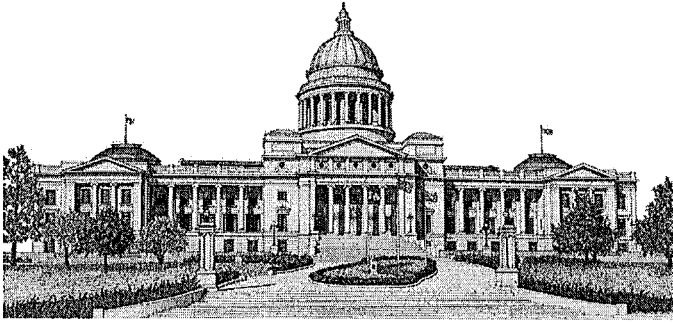


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Racing Commission

Department Department of Finance & Administration

Contact Byron Freeland E-mail bfreeland@mwlaw.com Phone (501) 688-8810

Statutory Authority for Promulgating Rules Ark. Code Ann. 23-110-204

Rule Title: Thoroughbred Rule 2426 Claiming

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 12-01-21
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

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Adopted by State Agency

Date

08-27-21

10-14-21

11-17-21

10-14-21

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Byron Freeland

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11-29-21

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Byron Freeland
Signature

(501) 688-8810

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Phone Number

E-mail Address

Attorney

Title

November 29, 2021

Date

Thoroughbred Rule 2426

2426. In claiming races on the flat, any horse is subject to claim by (i) any owner in good standing or (ii) a person who has been issued a "claiming authorization" as provided below in Rule 2426 (a "Claiming Authorization"). However, no owner (who has not otherwise been issued a Claiming Authorization) may claim a horse at Oaklawn unless that owner (either individually or through co-ownership, partnership, limited liability company, corporation or other entity in which the owner owns an equity interest); (1) has foal papers on file in the Oaklawn racing office with respect to a horse eligible to race at Oaklawn, or (2) has started a horse at the Oaklawn meeting and does not currently have foal papers on file in the racing office with respect to a horse eligible to race at Oaklawn because the owner's last horse(s) was claimed (*i.e.*, in the case of (1) or (2) above, that owner is not required to obtain a "Claiming Authorization" and is immediately eligible to claim a horse at Oaklawn, provided such claim is in compliance with all other applicable claiming rules).

CLAIMING AUTHORIZATION:

(a) The Stewards or their appointed representatives shall issue a Claiming Authorization to any person who makes application therefor on forms prescribed for that purpose and who:

- (1) meets all requirements for the issuance of an owner's license;
- (2) either (A) is not presently involved, and does not have a spouse presently involved, as an owner of a horse in thoroughbred racing able and eligible to race at Oaklawn, (B) was an owner (either individually or through co-ownership, partnership, limited liability company, corporation or other entity in which the owner owns an equity interest) of a horse that had an "official start" in a prior race at Oaklawn during the immediately preceding Oaklawn race meet, or (C) has foal papers on file in the Oaklawn racing office with respect to a horse eligible to race at Oaklawn;
- (3) has an agreement with a licensed trainer to take charge of, care for and train any horse claimed pursuant to the Claiming Authorization (and the holder of a Claiming Authorization and the trainer shall each promptly notify the Stewards in writing if such agreement is terminated before a horse is successfully claimed);
- (4) has at least the amount of the claim on deposit or credited with the horsemen's bookkeeper; and
- (5) a claiming certificate may not be utilized until 24 hours shall have elapsed since the application was received and approved by the Stewards.

However, notwithstanding the foregoing, a Claiming Authorization may not be issued to any thoroughbred horse trainer licensed as such in any jurisdiction unless the trainer is a member of a partnership, limited liability company, corporation or other entity that would otherwise be

eligible for a Claiming Authorization and the claim is being made by that partnership, limited liability company, corporation or other entity.

(b) The Claiming Authorization shall be valid for the race meet in which it is issued or until such earlier time as the person to whom the Claiming Authorization was issued (i) executes a claim and becomes an owner of a horse through use of the Claiming Authorization, or (ii) in the case of a Claiming Authorization issued to a person under section 2426(a)(2)(A) above, through private purchase. A person shall not be eligible for issuance of more than one (1) Claiming Authorization for the same race meeting unless the person presents evidence to the satisfaction of the Stewards that the person is no longer the owner (either individually or through co-ownership, partnership, limited liability company, corporation or other entity in which the owner owns an equity interest) of a horse able to race at Oaklawn because of illness or injury to the horse.

(c) If the applicant has not been issued an owner's license for the current race meet, the same fee charged for an owner's license shall be payable to the Commission by the applicant prior to issuance of a Claiming Authorization. The holder of a Claiming Authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

(d) An application for Claiming Authorization may be denied or revoked for any reason that would justify denial, suspension or revocation of an owner's license. Any person whose Claiming Authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended or revoked.

(e) A holder of a Claiming Authorization for the current race meet who has not previously been granted an owner's license for the current race meet will be issued an owner's license without payment of any additional fees, but subject to the other requirements for issuance of an owner's license.