

Penalty Guidelines for Thoroughbred Horse Racing Licensee Violations

(April 1, 2017)

This document outlines recommended penalties for thoroughbred horse racing licensee violations. These guidelines were developed by the Gaming Policy and Enforcement Branch's (GPEB) Director of Racing in consultation with the Assistant Deputy Minister responsible for GPEB and Racing Division Stewards. Additionally, representatives from the Horsemen's Benevolent and Protective Association, the Jockey's Benefit Association, and the Great Canadian Gaming Corporation were consulted.

These guidelines further enhance the integrity of B.C.'s horse racing industry and the larger purses have led to a more competitive racing atmosphere, which demands an appropriate penalty structure for violations.

It should be noted that these guidelines provide recommended penalties only. Each violation has its own set of circumstances, which may lead to different penalties than those shown below. **When considering penalties, the Racing Division Stewards will take into account the violation history of the licensee.**

Positive Tests / Drug Violations

| Description | 1 st Violation | 2 nd Violation | 3 rd Violation |
|--|---|---|---|
| Class 1 | 120 day – 1 year suspension | 240 day – 2 year suspension plus \$2,500 fine | 2 year suspension plus \$5,000 fine |
| Class 2 | 120 day – 1 year suspension | 240 day - 2 year suspension plus \$2,500 fine | 2 year suspension plus \$5,000 fine |
| Class 3 | 30 day or \$5,000 fine | 60 days | 120 day – 1 year suspension plus \$5,000 fine |
| Class 4 & 5 | 7 – 15 day suspension or \$1,250 - \$2,500 fine | 15 – 30 day suspension plus \$1,000 fine | 30 – 60 day suspension plus \$2,000 fine |
| Non-therapeutic | 1 – 5 year suspension plus \$5,000 fine | 2 – 10 year suspension plus \$5,000 fine | |
| Possession of needles/syringes on the grounds | Up to a 10 day full suspension or \$1,500 depending on mitigating circumstances | | |
| Using a tubing device on the grounds for the purpose of "milkshaking" | 60 day full suspension | | |

Application of the Guidelines will take into consideration the following:

1. The Judges/Stewards will consider all offences for the purpose of assessing a penalty as a second or subsequent offence under these Guidelines.
2. The suggested penalties (suspension and fines) are guidelines only.
3. The Judges/Stewards may take into consideration any mitigating circumstances surrounding a positive test case, and may do any of the following:
 - i. impose a penalty that is lower than suggested in these guidelines.
 - ii. subject to due process, find other licensed individuals responsible and impose penalties upon such licensee as deemed appropriate.
4. The Judges/Stewards may exercise discretion in interpreting these Guidelines and assessing penalties, and may consider all prior offences, in and outside of B.C. involving any drug, medication, bicarbonate (TCO₂) or any other substance prohibited by rule or law. Although all prior offences may be considered in determining the appropriate penalty, the penalties for second and subsequent offences suggested in these Guidelines are based on:
 - i. the assumption that the previous offence(s) being considered were in the same class of drug, and
 - ii. the date of conviction or ruling for the previous offence(s) occurred within 3 years of the first offence.
5. For second or subsequent offences which occurred within 3 years of the first offence but in a different class of drug, the Judges/Stewards will exercise discretion in assessing the penalty by considering the following:
 - i. the number and class(es) of all previous offences;
 - ii. the time frame between offences; and
 - iii. any mitigating circumstances.
6. For the purposes of these Guidelines, a TCO₂ offence is considered a Class III drug.
7. On a first offence, the Judges/Stewards may impose a penalty beyond or below the range in appropriate circumstances.
8. Multiple offences occurring on the same race day to a different horse of the same trainer may be considered as individual offences in appropriate circumstances.
9. Suspension periods are full suspensions as described in the Rules of Racing.
10. Regardless of the penalty imposed, the horse in question will be disqualified and the purse will be redistributed.
11. Class 1 through 5 drugs are based on the Uniform Classification Guidelines for Foreign Substances, published by the Association of Racing Commissioner International.

12. Non-Therapeutic will include any drug, substance or medication that is determined to be in the system of a horse that has no therapeutic value to the horse.

Interference Violations

| Description | Recommended Penalty |
|--|---|
| Causing interference away from the gate with no disqualification | \$100 fine, 1 st offence |
| Causing interference in a race with no disqualification | \$100 - \$250 or 1 day riding only, 1 st offence |
| Causing interference in a race with a disqualification | \$500 fine or 1 day riding only, 1 st offence |
| Causing interference resulting in an accident in a race | 2 - 4 days riding only, 1 st offence |

Note interference violations, all penalties listed above are 1st offence penalties:

- 2nd offence for same violation within 1 month will result in twice the normal penalty
- 3rd offence for same violation within 2 months will result in three times the normal penalty

Whipping Violations

| Description | Recommended Penalty |
|--|------------------------------|
| First whipping violation | \$100 fine |
| Second whipping violation within 3 weeks | \$200 fine |
| Third whipping violation within 6 weeks | 1 day riding only suspension |
| Fourth whipping violation within 9 weeks | 2 day riding only suspension |

Note interference violations and whipping violations:

- Penalties in excess of those outlined will be at the discretion of the Stewards.

Other Penalties

All other penalties will be at the discretion of the Racing Division Stewards.

Contact Information

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