable/kennel to condition and care for racing animals racing in Oregon. A kennel may have only one trainer.

(h) An assistant trainer's license is required of persons who assist trainers. ~~Trainers and assistant trainers must be at least 18 years of age.~~

(i) Applicants for a greyhound trainer's license or assistant trainer's license, who have not been previously licensed as trainer or assistant trainer in the United States, must pass an examination given by the board of judges to demonstrate they have the knowledge and ability to handle the duties of their position. If such applicant has been licensed as trainer or assistant trainer in the United States previously but not in the last 36 months, the board of judges may require an examination demonstrating the applicant's knowledge and ability to handle the duties of the position. If any applicant fails the examination, the applicant must wait 30 days before reapplying. However, the board of judges may waive the 30 days waiting period for applicants who, in the opinion of the judges, narrowly failed the examination.

(j) Applicants for a horse trainer's license or assistant horse trainer's license may be required to pass a written examination given by the board of stewards and a commission veterinarian to demonstrate they have the knowledge and ability to handle the duties of their position. Any person who has not been licensed as trainer or assistant trainer in Oregon may be required to submit to a practical exam given by a commission representative and/or a representative of the recognized horsemen's association for the breed with which the applicant wishes to work. The stewards shall consider any recommendation received from the commission representative or the horsemen's association representative. Applicants for a trainer's license must have held a license in a backside license category for a period of at least two years and must have the recommendation of at least 3

trainers currently licensed by the commission prior to being granted a trainer's license. Applicants for an assistant trainer's license must have been licensed in a backside license category for a period of at least one year prior to being granted an assistant trainer's license.

(k) A jockey license or apprentice jockey license is required of any person who rides a horse in a race. However, when there is doubt as to a jockey's experience or ability, the stewards may require an applicant for a jockey license or apprentice jockey license to demonstrate the ability to control a horse and to ride in two or more races before a license is issued. Also, the starter may require applicants to satisfactorily demonstrate their ability to control horses out of the gate.

Notwithstanding OAR 462-120-0060 the temporary license may be for a period longer than 10 days in order for the stewards to evaluate the applicant's skill. ~~A jockey or apprentice jockey must be at least 16 years of age.~~ All jockeys must pass physical examinations once a year. A physical examination must include but is not limited to a vision test and urine and/or blood tests. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he/she successfully completes such examination. A physical card or physician's release will be seen as initial proof of such examination; however, the stewards may require additional information on the examination.

~~(l) An outrider license is required of any employee of the race meet licensee who is stationed on horseback around the track and must be at least 18 years of age.~~

~~(m)(l)~~ An exercise rider license is required of any persons, other than licensed jockeys or apprentice jockeys, who exercise or work out horses. ~~An exercise rider must be at least 15 years of age.~~ The stewards may require evidence of competency.

~~(n)(m)~~ A pony rider license is required of any person who, while on horseback, leads horses to and from the stable area and paddock, or from the paddock to the starting gate. ~~A pony rider must be at least 15 years of age.~~ The stewards may require evidence of competency.

~~(o)(n)~~ A horseshoer license is required of any person who performs the usual services of a horseshoer on a racecourse. Farriers who have not been previously licensed by the commission must submit an application accompanied by the written recommendation of three trainers who are licensed by the commission, recommendation of the track plater or have a certificate of completion from an approved Farrier school. The recommendations must include a statement that the trainer knows the farrier to be qualified to be licensed as a farrier. All farriers not previously licensed by any racing jurisdiction may be subject to examination as directed by the stewards, prior to licensing.

~~(p)(o)~~ A groom's license is required of any person not licensed as an assistant trainer who works for a trainer. A groom, upon discontinued employment by a trainer, must surrender their license to security or commission licensing personnel within 10 days, to be returned when employed during the license period. A groom's license is not a freelance license.

~~(q)(p)~~ At a minimum the president and the vice president of adoption organizations.

~~(r)(q)~~ A public training track owner's license is required of every person who owns or manages a public training track.

~~(s)(r)~~ A veterinarian license is required of any veterinarian licensed by the Oregon Veterinary Medical Examining Board who performs veterinary services on a racecourse. A current copy of that license must be on file with the commission licensing office.

~~(t)(s)~~ A valet/assistant starter license is required of every any person who assists or attends jockeys in the jockey room or saddling paddock, or assists the starter at the starting gate.

~~(u) A morning line odds maker's license is required of any person employed or used by the race meet licensee to establish the final morning line odds in the daily racing program.~~

~~(v)(t)~~ Each owner, officer, director, all employees of the race meet licensee employed at a racecourse and its contractees must be licensed by the Oregon Racing Commission except: (A) Contractees who perform most of their principal functions away from the racecourse such as certified accountants, attorneys, insurance brokers, advertising agents and other similar contractors.

(B) Other contractors or individuals designated by the commission.

~~(w)~~(u) A vendor's license is required of any person, other than a veterinarian licensed by the Oregon Racing Commission, who solicits the sale of goods or services (used to feed, care for, or equip racing animals) to racing animal owners, stable/kennel owners or trainers on a racecourse.

~~(x)~~(v) An authorized agent's license is required of authorized agents.

(A) A licensed owner may register an authorized agent by filing an application to register an authorized agent with the commission and by paying the fee set by the commission. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature. A person may be an authorized agent for only one kennel.

(B) No authorized agent may perform any duties until such person is licensed and has filed with the commission a current written instrument signed by the principal before a notary public or before an employee of the commission. The instrument must clearly set forth the powers given to the authorized agent. Any power to collect money from the race meet licensee must be expressly stated in the written instrument. Upon licensing, each authorized agent must file a copy of the written instrument with the paymaster of purses.

(C) Any changes in the powers delegated by the principal to the authorized agent must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(D) Unless due to expiration of the license or term agreement set forth in the written instrument, any revocation by the principal of the authorized agent's authority must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

~~(y)~~(w) A public kennel owner's license is required of any person who rents or leases kennel space to more than one other person who is licensed to race greyhounds in Oregon. A public kennel owner's license also constitutes a license for the premises where the racing greyhounds are housed.

~~(z)~~(x) A jockey agent's license is required of any person who makes engagements for or manages a jockey.

~~(aa)~~(y) All racing officials and their assistants shall be licensed under the name of their official position. A racing official license is required of anyone performing the duties of any racing official position.

(A) Racing officials shall be listed by name and racing official position on the race meet licensee application and approved by the commission. After the initial approval of race officials, any change in the position held by a racing official from one category to another must be approved by the stewards or commission.

(B) A racing official may work as an assistant starter or valet without obtaining additional licenses, provided it doesn't interfere with the official duties of the racing official. However, assistant starters and valets must be licensed as a racing official to perform the functions of a racing official.

~~(bb)~~(z) An Oregon greyhound farm.

~~(cc)~~(aa) Compliance Officer(s).

(3) Working members of the media who are not employed by a race meet licensee do not need to be licensed in order to enter restricted areas. However, they must display a current valid "press" badge at all times when in a restricted area. Prior approval must be obtained from the stewards/judges or office of the race meet licensee during non-race time, and they must be escorted by a race meet licensee representative while in the restricted area.

#### **462-120-0050**

#### **License Application Procedures; Requirements for Corporations and Partnerships; Stable/Kennel/Assumed Name**

(1) License applications shall be made on forms furnished by the commission. An application is not complete until the application form has been filled out completely and signed by the applicant, the proper fee has been paid, and the applicant has submitted all documentation and information reasonably requested by the board of stewards/judges or the commission. An oral interview may be required in a particular case. All licensees are required to maintain current information regarding themselves on file with the Oregon Racing Commission, including but not limited to their current address, telephone number and any information regarding rulings, arrests or convictions. The commission will send all forms of written communications, including notices, to the address the licensee has on file with the commission.

(2) The application must show the true name of the applicant, and must also disclose any other name used by the applicant during the past 10 years. An application for an owner's license must identify the true names of all other persons who have any ownership interest, leasehold interest, or other investment in any of the applicant's racing animal(s) which will be racing in Oregon.

Greyhound owners must identify the name of the kennel out of which the applicant's greyhounds will be racing in Oregon. All applicants should be aware that Oregon law prohibits any person from conducting business in Oregon under an assumed name or under any name other than the real and true name of each person conducting the business or having an interest therein, unless the assumed name is registered with the Office of the Secretary of State. Refer to ORS 648.010(1).

(3) The fee for the first category of licensure is \$10.00 per year. Any person who is required to be licensed under more than one category of license must indicate the desired categories on the application form and pay an additional fee of \$2 per year for each additional category. All licenses shall ~~expire 3 years from the date of issuance. Licenses added after the initial license date shall expire on the same date as the initial license issued. be for a three year period and shall expire three years from the date of issuance. The license fee shall be the annual fee for each category in which the person is licensed, multiplied by three years. The fees that accompany license applications are non-refundable. A kennel owner who owns greyhounds and also leases greyhounds from other owners must be licensed as a greyhound owner and as a kennel owner.~~

(4) Dual licenses may be denied if, in the opinion of the stewards/judges or commission, there is a conflict of interest in holding more than one license.

(a) When an applicant applies for a license in more than one occupation, the stewards/judges or the commission shall consider whether the holding of such multiple licensing creates a conflict of interest (such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration). If such appearance is created, the multiple license may be denied.

(b) The following dual licenses shall be prohibited:

(A) A person licensed as a jockey shall not be licensed in any other capacity unless approved by the board of stewards.

(B) A person licensed as an owner shall not be licensed as a jockey agent or racing official.

(C) A person licensed as a race track owner or operator or as a racing official shall not be licensed in another capacity during the race meeting which the person owns or operates or at which that person is serving as a racing official unless approved by the board of stewards or as provided in OAR 462-140-0050(6).

(D) Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(c) A holder of a groom's license may be a hot walker. A trainer or an assistant trainer may also perform the duties of a groom or hot walker. An owner may also groom or hot walk only the horse(s) he/she owns. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he/she is licensed. Thus, for example:

(A) A pony person may not exercise horses if not licensed as an exercise rider.

(B) A groom may not perform the duties of a trainer if not licensed as a trainer.

(C) A trainer may not pony or exercise a horse if not licensed as a pony person or an exercise person.

(D) An outrider may not perform duties of a pony person except as needed in the performance of their duties as an outrider.

~~(5) Application fees are not refundable after the commission begins to process the application, even if the license is denied (except race meet licensees, as provided by statute), or a portion of the license is unused.~~

~~(6)~~(5) All corporations, limited partnerships, partnerships and other entities (except natural persons) which apply for licenses shall attach to the application as applicable:

(a) A document, signed by the president and secretary of the corporation, listing the true name and address of all officers, directors, shareholders, general partners, limited partners, and other persons having a legal or beneficial interest in the horse, stable or other business sought to be licensed, and identifying the nature and amount of each person's interest; and

(b) For corporations, a copy of the certificate of incorporation, an affidavit signed by the president indicating whether any officer, director, or stockholder has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any officer, director, or stockholder; or

(c) For partnerships, a copy of the written partnership agreement, an affidavit signed by a general partner indicating whether any partner has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any partner. Persons who do not have a written partnership agreement may not be licensed under the partnership name; instead, each person must be individually licensed under his/her own name; and

(d) For claiming purposes, all corporations must have an authorized agent, who may be a corporate officer, and all partnerships and licensed stables must either designate an authorized agent to sign claim forms (who may be one of the partners) or else all partners must sign the claim form.

~~(7)~~(6) All licensees, in accepting a license, or any person introducing an animal onto the confines of any racecourse, training track or facility upon or within which racing animals are housed, are considered to have granted permission to Oregon Racing Commission veterinarians, investigators, and members of the board of judges/stewards, to enter upon those premises for the purpose of inspection to determine if those premises are suitable for the housing of animals, and to determine the health, safety and physical conditions of any animals contained therein.

#### **462-120-0100**

##### **Renewals; Reapplications; Duplicates; ~~Change of Ownership~~**

(1) ~~Applications~~Renewals. The application fee is \$30.00 for the first license category and \$6.00 for each additional category.

(2) Reapplication.

(a) Any person who, for reasons specific to that license category, has had a license application denied by the commission or stewards/judges must wait at least six months before reapplying for that category of license.

(b) If a license is denied due to failure of a written or oral exam, the stewards/judges may consider a period of less than six months before the applicant can reapply for a license. -unless the denial was for the failure of a written exam. In the case of a failed written exam, the stewards/judges may consider a shorter duration, but in In no case shall the applicant be eligible to re-apply within 30 days from the date the application was denied.

(c) Any person who has had a license application denied by the commission or stewards/judges for reasons not specific to a particular license category (such as criminal background, license

falsification, or financial irresponsibility) shall not be eligible to apply for a license in any category for a period of at least six months unless otherwise specified in the order.

(3) Duplicates. If a license is lost or destroyed, the licensee must apply for a duplicate license by submitting to the commission a sworn statement explaining in detail the circumstances of the loss or destruction, and by payment of ~~\$10. an amount equal to \$5.00 per year for the remaining number of years left in the original license's term.~~

~~(4) Change of Ownership:~~

~~(a) After a greyhound has started in an official race in a race meet in Oregon, no change of ownership or leases between kennels will be permitted until the race meet is concluded, except in extraordinary circumstances with prior approval of the commission; however, a change of true ownership may, with the approval of the board of judges, occur during the race meet. Under extraordinary circumstances a dog owner may move a greyhound lease relationship from its current kennel to another booked kennel with approval from the board of judges.~~

~~(b) After a horse has been registered with the racing secretary, it may not be transferred (unless claimed during the race meet) without permission of the stewards. The board of stewards may require a notarized bill of sale from the registered owner prior to giving permission for the change of ownership unless a commission official witnesses the signing of the bill of sale. The share of a part owner of any horse may not be sold or assigned without the consent of the other owners. The commission and/or stewards may declare ineligible to race any horse for which the ownership or control is in question. No ownership change shall be made after the close of entries except at the discretion of the board of stewards.~~

~~(5) Change of Trainer:~~

~~(a) Before a kennel owner may change trainers, the kennel owner or authorized representative must submit a completed "Change of Trainer" request on forms furnished by the commission, and must obtain the approval of the board of judges. When a new trainer is needed immediately, the procedure set forth in OAR 462-140-0430(4) may be followed first. Afterwards, a "Change of Trainer" request form must be promptly submitted.~~

~~(b) A horse owner who wishes to change a trainer must notify the racing secretary, obtain a "Change of Trainer" form, fill out the form completely and have it signed by the stewards. Upon receipt of the completed and signed form by the racing secretary, the former trainer shall not be given any further access to the horse's papers. No trainer change shall be made after the horse is entered into a race.~~

## **462-120-0110**

### **Where and When License Valid; Restricted Areas; Use and Display of License**

(1) Where License Valid. A license issued to a participant in a race meet for greyhounds is only valid at greyhound racecourses unless validated at a horse track. A license issued to a participant in a race meet for horses is only valid at horse racecourses unless validated at a greyhound track.

(2) When License May Be Used. Licensees shall use their license to enter a restricted area only when necessary to perform duties as a participant in a race meet. Any licensee who is employed by or is an authorized agent for a racing animal owner, stable/kennel owner, trainer or race meet licensee, shall promptly surrender their license to the commission upon termination of their employment or agent relationship. The commission shall keep the license until the license expires or until the licensee is again employed as a participant in a race meet.

(3) Restricted Area, Unauthorized Area. No one may enter a restricted area without a displayed current license issued by the commission, except commission members or employees, media representatives, and guests displaying a guest pass duly issued by the commission. No person (including licensee) may enter an unauthorized area without a proper credential or license or permission of the stewards/judges. Guests must be accompanied by security personnel, a commission employee or representative, or a representative of the race meet licensee. For stable/kennel area only: Owners, trainers, association officials, racing officials, and commission

personnel may register guests at the entrance to the stable/kennel area. Any other licensee wishing to register guests at the entrance must meet the criteria of a guest pass system developed by the race meet licensee and approved by the executive director of the commission. The race meet licensee may develop a guest pass system, approved by the executive director, to allow licensed participants to register guests to the area. The licensed participant is responsible for the actions of the guest and must accompany the guest around the area.

(4) Possession and Display of License. Licensees who enter a racecourse must carry their license with them at all times and must show the license to any racing official upon request. Licensees who enter any restricted area shall at all times have displayed on their person, with photo visible, their commission license. All guests in a restricted area shall display their guest pass at all times. Guests are not permitted to perform work functions.

(5) Protection of License. Licensees must take all reasonable precautions to safeguard their license, to prevent the license from being lost, misplaced or stolen. No licensee shall allow any other person to use the licensee's license for any purpose whatsoever. Licenses are not transferable.

(6) Possession of a license does not guarantee the right of the license holder to employment at or participation in a race meet or to be within the enclosure. A licensee must have a business purpose to be within any restricted area on a racecourse.