

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 2. RACING ASSOCIATION
PROPOSED ADDITION OF
RULE 1435 SUSPENSION OF LICENSE TO CONDUCT A RACE MEETING

1435. Suspension of License to Conduct a Race Meeting.

(a) When taking any action against a licensed racing association to suspend racing or impose conditions pursuant to Business and Professions Code section 19481.7, the following procedures shall be followed:

(b)(1) The Board may, upon the filing of a written petition, issue an order suspending a license to conduct a racing meeting or imposing license restrictions. The petition shall include a declaration or declarations that demonstrate, to the satisfaction of the Board, that permitting the licensee to continue to engage in the licensed activity, or permitting the licensee to continue in the licensed activity without restrictions, would endanger the health and safety of the horses or riders that are present at the racing meeting.

(2) For purposes of this section, the health and safety of horses or riders may be endangered when:

- (A) An above-average number of injuries to horses and/or riders participating in the race meeting have occurred. The Board shall have discretion to determine the period of time used to measure whether an above-average number of injuries have occurred when compared with historic data.
- (B) A condition exists within the inclosure that is likely to endanger the health and safety of the horses or riders that are present at the racing meeting.
- (C) For any other reason the Board finds the health and safety of horses or riders is endangered.

(c)(1) The licensed racing association shall be given at least 24 hours' notice of the hearing on the petition for a suspension or license restriction order. The notice shall include the petition and declarations submitted to the Board in support of the petition.

(2) Notice shall be given in writing, and may be provided by personal service, mail, facsimile transmission or electronic mail.

(3) Notice shall be given to either the licensee, its designee, or any officer or director associated with the licensee.

(d)(1) At the hearing on the petition for a suspension order or license restriction order, the licensee may:

(A) Be represented by counsel.

(B) Have a record made of the proceedings, copies of which may be obtained by the licensee upon payment of any reasonable charges associated with the record.

(C) Present written evidence in the form of relevant declarations, affidavits, and documents.

(D) Present oral argument.

(e) The Board shall issue a decision on the petition for suspension order or license restriction order within five business days following submission of the matter.

(f) The Board shall review any decision to suspend a racing license or impose license restrictions within 10 calendar days of that decision.

(g)(1) At the hearing to review a decision by the Board under this section, the licensee may:

(A) Be represented by counsel.

(B) Have a record made of the proceedings, copies of which may be obtained by the licensee upon payment of any reasonable charges associated with the record.

(C) Present written evidence in the form of relevant declarations, affidavits, and documents.

(D) Present oral argument.

(h) Any suspension order or license restriction order shall remain in effect until the Board, at a meeting, determines that the matters jeopardizing the health and safety of the horses or riders that are present at the racing meeting have been adequately addressed.

(i) As a condition of lifting a suspension order or license restriction order, the Board may require a licensee to comply with additional safety standards or other requirements as it deems necessary or desirable for the best interests of horse racing and the purposes of this division.

(j) Failure to comply with a suspension order or license restriction order issued pursuant to subdivision (b)(1) shall constitute a separate cause for disciplinary action against any licensee.

(k) The orders provided for by this section shall be in addition to, and not a limitation on, the authority to seek injunctive or other relief provided in any other provision of law.

(l) A petition for an order suspending a license to conduct a racing meeting or imposing license restrictions may be filed by the Executive Director or their designee, or by the Equine Medical Director of the Board.

Authority Cited: Sections 19481.7, 19440, and 19460, Business and Professions Code. Reference: Sections 19481.7, 19440, and 19460, Business and Professions Code.