

REQUEST FOR FINANCIAL RESPONSIBILITY COMPLAINT

Name of Party Filing Request: _____ CHRB License #: _____

I allege a violation of Rule 1876, Financial Responsibility, of the California Horse Racing Board Rules and Regulations.

Therefore, I wish to file a Financial Responsibility complaint against:

Name: _____ CHRB License #: _____

Address: _____ City: _____ State: _____

I allege that _____ is indebted to me in the amount of \$ _____ for services, supplies or fees directly related to his or her California horse racing operations and that he/she willfully and deliberately failed and/or refused to pay the amount of indebtedness alleged.

I affirm that on _____, I sent a statement of the amount owed and the reasons therefore to the aforementioned party via certified or registered mail and have received no acknowledgment or resolution of the dispute;

I have read Rule 1876 and I believe this complaint to be within the provisions of the Rule;

I have attached documentation of the services, supplies, or fees alleged to be due;

In support of my allegations, I agree to appear in front of the Board of Stewards, the Board, or any other referee appointed by the Board, to provide evidence and/or testimony on this matter.

NARRATIVE DESCRIPTION

Include a detailed description of the services rendered, transportation charges, veterinary treatment, hay and straw cost, etc.

AFFIRMATION

I certify under penalty of perjury that the information I have provided is true and correct.

Name: _____ Cellular #: _____ Other #: _____

Address: _____ City: _____ State: _____ Zip: _____

Signature: _____ Date Signed: _____

INSTRUCTIONS FOR REQUESTING A FINANCIAL RESPONSIBILITY COMPLAINT

Please read these instructions carefully before proceeding. Failure to follow these instructions may result in unnecessary delays in a complaint being filed or in it being rejected altogether.

To be filed, all of the criteria listed below must be met:

1. The cause for action must have originated and occurred in California;
2. The cause of the complaint must be a California racetrack related matter and the debt incurred must be in direct relation to the accused party's performance within their California Horse Racing Board (CHRB) license duties;
3. The services rendered, supplies sold, fees charged or the debt(s) incurred were within one calendar year of the date of filing the complaint;
4. You may not have filed a financial complaint against the same debtor within two years of the filing of this complaint;

Any grievances outside of these parameters will not be accepted. You may seek remedy through the civil court system or small claims court.

You must supply documentation in order to substantiate the allegations of your financial responsibility grievance. Each request **must** be accompanied by copies of:

1. A detailed billing invoice (including horse's name, if applicable) which fully describes the goods or services provided and delivered, where provided or delivered, by whom received authorized or ordered;
2. Bills of lading, where applicable;
3. A copy of the contract for services, if executed;
4. A copy of a court judgment, if one has been obtained;
5. A proof of service of the bill, demand letter, or notification of the indebtedness being served on the accused party as evidence by a certified mail return receipt or a process server's declaration of service.

You are required to complete the CHRB 8, Request for Financial Responsibility Complaint, in its entirety. The form should be typed or neatly printed. Be very specific as to the nature of the debt you are claiming.

Once the CHRB 8 is completed and all supporting documentation is collected, you should contact the local track and speak to an Investigator. The Investigator will review the packet with you and ensure it is complete. The Investigator **WILL NOT** complete the forms for you. When you meet with the Investigator, you will need to provide five copies of the supporting documentation, one self-addressed stamped envelope, and one manila envelope (10x13 preferred) with postage applied. The postage will need to cover the cost sending it via Certified Mail with Return Receipt.

After the Investigator has confirmed that the packet is complete, he/she will assign a case number, prepare a CHRB 65, Official Complaint, and set a date for the Board of Stewards hearing. The CHRB 65 is the legal document which orders both parties to appear at a Board of Stewards hearing and must be "served" on the other party. This is normally done by Certified Mail unless the other party is at the track and can be personally served. In the case of personal service, the Investigator may accompany you and witness the service. If certified mailing is required, you must either ensure the process is completed by returning the certified mail receipt to the Investigator or by providing sufficient postage to cover the mailing fees.

Both parties are required to attend the Board of Stewards hearing. If the debt is satisfied prior to the hearing date, you must immediately notify the Investigator. Should you fail to appear at the hearing, the case will be dismissed, and you will not be able to request another complaint against the same party for a period of two years.

NOTE: If you agree to a payment plan as a result of the Board of Stewards hearing, and the other party defaults on their promise to pay, you must seek remedy directly with the Board of Stewards or via the civil court system. A second complaint on the same matter or the resulting default will not be accepted.

1876. Financial Responsibility.

- (a) No licensee shall willfully and deliberately fail or refuse to pay any moneys when due for any service, supplies or fees directly related to his or her California horse racing operations, nor shall he or she falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying or defrauding the person to whom such indebtedness is due.
- (b) Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due, or by a judgment from a civil court which has been issued within one year of the date of the complaint
- (c) The Board will not consider a financial responsibility complaint made by the complainant against the same accused within twenty-four months of the filing of the instant complaint.
- (d) The Board will consider only those financial responsibility complaints which meet the following criteria:
 - (1) The complaint involves services, supplies, or fees that are directly related to the licensee's California racetrack operations; and
 - (2) The debt or cause for action originated, or the civil court judgment was issued, in this State within one year of the filing of the complaint.
- (e) Financial responsibility complaints submitted by equine medical hospitals, and horse auction sales authorized by the Board in accordance with Rule 1807 of this Division, will be considered provided such complaints comply with subsections (b), (c) and (d) (1) through (d) (2) of this regulation, and are directly related to the California horse racing operations of a person licensed by the Board.
 - (1) Financial responsibility complaints submitted by horse farms will be considered provided the complaint is for not less than one thousand dollars and is related to the horse operations of a person licensed by the Board.
- (f) Financial responsibility complaints that are horse racing related wage disputes originating between persons licensed by the Board will be considered.

NOTE:

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

Reference: Sections 19440, 19460 and 19461, Business and Professions Code.

HISTORY:

1. Amendment filed 10-4-93; effective 11-3-93.

2. Amendment filed 6-21-11; effective 7-21-11.