

CALIFORNIA HORSE RACING BOARD

1010 Hurley Way, Suite 300

Sacramento, CA 95825

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PARI-MUTUEL AND WAGERING **COMMITTEE MEETING**

Notice is hereby given that a meeting of the **Pari-Mutuel and Wagering Committee (committee)** of the **California Horse Racing Board (CHRB/Board)** will be held on **Wednesday, March 16, 2022**, commencing at **9:30 a.m. via teleconference**. The audio portion only of the committee meeting will be available online through a link at the CHRB website (www.chrb.ca.gov) under "Webcasts."

Please be advised, in accordance with Executive Order N-29-20, the CHRB will provide a teleconference option for its upcoming public committee meeting, to be held on **March 16, 2022 at 9:30 a.m.** Committee members and members of the public are strongly encouraged to participate using the teleconference phone number provided below so as to minimize the spread of COVID-19 and reduce the risk of infection during this current state of emergency. No physical location will be provided.

To participate in the teleconference, dial 800-343-1703 and enter 67570# when prompted. To comment on an agenda item, press *1 during the call to be added to the queue. If you are a member of the public and wish to listen to the meeting and not participate, we request that you please listen to the meeting via the webcast link on our website to avoid congestion and potential technical difficulties.

The agenda for the meeting will consist of the following matters:

AGENDA

Action Items:

1. Discussion **regarding potential regulatory changes in light of the scratch and subsequent purse money only designation of Modern Games** in the Breeders' Cup Juvenile Turf.
2. **Public Comment:** Communications, reports, requests for future actions of the Board. **Note:** During the public comment period, a total of thirty minutes will be allowed for public comments via the teleconference line. After thirty minutes, no further comments will be accepted. Each person will be limited to two minutes.

Additional information regarding this meeting may be obtained from the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax

(916) 263-6042. This notice is located on the CHRB website at www.chrb.ca.gov. *Information for requesting disability related accommodation for persons with a disability who require aid or services in order to participate in this public meeting, should contact Amanda Drummond. Requests will be swiftly resolved by CHRB staff.

CALIFORNIA HORSE RACING BOARD

Dennis Alfieri, Chairman

Damascus Castellanos, Member

Scott Chaney, Executive Director

Cynthia Alameda, Assistant Executive Director

Agenda Item 1

STAFF ANALYSIS DISCUSSION REGARDING POTENTIAL REGULATORY CHANGES IN LIGHT OF THE SCRATCH AND SUBSEQUENT PURSE MONEY ONLY DESIGNATION OF MODERN GAMES IN THE BREEDERS' CUP JUVENILE TURF

Pari-Mutuel Committee Meeting
March 16, 2022

As detailed in the Modern Games (IRE) investigation report summary available on the CHRB website's Media Room link, after this horse was inadvertently scratched from a major race at Del Mar on November 5, the stewards allowed Modern Games (IRE) to compete for purse money only as a non-wagering interest (see CHRB [Rule 1974](#)). Modern Games (IRE) then ran in the race and finished first. However, because Modern Games (IRE) ran for purse money only, the horse that finished right behind him, Tiz the Bomb, was declared the official winner for pari-mutuel purposes. While most wagers on Modern Games (IRE) were refunded or received consolations in accordance with CHRB rules, Pick 4, Pick 5, and Pick 6 wagers that included Modern Games (IRE) received the race favorite, Dakota Gold, in place of Modern Games (IRE) unless a different horse was named as an alternate selection when the wager was placed (see CHRB [Rule 1976.9](#)). All brick-and-mortar wagering facilities in California comply with Rule 1976.9 by providing index cards that bettors can fill out to name alternate selections in the case of scratches. However, no Advance Deposit Wagering company provided the same opportunity until a recent development at XpressBet. (An XpressBet representative will provide details at the meeting.) The CHRB does not know if any other racing jurisdictions provide for alternate selections.

CHRB Rules covering Daily Double and Pick 3 wagers provide for consolation payouts when scratches occur after the first leg of the sequence has been run. The CHRB once considered extending the consolation requirement to wagers involving four or more races, collectively called Pick (n) Wagers, but totalizator companies at the time indicated that because such wagers were processed differently than Daily Double and Pick 3 wagers, a consolation requirement would require significant extra time to process and could delay some payouts for hours. Furthermore, some bettors indicated they would not want to be shut out of the opportunity to win the major prize by instead receiving a consolation.

In 2011, the CHRB adopted Rule 1974 to require that horses run for purse money only in the belief that owners and trainers should not be penalized if their horse was inadvertently scratched through no fault of their own, which was clearly the case on November 5.

The Pari-Mutuel and Wagering Committee placed this matter on the agenda to receive input and hear suggestions on ways to improve the process, or take suggestions regarding possible regulatory changes.

Hollywood Park

1

3:00

Pick 6

2

BET SLIP

ALTERNATES



A	B	C	D	E	F	Horse	M/L	Odds
1	1	1	1	1	1	HARLEY QUINNELLA	2/1	9/5
2	2	2	2	2	2	HARLEY QUINNELLA	5/2	4
3	3	3	3	3	3	HARLEY QUINNELLA	12/1	4
4	4	4	4	4	4	HARLEY QUINNELLA	15/1	SC
5	5	5	5	5	5	HARLEY QUINNELLA	20/1	4
6	6	6	6	6	6	HARLEY QUINNELLA	15/1	5/2
7	7	7	7	7	7	HARLEY QUINNELLA	50/1	99

Ticket

3/3/2022
Hollywood Park
Race #1
\$2 P6

WT#
Total: \$0.00

SUBMIT

SAVE

CLEAR

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Modern Games (IRE): Summary of CHRB Investigation and Recommendations

The 2021 Breeders Cup World Championships was held November 5 and 6 in Del Mar, California, and hosted by the Del Mar Thoroughbred Club.

Just prior to the start of the Juvenile Turf Race on Friday, November 5, an incident occurred at the starting gate involving the horses Albahr (GB) and Modern Games (IRE). Albahr (GB) was scratched from the race. Modern Games (IRE) also was scratched but was then permitted to compete in the race for purse money only (no wagering on Modern Games (IRE)). Modern Games (IRE) then ran in the race and finished first. However, because Modern Games (IRE) ran for purse money only, the horse that finished right behind him, Tiz the Bomb, was declared the official winner for pari-mutuel purposes. While most wagers on Modern Games (IRE) were refunded or received consolations in accordance with CHRB rules, Pick 4, Pick 5, and Pick 6 wagers that included Modern Games (IRE) received the race favorite, Dakota Gold, in place of Modern Games (IRE) unless a different horse was named as an alternate selection when the wager was placed. After the conclusion of the race, the California Horse Racing Board investigated the matter to determine what had occurred. While the CHRB does not typically release an investigation report, especially when it does not result in a complaint, given the widespread public interest, a summary of the investigation is provided.

The Board's investigation was conducted by Supervising Investigator Michael Barker. Supervising Investigator Barker interviewed 12 percipient witnesses to the incident. Those witnesses included personnel from the starting gate (veterinarians, starter, and assistant starters), the stewards, placing judges, personnel in the pari-mutuel office and personnel in the totalizator room. All witnesses were cooperative with the investigation.

At the conclusion of the investigation, Supervising Investigator Barker made the following findings:

Albahr (GB), was in the number two stall. Albahr (GB) reared up over the starting gate, then fell back on to his side, with his legs caught under the number three stall. During this time, the horse in the number one stall, Modern Games (IRE), went through the front gate after the gate was opened by starting gate personnel and was uninjured. The veterinarians on scene initially believed that Modern Games (IRE) had forced his way through the starting gate, and they made the decision to scratch him. When informed by gate personnel that Modern Games (IRE) did not force the gate doors open, the veterinarians inspected him and advised the stewards that Modern Games (IRE) was fit to run.

Concurrently, the stewards were advised of the scratch of both Albahr (GB) and Modern Games (IRE) by the veterinarians. The stewards called the scratch into the tote room and both Modern Games (IRE) and Albahr (GB) were removed from wagering. The stewards were then informed that Modern Games (IRE) was not injured and was fit to race. The stewards called the tote room to inform them what was occurring and requested that the tote room hold off on the scratch of Modern Games (IRE), who has already been removed from the wagering pools. Modern Games (IRE) was then placed back into the pari-mutuel pool. Subsequently, the stewards determined that pursuant to CHRB Rule 1974 (see below), Modern Games (IRE) would be required to run for purse money only. The tote room was then informed of the decision and Modern Games (IRE) was again removed from the pari-mutuel pool. According to the witnesses, the time that elapsed from the initial scratch of Modern Games (IRE) until the running of the race was roughly 12 minutes.

During the investigation it was clear that inconsistent radio communication effected the events that transpired. Various witnesses indicated that they made calls over the radio that were not heard or received by the intended recipients. At some points witnesses resorted to cell phone communication to ensure their messages were relayed. The investigation noted that the regulatory veterinarians' hurried recommendation to scratch Modern Games (IRE) could potentially have been avoided if a protocol requiring one person on the veterinary staff and one person in the pari-mutuel department be in charge of scratches had been in place.

The CHRB considered the merit of applying CHRB Rule 1697 (see below) to the recommended scratch by the regulatory veterinarians. However, Executive Director Scott Chaney declined to file complaints for two reasons: (1) The difficulty of proving a violation given that a condition precedent to a violation of this rule is that a horse actually broke through the gate; and (2) more importantly, animal welfare is of paramount importance in the CHRB's application of rules and creation of protocols. The CHRB will not disincentivize regulatory veterinarians from recommending scratching horses when they have any iota of concern regarding their fitness to race. Just the opposite, the CHRB fully supports regulatory veterinarians erring on the side of animal welfare when there is even a possibility that a horse may not be fit to race.

Despite the fact there will not be any complaints filed in this matter, the CHRB nevertheless endeavors to prevent similar occurrences in the future. To that end, several recommendations have been identified.

Recommendations:

- (1) There is one designated Racing Veterinarian and he or she is the only person who can recommend a scratch to the Stewards and the only person who can communicate a scratch to the Stewards.

- (2) The tote company and the pari-mutuel department must each designate one person who can effectuate a scratch or purse money only designation by the Stewards. Both must agree before either action can take place.
- (3) A horse cannot be placed back into the mutuel pools after it has been scratched without approval of all three Stewards.
- (4) A Pari-mutuel Committee meeting should be held to consider changes to pari-mutuel regulations. Issues that may be considered include but are not limited to: (a) advisability of a purse-money-only designation and (b) requiring ADW companies to follow the example of brick-and-mortar wagering facilities in California by providing bettors with the opportunity to name alternate selections for scratched horses in Pick “n” wagers involving four or more races.
- (5) Associations, particularly on days when there are large crowds and competing bandwidth, must provide an adequate communication system for racing officials.

Reference Regulations:

1974 Wagering Interest.

- Rule Text**
- (a) A wagering interest is any one horse in a race.
 - (b) If a horse is removed from the wagering pool due to a totalizator error, or due to any other error, and neither the trainer nor the owner is at fault, the horse shall start in the race as a non-wagering interest for the purse only and shall be disregarded for pari-mutuel purposes.
 - (c) If a horse is removed from the wagering pool to start in a race as a non-wagering interest for purse only and is disregarded for pari-mutuel purposes, the circumstances shall be announced over the public address system at the time the action is taken and thereafter to adequately inform the public. The racing association shall also inform off-track wagering outlets at the time such action is taken.

NOTE: Authority cited: Sections 19420, 19440, Business and Professions Code.

Reference: Section 19562, Business and Professions Code.

HISTORY:

1. Amendment filed 7-12-11; effective 8-11-11.

1697 Declaration of Horse by Stewards.

- Rule Text**
- After entering the racecourse track for the post, a horse shall only be declared by the stewards when they consider such horse unfit to run in the race. No horse determined to be a starter shall be excused or declared from the race. Any horse which breaks through the gate or runs off without effective control shall be examined by the racing veterinarian and determined to befit to compete before being permitted to start.

CALIFORNIA HORSE RACING BOARD

March 16, 2022

PARI-MUTUEL AND WAGERING

COMMITTEE MEETING

There is no committee package material for Item 2