



SEEKING TRANSPARENCY

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While the North American racing industry continues to face a raft of serious issues, there should be little denying the need to present a sport that promotes far greater transparency than it does currently.

Some jurisdictions have a head start over others, but all are in need of massive improvement. A more seriously arranged adjudication arm for racing could build confidence in racing stakeholders, particularly owners and bettors, the lifeblood of the sport.

The case for North America to shift from its existing patchwork-quilt of in-race interference rules, based around the Category 2 interference philosophy, to a more consistent standard based under the Category 1 philosophy was espoused in Saratoga Springs last week at a series of industry meetings.

Mr Kim Kelly, Chief Stipendiary Steward of the Hong Kong Jockey Club and Chairman of the International Harmonization of Racing Rules

Committee (IHRRRC), made the case on behalf of the racing world at the Jockey Club Round Table on Matters Pertaining to Racing, **furthering the call made by the Thoroughbred Idea Foundation in our late 2018 white paper "Changing The Rules."**

According to the model rule adopted by the vast majority of jurisdictions under the International Federation of Horseracing Authorities, the Category 1 philosophy could be summarized as follows - if it cannot be reasonably believed that the horse which suffered interference would have finished in front of the interfering horse if not for the interference, then no change should be made.

The exact language of the model rule states:

"If, in the opinion of the Staging Authority's relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with but irrespective of the incident(s) the sufferer would not have finished ahead of the horse causing the interference, the judge's placings will remain unaltered."

"If, in the opinion of the Staging Authority's relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with and if not for the incident(s) the sufferer would have finished ahead of the horse causing the interference, the interferer will be placed immediately behind the sufferer."

Racing Authorities may, within their Rules, provide for the disqualification of a horse from a race in circumstances in which the Staging Authority's relevant judicial body deems that the rider has ridden in a dangerous manner."

Adopting Category 1 across North America would yield a sport with a greater understanding of how a race is adjudicated, far fewer instances in which the stewards are called upon to review a race for a potential change, fewer demotions, should be accompanied by an enhanced penalty structure for jockeys guilty of careless riding, and delivers increased confidence for all stakeholders in the adjudication of the race.

At last Friday's IHRRC meeting in Saratoga, officials from France, Germany and Japan, all jurisdictions to switch from Category 2 to Category 1 in recent years, cited absolutely no regrets in the decision, and re-iterated that they could not imagine returning to the highly flawed Category 2 system.

Regardless of the rules philosophy in place, stewards should be the guardians of transparency for the sport.

Kelly spoke of that need for stewards to lead the cause of transparency as paramount for customer confidence.

"Racing stewards must never be afraid of explaining their decisions to the public or any member of the industry. So long as decisions are properly considered with all of the relevant factors and competing arguments being taken into account and the correct decision arrived at, then those decisions will always be able to be supported in any forum. Transparency is king. Confidence in the stewards is paramount. Confidence lost, everything lost."

The transparent adjudication of racing in North America is a necessity. It does not exist today.

This paper seeks to update the situation of stewarding in North America through the lens of recent events – the Kentucky Derby and the Haskell Invitational.

THE 2019 KENTUCKY DERBY

Let there be no mistake.

The decision of the stewards to demote

Maximum Security in the 2019 Kentucky Derby was justified given the rules of racing (below) in Kentucky.

"If a leading horse or any other horse in a race swerves or is ridden to either side so as to interfere with, intimidate, or impede any other horse or jockey, or to cause the same result, this action shall be deemed a foul. If a jockey strikes another horse or jockey, it is a foul. If, in the opinion of the stewards, a foul alters the finish of a race, the offending horse may be disqualified by the stewards."

Almost without fail, the stewards must exercise some degree of judgment – it is folly to believe there are always clear cut decisions where racing stakeholders would agree in every circumstance. Some element of subjective judgment enters into the equation before these decisions, again, whether a jurisdiction is using Category 1 or Category 2.

As it relates to the 2019 Kentucky Derby, the following steps are achievable in the mind of a steward.

- Maximum Security swerved and impeded other horses. This is a foul.
- It is believable that the horses impacted by the foul would have finished in some different positions – specifically Long Range Toddy – and thus this foul altered the finish of the race.
- Thus, a demotion of Maximum Security is warranted.



That is simple.

It might not be fair in the minds of those that wagered on a horse that was nearly two lengths clear as a winner of the Kentucky Derby or to the winning owners or breeders of the race. Proponents of the Category 1 philosophy could think the decision was unjust.

But it is simple to at least visualize how such a decision could be achieved given the rules as

written, and the long-applied Category 2 rules philosophy in place.

What this does not address, however, is the subsequently uncovered, revealed or apparent elements of the review of the Derby itself which exposed the state of stewarding in North America today. The process involved in the demotion of Maximum Security is symptomatic of a long-ignored problem in North American racing.

The big-picture blame does not reside with the current stewards or regulators, though there were some clear mistakes. These simple and understandable mistakes and oversights, some surely a function of the heat of the moment, are the product of years of neglect in modernizing a system for adjudicating racing, and communicating decisions with regularity to racing stakeholders – something which has become standard operating procedure for the rest of the racing world.

If it can happen in the continent's premier race, there is every reason to believe these could have occurred with any similar set of stewards adjudicating any North American race.

Below are 12 elements surrounding the Derby incident which lead to serious questions about the process in place to adjudicate and communicate information about that process, some of which were mistakes or simple oversights while others are actions that suggest a lack of proper controls or procedures designed to bolster stakeholder confidence and participation in the sport.

1. The stewards did not initiate their own inquiry.
2. The initial information of the objection as relayed to the on-course announcer was incorrect.
3. The objection lodged by Jon Court, jockey of Long Range Toddy, was never relayed for public announcement.
4. The objection lodged by Court was never relayed to NBC, the national broadcaster of the race.
5. Jockey Tyler Gaffalione, whose mount War Of Will suffered clear interference, was never interviewed by the stewards.
6. Jockey Chris Landeros, aboard Bodexpress, a horse that suffered some interference due to the incident, and who was immediately to the outside of Long Range Toddy, was never questioned by the stewards during their objection review.
7. The steward relaying information about the demotion to the on-course announcer could not identify the position where Maximum Security was placed after the demotion.
8. The stewards declined to be interviewed by NBC despite a regular, pre-event production meeting in which there was an expectation they would likely share details of any decision in the event

of such a situation.

9. The stewards gave a prepared statement in the Churchill Downs media center roughly 2.5 hours after the race, but indicated they would not take any questions.
10. Unlike nearly every major sporting event, a pool reporter is not designated as a single point of contact to question the event's officials in case some element of that officiating is deemed newsworthy.
11. The stewards' prepared statement did not specifically identify the rule, or the burden of their consideration, as to why the demotion of Maximum Security was justified by the rules of racing.
12. The stewards' post-race report to the Kentucky Horse Racing Commission did not specifically identify the rule, or the burden of their consideration, as to why the demotion of Maximum Security was justified by the rules of racing.

To read more on the specifics of these issues, including which element we believe to be the most significant error in the incident, please see Appendix A at the end of this report.



HASKELL QUESTIONS

An incident on the far turn of the \$1 million Haskell Invitational yielded an inquiry that lasted roughly 124 seconds from the moment it was announced to the public until the moment it was announced there would be no action. The incident caused King for a Day and jockey John Velazquez to check sharply at the rail, immediately losing third place as he was quickly passed by longshot Spun to Run, and then lost a distant battle for fourth with Everfast.

The margin between fourth and fifth was just a half-length.

The rules of racing in New Jersey are amazingly vague. Unlike those in Kentucky, New York or California, they do not identify if a horse can be

demoted if the interference cost a placing, or altered the finish.

Without question, there was interference. It may have been caused by Mucho Gusto, coming down on Maximum Security, who clearly made contact with King for a Day. It may have been caused solely by Maximum Security. Quality footage may not have been available at that point of the course.

Stewards did not take verbal testimony on the incident from Maximum Security's jockey Luis Saez before closing the inquiry.

Dennis Drazin, one of four attorneys for Maximum Security's owners Gary and Mary West in their ongoing lawsuit against the Kentucky Horse Racing Commission regarding the Derby decision, is the Chairman and CEO of Darby Development, the operator of Monmouth Park.

Drazin was one of the presenters of the Haskell trophy to the winning connections of Maximum Security.

"When you get stopped like that at any moment in a race, it costs you everything," Velazquez told TVG's Scott Hazelton after the Haskell. Velazquez confirmed he did speak to the stewards.

While there may be nothing wrong with the decision made by the stewards to dismiss the inquiry – the lack of taking testimony from one of the key jockeys involved in an incident in a \$1 million race, keeping in mind the close relationship between the track operator and the owner of the winning horse and their pending litigation against the stewards and racing commission in another jurisdiction – the Monmouth stewards may be waiting a good long while for a spot in the transparency hall of fame.

To be clear, there is absolutely no suggestion of any impropriety.

The optics, however, leave much to be desired in a sport within North America that regularly exhibits its adjudication lacks the seriousness of a proper sport. These actions, or lack thereof, should not be surprising. They've persisted in North American racing for decades.

If our industry is to improve, there must be change.

STEWARDS' REPORTING — MORE THAN JUST DQS

A minority of racing jurisdictions in North America publish stewards' decisions – explanations of their rulings on in-race incidents. Of those that do, the quality of the reports varies.

Often times, reports from stewards only touch upon incidents during the race where interference was involved. This report will share some comparisons and suggest additional ways in which the role of stewards can positively evolve, lifting the standards of racing adjudication in North America, bolstering confidence of all racing stakeholders.

In some North American jurisdictions, the stewards provide a brief explanation for the on-course announcer to deliver after a decision has been made. **Stewards in Iowa recently took to the microphone themselves** to explain a demotion after the Grade 3 Iowa Derby, though the lack of detail reflects some elements of the Kentucky Derby dilemma highlighted earlier. This is also occasionally done in some standardbred racing jurisdictions, too.

In many foreign jurisdictions, the role of the stewards and their reporting standards are far more robust than the North American equivalent. The analysis of the running of the race includes any number of matters relative to the start, the riding of the race, considerations and reporting related to dramatic changes in running style or form reversals, as well as standard reporting on inquiries or objections.

An incident report from each race can include almost anything, but all should involve informing the public about something which occurred before, during or after a race. The stewards are in a unique position to ask questions of licensees (jockeys, trainers and/or their assistants) which the public, or some group of customers amongst them, might rightly want to know to assist in their understanding of the race.

Among the topics in such a report:

- An incident at the starting gate.
- The consideration of an inquiry or claim of foul and how the rules governing such an incident warranted the decision of the stewards.
- The application of rules governing riding infractions which may not have warranted a review by inquiry or objection.
- Questioning jockeys and trainers regarding a change in performance or riding tactics for a horse with an established racing pattern, or why particular tactics were chosen and executed.
- Questioning trainers regarding the performance of a horse that may have varied significantly from wagering market expectations.
- Reporting on details related to a prohibited substance violation or investigation.

The intent of expanding the stewards' reportable responsibilities is grounded in the need for greater stakeholder and public confidence in the operation of racing. This standard is established throughout the sport worldwide, but is notably lacking and wildly inconsistent in North American racing.

At the end of this report, Appendix B includes a series of examples of stewards reports from around the world. We encourage you to read those and share them as examples of how more professional reporting of stewards' decisions could benefit racing stakeholders, transparency and confidence in the sport.

STEWARDS IMMERSSED ABROAD

In concert with the recently concluded Round Table on Matters Pertaining to Racing, a [Jockey Club press release](#) outlined a superb new initiative that could go a long way towards educating current and budding stewards in North America on the practices of their international colleagues.

"The Jockey Club and Racing Officials Accreditation Program (ROAP) announced the creation of two programs, administered by ROAP and funded in part by The Jockey Club, to educate stewards practicing in North America on international officiating standards.

"The purpose of the program is to provide an immersive experience with international stewards to cultivate and foster interest in a career as a race steward and to further the experiences of seasoned stewards. Racing associations will have a pathway to invest and develop candidates of interest for succession planning. The long-term goal is to establish a global exchange between North American stewards and international colleagues to facilitate international harmonization."

While improving the adjudication experience, racing in North America must be met with far greater transparency. The practices of the global racing community, on matters of the adjudication of the sport, are rife for adoption in North America.

The IHRC meeting revealed that all of the jurisdictions represented by the committee, except for the United States, limit the rights of objections to horses and connections who, if successful, would gain financially from the overturned result.

In other words, in England, France, Australia, Singapore or Hong Kong – just to name a few – a horse that finished eighth could not object against a winner because the greatest finishing position it could earn if the protest was successful – seventh – carried no additional prize money. Under this logic from these Category 1 jurisdictions, a protest of a 17th place getter – Long Range Toddy – against the winner would not have been permitted.

Bettors of Long Range Toddy did not benefit from the overturned Derby result, nor are owners

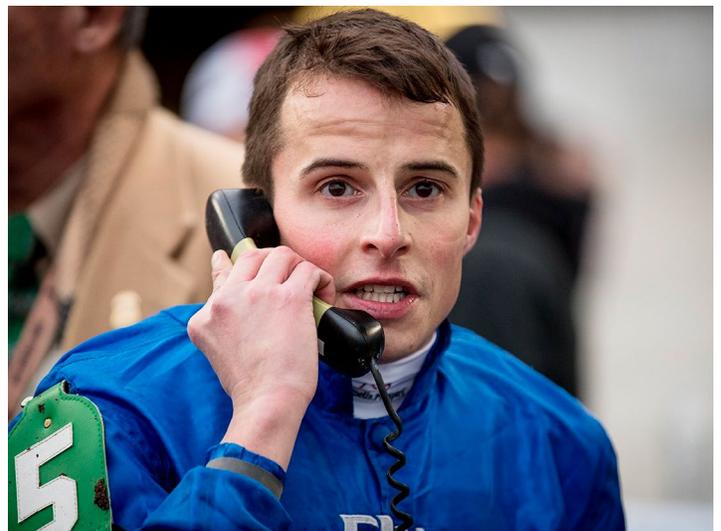
or breeders of the horse. As it stands, the decision made to demote the Derby winner yielded no additional income or reward for any of the connections or bettors of the horses most directly impacted by the interference which undoubtedly occurred. Yet, the objections was upheld, to the detriment of all related to Maximum Security.

North American stewards witnessing practices such as these embedded in the realities of far-flung locations will serve as a major step towards realizing the need to implement a more modern approach on the home-front.

INFRASTRUCTURE IMPROVEMENTS NEEDED

The path to improving the transparency of North American racing, from better reporting to increased training, will require investment. The Jockey Club's support mentioned above is a key element. Racetracks, however, will need to facilitate some of the improvement.

*"When interference occurs in a race which requires and inquiry to be conducted, the relevant Jockeys are formally interviewed in the Inquiry Room – **never by telephone**,"* said Kim Kelly at the Jockey Club Round Table.



Whether it be in Hong Kong or Hamilton Park (GB), the Curragh (IRE) or Cranbourne (AUS), stewards conduct nearly every element of race day adjudication at ground-level, facing jockeys, often in an inquiry room in close proximity to the jockeys' room. The North American standard of jockeys communicating with stewards via phone is the exception, not the rule.

Improvements within racetrack facilities are required to advance this cause for transparency,

elevating the role of the stewards to that worthy of a modern, professional sport. The status quo is not.

APPENDIX A: THE MISTAKES, OVERSIGHTS AND LONG-TERM PROCEDURAL FAILINGS REVEALED BY THE 2019 KENTUCKY DERBY DEMOTION

1. The stewards did not initiate their own inquiry.

In a race where the result was the first demotion of the Kentucky Derby winner following a jockey's claim of foul, the lack of an inquiry into the incident before the lodged objections leaves stakeholders with doubt regarding the attention officials paid to the race.

War Of Will's jockey Tyler Gaffalione said, "They never spoke to me. To be honest, I thought there'd be an inquiry. I was surprised that there wasn't."

The lack of an inquiry combined with a lack of communication about the actual objections lodged in the race and the eventual decision of the stewards, exacerbated the confusion about the incident.

2. The initial information of the objection as relayed to the announcer was incorrect.

Churchill's video of the race, posted on social media, shows announcer Travis Stone being told that Luis Saez claimed foul against Flavien Prat, when the opposite was true.

"We have a rider objection, 7 against the 20 at the quarter pole," says steward Butch Becraft, off camera.

This simple error is one of several examples exhibiting the pressure of the situation faced by the stewards.

Using the same language, one of the actual foul claims was "20 against the 7." Stone announced the correct objection.

3. The objection lodged by Jockey Jon Court, jockey of Long Range Toddy, was never relayed for public announcement.

4. The objection lodged by Jockey Court was never relayed to NBC, the national broadcaster of the race.

Unlike the foul claim cited above, the information of an additional claim of foul by Court against Maximum Security was never shared to the national

television, on-track or simulcast audiences.

The dialogue regarding the incident by NBC commentators focused almost exclusively on the interference suffered by War Of Will, and the lack of impact to Country House. Randy Moss went so far as to suggest jockey Flavien Prat, whose objection was the only one announced to the public or to the NBC audience, was taking a chance at objecting despite knowing there was little case.

Jerry Bailey: *"I think the bigger question...I believe that Maximum Security stepped out of a lane and impeded #1 War Of Will. The question is, did it cost War Of Will a placing? Would he have finished better had this not happened? That is the discretion of the stewards."*

Moss: *"Sometimes riders, to be quite honest with you, take a shot [speaking of Flavien Prat]. You [Country House] are second in the Kentucky Derby, why not take a shot. I didn't see this horse [Country House] get turned sideways at all."*

Both believed there was no reason for a change – a position easily achieved given there was no inquiry and only the announced objection of Country House against Maximum Security. Without having commissioned an inquiry of their own, where the stewards can look at any part of the race and do not require an objection from one rider alleging interference against another, the decision made to demote Maximum Security behind Long Range Toddy makes little sense on the surface. The public was never informed that there was a foul claim by Court against Saez, only the previously mentioned "20 against the 7."

In the mind of racing regulars, when the only announced claim of foul is the second place finisher against the first, and absent any other inquiry, demoting the unofficial winner out of the top five placings is a highly unexpected result.

With America's use of the Category 2 interference rules philosophy, where stewards are empowered to place horses behind those horses that suffered the interference provided the interference cost the horse a placing or altered the finish (depending on the wording in the individual state), **the absence of an announcement regarding this objection is likely the most significant oversight of the 2019 Derby demotion.**

5. Jockey Gaffalione, whose horse suffered clear interference, was never interviewed by the stewards.

NBC commentator Jerry Bailey said, during the broadcast: "It would be very interesting to see what Tyler Gaffalione says, the rider of #1 War Of Will, and I'm positive the stewards will have talked to him."

They didn't.

Gaffalione's comments were relayed in a Thoroughbred Daily News story by Bill Finley.

"They never spoke to me...Every track has different ways of handling things," he said. "There have been instances where I might have finished last, but something happened and I was in the mix and they asked me of my opinion of that. With everything going on Saturday, I'm sure the stewards had their hands full."

When asked why he did not claim foul, Gaffalione said that he discussed doing so with trainer Mark Casse, but they saw no benefit in doing so.

'When I got off the horse I went to see [trainer] Mark [Casse],' he said. 'We finished eighth, so we felt it really wasn't necessary. We thought that was the stewards' job in a race like that, especially a race like the Derby. If they felt there was something wrong they should have put up the inquiry sign and there was no inquiry. If we finished fourth or fifth and could have been moved up and gotten more money for the horse, owner and trainer, I definitely would have claimed foul. But we had nothing to gain from it.'"

6. Jockey Chris Landeros, aboard Bodexpress, a horse that suffered some interference due to the incident, and who was immediately to the outside of Long Range Toddy, was never questioned by the stewards during their objection review.

Bodexpress, as described in the stewards' report to the KHRC, "had to check sharply."

"After a thorough and lengthy review of the race replay and interviews with Saez, Prat and Court, the stewards determined that #7 "Maximum Security" (Saez) veered out into the path of #1 "War of Will" (Tyler Gaffalione) who was forced to check and, who in turn impeded #18 "Long Range Toddy" (Court) who came out into #21 "Bodexpress" (Chris Landeros) who had to check sharply."

Landeros is never questioned during the nearly 22 minute review of the race.

7. The steward relaying information about the demotion to the on-course announcer could not identify the position where Maximum Security was placed.

This item serves as a reminder of the state of mind of the stewards at the time of the action. When relaying information about one of the most notable demotions in the history of American horse racing, **the steward tasked with communicating the situation with announcer Travis Stone** cannot cite the exact position where Maximum Security was placed.

Steward Becraft: "For interference...the 7 is going to be disqualified and placed behind the 18."

Announcer Stone: "Which position is that, do

you know?"

Becraft: "Wayyyy... he beats two horses."

Stone: "Ok. So 7 is disqualified from first, behind the 18. Ok. So he beats two horses."

8. The stewards declined to be interviewed by NBC despite a regular, pre-event production meeting in which there was an expectation they would likely share details of any decision in the event of such a situation.

There is no requirement for the stewards to speak to the media, or the race's national broadcaster. However, in the interest of transparency and industry development, the sport would benefit from media exposure to the officials, particularly in such historic circumstances.

The comparable experience would be the officials overturning a call at the conclusion of the Super Bowl and never explaining the rationale for the decision. Or worse, overturning a call because of something that happened away from the main incident that everyone believed was the original focus of the review.

As Kelly suggested in the aforementioned presentation at the Jockey Club Round Table conference, "Transparency is king. Confidence in the stewards is paramount. Confidence lost, everything lost."

9. The stewards gave a prepared statement in the Churchill Downs media center roughly 2.5 hours after the race, but indicated they would not take any questions.

The statement delivered by Chief Steward Barbara Borden:

"The riders of the 18 (Long Range Toddy) and 20 (Country House) horses of the Kentucky Derby lodged objections against the 7 horse (Maximum Security), the winner, due to interference turning for home near the quarter pole. We had a lengthy review of the race. We interviewed affected riders. We determined that the 7 horse drifted out and impacted the progress of No. 1, in turn interfering with the 18 and 21. Those horses were all affected, we thought, by the interference."

"Now, therefore, we unanimously determined to disqualify No. 7 and place him behind the No. 18, the 18 being the lowest-placed horse that he bothered, which is our typical procedure."

Esteemed former Sports Illustrated writer **Tim Layden expressed his surprise at the lack of transparency** from the stewards in their statement, while acknowledging the burden of the decision as it weighed on them.

"It is worth noting that the stewards did not take questions from media Saturday night; head Kentucky Horse Racing Commission steward Barbara Borden nervously delivered a 107-word

statement to explain the disqualification. The statement was clear as far as it went and Borden's nerves were understandable considering the gravity of the moment. But the stewards' failure to take questions was a misstep that left giant gaps."

Jay Privman, national correspondent for the Daily Racing Form, noted via Twitter: "So, to review, stewards did not post inquiry sign themselves; if 2 riders don't claim, nothing happens. Then they took no questions about decision, only made statement. For the biggest race in the country."

There are very few examples of stewards speaking to the media relative to racing incidents in North America. It would be an unusual occurrence. While it would be expected to occur following an historic demotion, the lack of experience in doing so on a regular basis makes its omission understandable, though not justified.

10. Unlike nearly every major sporting event, a pool reporter is not designated as a single point of contact to question the event's officials in case some element of that officiating is deemed newsworthy.

Dennis Dodd of CBS Sports outlined the pool reporter role when discussing some changes to the NCAA's process on the topic.

"A pool reporter is rarely used, and only in the case of rules of interpretations or controversial plays. (Examples: fight, flagrant foul, timing issue.) Previously, a pool reporter would make a request after a game, then be escorted by an NCAA staffer to the officials' locker room to ask pertinent questions. The pool reporter's quotes from the officials would then be distributed to the media."

When an element of a sporting event's officiating is deemed newsworthy, the pool reporter role comes into play.

The National Basketball Association (NBA) publishes transcripts of interactions between the assigned pool reporter and referees. Major League Soccer (MLS) has a 372-word policy outlining the process of a pool reporter questioning a match's officials.

The Kentucky Derby should be no different as the racing event with the largest number of credentialed media members in North America. Stewards should be prepped and trained to handle these matters, while regulators should be involved in the process as well.

The New York Racing Association has made stewards available after key races in recent years, notably the Belmont Stakes, should an incident warrant it.

11. The stewards' prepared statement did not specifically identify the rule, or the burden of their consideration, as to why the demotion of Maximum Security was justified by the rules of racing.

In the immediate aftermath of the Derby demotion, the stewards' statement on the demotion did not connect the dots to fully explain why the incident warranted the demotion. In other words, they did not explain the burden they consider in such incidents – something which would be particularly noteworthy to the general public and the throngs of journalists that cover the Derby despite not routinely being aware of the rules of racing. The full statement is included under item nine, earlier.

What did it need?

The examples of stewards' reports on recent demotions in New York and Washington serve as examples which go the distance. The underlined portions (our emphasis) highlights the connection missing in the Kentucky reports.

Saratoga – August 4, 2019

Race 4: - *Steward's Inquiry and Jockey's Objection: #5 Sketches of Spain (Irad Ortiz, Jr.) and #8 Sparkling Sky (Jose Ortiz) lodged objections against the winner, #3 Crystalle (Chris Landeros) for alleged interference in the stretch. Approaching the 1/16 pole, #3 on the far outside shifts in two paths, under a right-handed crop, crossing the paths of #'s 5 and 8. #5 steadies slightly and # 8 must check and loses momentum. #8 finishes third, beaten a head for second place. After reviewing the race films and speaking with the riders involved, the stewards determined that the incident did alter the finish of the race. As a result, #3 is disqualified from first and placed third, behind #8. The revised order of finish: 5-8-3-4*

With regard to interference, New York is a "Category 2" state, meaning that Commission rules provide that if the interferer is guilty of causing interference and such interference in the judgment of the Stewards has altered the finish of the race, then the interferer is placed behind the offended horse.

The Stewards consider whether the riders of the horse or horses that are offended continue to give effort to the finish of the race.

The Stewards also consider whether the offending jockey acted in a willful or careless manner while interfering with another horse or jockey, for which the interferer may be disqualified, i.e., placed last or unplaced in the order of finish. For example, if an offending jockey acts in a dangerous manner, exhibits extremely improper riding or impedes several horses, the Stewards may disqualify the offending horse without regard to the specific effect of the foul on the order of finish.

Emerald Downs – June 29, 2019

Following the running of the race the stewards posted the inquiry sign due to an incident down the backside involving contact between second place

finisher #7 Ivy Mike, ridden by Heribert Martinez, third place finisher #1 Uzta Have Money, ridden by Juan Gutierrez, and fourth place finisher #5 Thorn Legacy, ridden by Patrick Henry Jr. and seventh place finisher #6 Broka ridden by Gary Wales.

After reviewing the videos and taking testimony from the riders involved, the stewards determined that down the backside #1 Uzta Have Money came out ever so slightly while #5 Thorn Legacy and #6 Broka were off his hip, #7 Ivy Mike came slightly from the outside forcing #6 Broka to check who in turn caused #5 Thorn Legacy to alter course.

The stewards determined that both #5 Thorn Legacy and #6 Broka were interfered with but were well beaten for third and sixth places thus no change was made to their finish position as it was decided it did not cost them the chance at a better placing. The original order of finish of 4-7-1-5-2-3-6 was made official.

Such detail is crucial to the understanding of the wagering public, owners and all industry stakeholders. In North America, some jurisdictions provide these reports while others do not. Some that do fail to provide enough detail to connect the dots that the public needs connected.

12. The stewards' post-race report to the Kentucky Horse Racing Commission did not specifically identify the rule, or the burden of their consideration, as to why the demotion of Maximum Security was justified by the rules of racing.

Days after the incident, a more detailed report is delivered from the stewards to the Kentucky Horse Racing Commission. Even this version of events does not provide the "dot connecting" that is suggested above in item 11.

An objection was lodged via radio through the outrider by the rider of second place #20 "Country House" (Flavien Prat) alleging interference by the rider of the winner #7 "Maximum Security" (Luis Saez) near the 5/16 pole. In addition, an objection was lodged via telephone at the winner's circle by the rider #18 "Long Range Toddy" (Jon Court) who finished seventeenth, also alleging interference near the 5/16 pole. After a thorough and lengthy review of the race replay and interviews with Saez, Prat and Court, the stewards determined that #7 "Maximum Security" (Saez) veered out into the path of #1 "War of Will" (Tyler Gaffalione) who was forced to check and, who in turn impeded #18 "Long Range Toddy" (Court) who came out into #21 "Bodexpress" (Chris Landeros) who had to check sharply. As #7 "Maximum Security" (Saez) continued to veer out, #18 "Long Range Toddy" (Court) was forced to check sharply, making contact with #20 "Country House" (Prat). The winner, #7 "Maximum Security" (Saez) was disqualified and placed seventeenth, behind #18 "Long Range Toddy" (Court). Official order of finish:

20- 13-8-5-16.

While long-standing practice may not dictate the need to outline the exact reasons for demotion, those practices should change in concert with such information being made available to the public in a timely fashion.

APPENDIX B: INTERNATIONAL STEWARDS' REPORTS

All of the reports presented below are available via public sources, most typically the national governing bodies for racing in that jurisdiction, social media channels presented by the stewards, or the websites of the tracks where they occurred.

Consideration of a Starting Gate Incident

Greyville (South Africa)

July 6, 2019

A race review was called into the start of this race with regard to QUINLAN (L Hewitson) in starting gate 11 and it was established that this gelding threw his head down shortly before the start was effected which resulted in this gelding losing ground to the field. The Board was satisfied that any prejudice suffered by this horse was a consequence of its own actions and therefore the Board deemed it to be a runner.

Epsom (Great Britain)

July 18, 2019

An enquiry was held into the start and the possible withdrawal of QUARTO CAVALLO, ridden by Jimmy Quinn. The rider and the Starter were interviewed and shown recording of the start. It was found that QUARTO CAVALLO was deemed to have started as Quinn was mounted as the start was effected but the filly reared as the stalls opened, unseating the rider.

Consideration of an In-Race Incident

Naas Racecourse (Ireland)

May 11, 2019

The Stewards enquired into an incident over two furlongs from the finish involving Ferretti (USA), ridden by D. O'Brien, placed fourth, Barend Boy (GB), ridden by C.D. Hayes, unplaced and Sonaiyla, ridden by A.J. Farragher, unplaced, where it appeared that Sonaiyla ran short of room and checked. Evidence was heard from the riders concerned. A.J. Farragher gave his evidence in the presence of Michael Halford. Having viewed the recording of the race and considered the evidence,

the Stewards were of the opinion that D. O'Brien had caused the incident by riding carelessly, this being a breach of Rule 214. Having taken his previous record into consideration, the Stewards suspended D. O'Brien for 2 racedays.

Turffontein Racecourse (South Africa) June 30, 2019

An Inquiry will be opened to establish why BYRON BAY (D De Gouveia), MARK THE DOORMAN (M Yeni), TOUGH CHOICE (C Storey), SMART DEAL (M Thackeray), GOLD GRIFFIN (W Kennedy), ZAR (*K Matsunyane) and FINAL OCCASION (G Lerena) suffered various degrees of interference at approximately the 1100m.

After reviewing this incident from various angles, the Board decided to take no further action as, in the Board's view, there could not be blame attributable to any individual rider.

Bendigo Racecourse (Australia) July 14, 2019

Blonde Disposition: Began awkwardly. When questioned, rider Andrew Mallyon explained that as outlined in the stewards report at the horses most recent start last preparation on 24 April 2019 he had advised that the horse is best ridden with cover in his opinion after Blonde Disposition led and weakened.

He added today he was under no specific instructions however he indicated his plan was to ride the horse with cover and from his wide barrier he was obliged to settle a little further back than he had hoped. He added he commenced to ride his mount along from the 600m however Blonde Disposition commenced to hang out and became unbalanced and lost some momentum.

He added for this reason he changed the whip into his right hand soon after straightening where once balanced his mount ran on although he expressed some disappointment in the performance of the horse. Andrew Mallyon further added that he recommended to connections to add a one-eyed blinker to the horses gear for its next race start.

Consideration of Performance Changes or Riding Tactics

Meydan (United Arab Emirates) January 31, 2019

Stewards queried jockey Adrie De Vries in relation to the tactics adopted on NAYSLAYER (IRE) and in particular losing ground near the 1100 metres.

A De Vries reported that after not being given specific instructions by the trainer, it was his intention to settle in a midfield position. He stated

that after being hampered at the start he was able to improve to a position slightly worse than midfield on the rail in the early stages before TABARAK (USA), which was shifting ground when racing greenly, shifted-in and crowded his running near the 1100 metres.

At this point he elected to restrain NAYSLAYER (IRE) rather than risk being hampered again, and in doing so the gelding weakened further back than he had intended, to the rear of the field passing the 1000 metres. A De Vries added that from this point until entering the straight NAYSLAYER (IRE) failed to respond to his riding, however on straightening he elected to shift to the outside of the field, rather than ride for luck inside other horses. At this point he placed the gelding under pressure and it responded by improving around the field and finishing on strongly.

Stewards noted A De Vries's comments.

Mildura Racecourse (Australia) July 8, 2019

Nova Way: Overraced through the early and middle stages. Held up rounding the home turn until passing the 300m before shifting out to obtain clear running. Laid out in the home straight. Tactics queried.

In particular, why he permitted his mount to shift down to the fence near the 800m allowing Life In Manhattan to gain cover behind the leaders and to his outside, rider Harry Coffey stated that the gelding which was having its second start today was racing greenly and rather than be pressured by Life In Manhattan he permitted his mount to shift down to the fence.

When questioned in relation to the reason he attempted to come to the outside of Life In Manhattan in the home straight rather than improve into the run inside of Life In Manhattan, rider Harry Coffey stated that he was mindful that his mount which had raced greenly may have been reluctant to take the run, so he elected to come to the outside of Life in Manhattan's heels in an attempt to gain clear running, however after shifting out Life In Manhattan laid out and shifted out resulting in Nova Way being held up and disappointed for clear running before bumping with De Vonic and then obtaining clear running.

Wolverhampton Racecourse (Great Britain) July 15, 2019

An enquiry was held into the running and riding of LAQAB (IRE) ridden by Andrew Elliot and trained by Derek Shaw, which was held up in rear throughout before staying on in the home straight under a hands and heels ride to finish seventh of thirteen beaten 8 lengths.

The rider and trainer were interviewed and the Veterinary Officer reported a post-race examination of the gelding failed to reveal any abnormalities. The rider reported that his instructions were to switch the gelding off and coax him into the race as the main aim was to get him to settle. He explained that LAQAB (IRE) jumped well but was slow into stride so he was content to take up a position at the rear of the field and was pleased with the way that the gelding settled.

He added that he was a little outpaced going down the back straight, but LAQAB (IRE) was slow to pick up when he asked for his effort when rounding the final bend and then had to negotiate around tiring horses in the final straight. In his opinion he considered that LAQAB (IRE) would be better suited by a more galloping track and possibly further.

The trainer confirmed the instructions and that he was satisfied with the ride given. Their explanations were noted.

Consideration of an Inquiry/Objection

Sha Tin (Hong Kong) October 7, 2018

The Stewards deferred the declaration of weighed-in as they were of the prima facie view that an incident occurred after the 75 Metres which cast sufficient doubt on whether ENDEARING (K C Leung) should be declared the winner of the race. Subsequently K Teetan, the rider of HIGH FIVE, 2nd placegetter, lodged a protest/objection against ENDEARING being declared the winner alleging interference to his mount over the latter stages of the race.

After taking evidence from all parties concerned and after viewing the videos, the Stewards found that as HIGH FIVE improved to the outside of ENDEARING approaching the 75 Metres, ENDEARING was directed out by its rider, K C Leung which resulted in both horses making contact and HIGH FIVE being hampered and carried out for a number of strides.

Having in mind the short head margin between the horses at the end of the race and the degree to which HIGH FIVE was hampered when ENDEARING shifted out, the Stewards were comfortably satisfied that had the interference which clearly took place not occurred HIGH FIVE would have finished in front of ENDEARING. Accordingly, the protest/objection was sustained and the placings amended to read No. 1, HIGH FIVE, 1st; No. 7, ENDEARING, 2nd; No. 4, MIGHTY MAVERICK, 3rd; and No. 5, GOLDEN DASH, 4th.

At a subsequent inquiry, K C Leung was found guilty of a charge of improper riding [Rule 100(1)] in that near the 75 Metres when HIGH FIVE

improved to be racing to his outside, he deliberately directed his mount outwards into HIGH FIVE which resulted in contact being made with that horse and HIGH FIVE being hampered and taken outwards. K C Leung was suspended from riding in races for a period to commence on Wednesday, 24 October 2018 and to expire on Sunday, 11 November 2018 on which day he may resume race riding (6 Hong Kong racedays).

Sandown Park (Great Britain) August 8, 2019

An enquiry was held to consider the placings in this race after interference on the run to the line involving the winner, NATIVE TRIBE, ridden by William Buick, and DUBAI MIRAGE (IRE), placed second, ridden by Oisin Murphy. The Stewards considered that the interference had not improved NATIVE TRIBE's placing as DUBAI MIRAGE and NATIVE TRIBE came together, resulting in little momentum and ground being lost, with NATIVE TRIBE winning by a nose. The interference was found to be accidental as DUBAI MIRAGE (IRE) shifted quickly right away from the whip, before being swiftly corrected, causing NATIVE TRIBE to become unbalanced and bump DUBAI MIRAGE (IRE).

Consideration of a Handling Infraction

Kranji Racecourse (Singapore) April 21, 2019

J Azzopardi, the rider of PER INPOWER, was found guilty to a charge of foul riding under MRA Rule 44(9)(b)(i) in that for some distance passing the 1000m, he deliberately shifted his mount out to a point where it made heavy contact with REDDOT RISING (S Noh) on several occasions, forcing the horse out off its course near the 900m, subsequently resulting in that horse becoming very unbalanced. MRA Rule 44(9)(b)(i) reads:

44 (9) No Jockey shall cause interference in a race or trial or ride in a manner which, in the opinion of the Stewards, is:

(b) foul, improper, or incompetent and for the purpose of this Rule, the following shall apply:

"Foul riding" shall comprise any deliberate or intentional act to interfere with the riding of another rider or horse in the race.

When deciding on penalty, the Stewards took into account his record and the nature of the charge. Jockey Azzopardi was suspended from riding in races with effect from Monday, 06 May 2019 to Wednesday, 05 June 2019 both dates inclusive (a period of one month) and was advised of his Right of Appeal.

This penalty will be served consecutively

following the completion of his suspension from Saturday, 27 April 2019 until Sunday, 05 May 2019 both dates inclusive (two Singapore Race Days).

Selangor Turf Club (Malaysia) July 6, 2019

The Stewards, on 9 July 2019 at the Selangor Turf Club, concluded an inquiry into the running and handling of TEH TARIK. Evidence was taken from Jockey M Ganeesh and Trainer SY Lim, the rider and trainer of TEH TARIK respectively.

Jockey M Ganeesh, the rider of TEH TARIK, was found guilty of a charge under MRA Rule 44(10) for failing to ride to the satisfaction of the Stewards. The particulars of the charge were that:

1. He failed to put any pressure on TEH TARIK in the early stages of the race, simply letting TEH TARIK fall-out from the start;
2. He effectively sat and restrained TEH TARIK in a rearward position in effectively 2nd or 3rd last from approximately the 850M mark and the 500M mark when in a position to improve his position and move forward in the field with no effort; and
3. He rode TEH TARIK in the straight in a manner which did not assist TEH TARIK which hung in on 3 occasions, and when he had an opportunity to change his whip to the left hand or to straighten in a more reasonable fashion.

In assessing the penalty, the Stewards took into consideration Jockey M Ganeesh's previous riding record and his submissions on penalty. Jockey M Ganeesh was suspended from riding in races for a period of six (6) months with immediate effect from 9 July 2019 and to expire on 8 January 2020, both dates inclusive. Further, he was fined RM50,000/- and advised of his Right of Appeal (5:15pm).

Consideration of a Prohibited Substance Violation

Happy Valley Racecourse (Hong Kong) June 28, 2016

The Stewards today concluded their inquiry into the analyst's reports relative to the finding of phenylbutazone and its metabolite oxyphenbutazone in the pre-race urine sample taken from MIDNIGHT RATTLER on the morning of 18 May 2016 and in a subsequent urine sample taken from that horse later that day under post-race conditions. MIDNIGHT RATTLER was withdrawn from the Tan Shan River Handicap conducted that night at the Happy Valley racemeeting by order of the Stewards after acceding to a request from Mr J Moore, the trainer of MIDNIGHT RATTLER, to withdraw the horse from the aforementioned race.

Evidence was taken today from Mr Moore,

Mr C W Wong, assistant trainer allocated to Mr Moore's stable, Dr P Robinson, Veterinary Surgeon allocated to Mr Moore's stable, Dr P Curl, Executive Manager, Veterinary Regulation, and Dr E N M Ho, Deputy Head of Racing Laboratory. The Stewards received written authorization from Mr W Y Cheung, managing part-owner of MIDNIGHT RATTLER and who was unable to attend today's hearing for Mr Moore to represent the interests of the owners of MIDNIGHT RATTLER.

The evidence before the Stewards today was that Mr Wong had mistakenly added an extra administration of equipalazone, which contains phenylbutazone, when treatments were being administered to horses trained by Mr Moore on the morning on 17 May 2016 following track work. This mistaken inclusion was accentuated by Dr Robinson's failure to correctly ascertain whether MIDNIGHT RATTLER was to be administered an equipalazone treatment. The Stewards accepted that Dr Robinson's attention at the relevant time was interrupted by a welfare matter involving a horse at one of the Club's riding schools.

Mr Moore was charged with a breach of Rule of Racing 140(1) in that as the trainer of MIDNIGHT RATTLER, he did fail to ensure that the horse was free of any prohibited substance on 18 May 2016, the day it was declared to race in the Tan Shan River Handicap at Happy Valley Racecourse. Mr Moore subsequently pleaded guilty to the charge.

Whilst the Stewards accepted that Mr Moore had properly directed Mr Wong and Dr Robinson as to which horses were to be treated with equipalazone prior to the treatment rounds being commenced, they were of the opinion that there were certain management measures which were reasonably able to have been implemented which would have greatly assisted in preventing MIDNIGHT RATTLER from being administered with a prohibited substance on the day prior to racing.

In assessing penalty, the Stewards took into consideration a number of mitigating factors, including but not limited to the fact that the matter before them related to a pre-race withdrawal and that MIDNIGHT RATTLER had not raced as well as the significant involvement of Mr Wong and Dr Robinson in the horse being inadvertently treated. Having given careful consideration to all the mitigating circumstances, the Stewards believed the appropriate penalty was for Mr Moore to be fined the sum of HK\$15,000.

Mr Wong and Dr Robinson were advised that reports outlining their involvement in this matter would be forwarded to Stables Management and Dr C M Riggs, Head of Veterinary Clinical Services, respectively for their consideration.

Turffontein Racecourse (South Africa) June 5, 2019

The National Horseracing Authority confirms that an Inquiry was finalised at its offices at Turffontein Racecourse on 5 June 2019.

Charge One: Trainer Mrs S Miller was charged with a contravention of Rule 73.2.2, as read with Rule 73.4.4 and Rule 74.1, in that:

1.1 Mrs Miller is the trainer of the horse BONGO DANCE, which is a gelding;

1.2 BONGO DANCE was due to run and, in fact ran in the 6th race at the Flamingo Park Racecourse on 12 November 2018;

1.3 Prior to the race a specimen was taken from the horse BONGO DANCE;

1.4 Upon analysis the specimen was found to contain testosterone at a level of 218.81 picograms per millilitre of plasma, which is in excess of the accepted threshold of 100 picograms per millilitre of plasma;

1.5 Testosterone is a forbidden substance and also a prohibited substance.

2. Charge Two: Mrs S Miller was charged with a contravention of Rule 10.5.16, as read with Rule 10.5.15.6, Rule 74.1 and Rule 71.1, in that:

2.1 Mrs Miller is a trainer licenced by the NHA;

2.2 Mrs Miller operates a racing stable at Flamingo Park Racecourse;

2.3 On 12 December 2018, at the aforesaid stables, certain needles were seized by officials of the NHA;

2.4 Upon analysis the needles were found to contain testosterone;

2.5 Testosterone is a forbidden substance.

Mrs Miller pleaded not guilty to both charges, but was found guilty on both charges.

In respect of Charge One, the Inquiry Board imposed a penalty of a fine of R150 000 (One hundred and fifty thousand rand). Furthermore, BONGO DANCE is disqualified in terms of Rule 72.3.2, and the conditions of Rule 67.7.8 shall apply.

In respect of Charge Two, the Inquiry Board imposed a penalty of a fine of R50 000 (Fifty thousand rand). **TIF**