Jurisdiction

- 5th Amendment: No person shall be… deprived of life, liberty, or property, without due process of law…

- Jurisdiction: the right to exercise authority
U.S. Constitution

State Constitution

State Law

State Veterinary Board Regulations

State Racing Commission Regulations

Federal Law

Federal Agency Regulations
Highly Regulated Industries

- Administrative agencies can do a lot of prescriptive ("thou shall") and restrictive ("thou shall not") rulemaking – within certain guidelines.

- If challenged, courts will give a lot of deference to (i.e. not second guess) the agency’s interpretation of its own rules and the statutes it administers.
Scenario 1:

• The finding can’t be attributed to a veterinarian.

• Possible sources:
  • Environmental contamination
  • Administration by trainer or groom
  • Tampering
Scenario 2:

- The finding can be attributed to a veterinarian, but that veterinarian does not have a license with the commission where the race was run.
  - Ships in from farm or private training center
  - Ships in from a racetrack or licensed training facility in another state
Scenario 3:

- The finding is attributable to a specific veterinarian licensed by the prosecuting commission, but the investigation reveals that he or she provided a therapeutic treatment in the dose and administration manner consistent with the commission’s own guidance.
Scenario 4:

• The finding is attributable to a specific veterinarian licensed by the prosecuting commission and the treatment was in violation of the rules.
U.S. Constitution

State Constitution

State Law

State Veterinary Board Regulations

State Racing Commission Regulations

Federal Agency Regulations

Federal Law
We were told that the uniform medication initiative – in particular the extended withdrawal times for corticosteroids and clenbuterol – would have a devastating effect on field size. MA adopted the so-called “model medication rules” for the 2014 season.

2013 – Suffolk Downs (TB) | 2014 – Suffolk Downs (TB)
---|---
Avg. field size: 7.24 | Avg. field size: 7.17
Avg. starts per starter: 5.75 | Avg. starts per starter: 5.46
(81-day meet) | (65-day meet)

2013 – Plainridge Racecourse (Stb) | 2014 – Plainridge Racecourse (Stb)
---|---
Avg. field size: 7.07 | Avg. field size: 6.92
Avg. starts per starter: 9.44 | Avg. starts per starter: 9.40
(92 day meet) | (80-day meet)
Different things happen if purse agreements are negotiated as “payments to last” vs. a “starter’s bonus.” Those differences have important consequences for the horse and for the betting public.

**Starter’s Bonus:** A starter’s bonus is typically due to any horse leaving the gate, regardless of whether they finish the race.

**Payments to Last:** Payment to last is typically due to any horse charted as anything other than DNF. Depending on agreement, may include horses charted as “eased.”

**Losing jock’s mount:** Remember that losing jock mount fees are typically due when the rider weighs out – before he or she even leaves the room.
### Attrition Rates by # of Days Since Last Start

**Attrition Rate %**

- 1st time starter: 12.92%
- 1-10 days: 6.15%
- 11-20 days: 9.24%
- 21-30 days: 9.45%
- 31-60 days: 11.4%
- 61-90 days: 11.37%
- 91-180 days: 8.83%
- 180+ days: 8.13%

**Vets List %**

- 1st time starter: 0.81%
- 1-10 days: 0.96%
- 11-20 days: 1.6%
- 21-30 days: 1.05%
- 31-60 days: 1.26%
- 61-90 days: 0.87%
- 91-180 days: 0.28%
- 180+ days: 0.74%

**Average Attrition Rate**: 9.92%

**Average Vets List**: 1.16%