

Care Entry Level Examination as set forth in N.J.A.C. 13:44F-4.1 and 4.2.

(c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and/or experience gained in the military for review and consideration.

(d) If the applicant's military training, education, or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:44F-4.1 for the issuance of the license.

(e) Satisfactory evidence of such education, training, or experience shall be assessed on a case-by-case basis.

(a)

NEW JERSEY RACING COMMISSION
Off-Track Wagering and Account Wagering
Readoption: N.J.A.C. 13:74

Proposed: October 20, 2014, at 46 N.J.R. 2102(a).

Adopted: March 18, 2015, by the New Jersey Racing Commission,
 Frank Zanzuccki, Executive Director.

Filed: March 18, 2015, as R.2015 d.058, **without change**.

Authority: N.J.S.A. 5:5-30 and 5:5-127 et seq.

Effective Date: March 18, 2015.

Expiration Date: March 18, 2022.

Summary of Public Comment and Agency Response:

The New Jersey Racing Commission received one written comment on November 12, 2014, from a person or entity identifying herself as "Jean Public," Flemington, New Jersey.

COMMENT: The commenter expresses her opposition to extending the Off-Track and Account Wagering rules past their expiration date of March 19, 2015. The reasons given for the commenter's opposition do not in any way relate to off-track or account wagering. Instead, the commenter expresses a general dissatisfaction with horse racing, complaining about the alleged brutality and abuse of racehorses and the lack of adequate retirement facilities for these horses. The commenter sees no social or economic value in horse racing and argues that it should be shut down.

RESPONSE: The Commission rejects this comment as it has no relevance to the readoption of the off-track and account wagering rules. The Commission does not agree that horse racing has no value or that horse racing should be shut down.

Federal Standards Statement

A Federal standards analysis is not required because the readopted rules are authorized by the provisions of the Off-Track and Account Wagering Act, P.L. 2001, c. 199, and are not subject to any Federal requirements or standards.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:74.

(b)

NEW JERSEY RACING COMMISSION
Exchange Wagering
Adopted New Rules: N.J.A.C. 13:74C

Proposed: June 16, 2014, at 46 N.J.R. 1424(a).

Adopted: December 3, 2014, by the New Jersey Racing Commission,
 Frank Zanzuccki, Executive Director.

Filed: March 20, 2015, as R.2015 d.064, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 5:5-185.

Effective Date: April 20, 2015.

Expiration Date: April 20, 2022.

Summary of Public Comments and Agency Responses:

The Jockey's Guild, Inc., 448 Lewis Hargett Circle, Suite 220, Lexington, KY 40503 submitted multiple written comments. Terence J. Meyocks, National Manager of the Jockey's Guild, submitted written comments by letter dated August 15, 2014. Thomas M. Kennedy, Esq., from Kennedy, Jennik & Murray, P.C. submitted written comments on behalf of the Jockey's Guild by letter dated September 22, 2014. Thomas M. Murray, Esq. from Kennedy, Jennik & Murray, P.C. submitted written comments on behalf of the Jockey's Guild by letter dated October 10, 2014. Because there are substantial similarities in the written comments set forth in each of the three letters, the Commission has collated and summarized the comments received on behalf of the Jockey's Guild into the following 17 comments and responded to them as set forth herein.

COMMENT 1: The commenter states that the Commission should reject the proposed exchange wagering rules because they fail to address issues involving the application of general rules of racing before New Jersey racetracks can be allowed to implement this form of wagering. As an example, the commenter points to racing rules which authorize the imposition of fines and suspensions on jockeys for excessive use of the riding crop especially, the commenter notes, if it is evident that the horse will not finish in the money. The commenter expresses concern that once exchange wagering is implemented, discipline could be imposed if a jockey does not continue to urge the horse until it crosses the finish line in cases where the horse could not win, place, or show. The commenter states that the proposed rules do not address whether the rules of racing, such as those applicable to the use of a riding crop and the urging of a horse, are going to be modified.

RESPONSE: The Exchange Wagering Act, at N.J.S.A. 5:5-173, grants the Commission full power to prescribe rules, regulations, and conditions under which exchange wagering may be conducted in this State. The Racing Act, at N.J.S.A. 5:5-30, grants the Commission full power to prescribe rules, regulations, and conditions under which all horse races shall be conducted in the State of New Jersey. The commenter correctly points out that the proposed rules do not modify or affect the rules of racing that govern other racing jurisdictions. The Commission does not have the authority to regulate the conduct of racing in other states or countries. As a result, the proposed rules do not affect the regulation of racing in other jurisdictions or other regulatory authorities' interpretation or implementation of their racing rules.

New Jersey's rules of racing require that all horses shall be ridden out in every race. See N.J.A.C. 13:70-11.9(a). New Jersey's rules also require that a jockey shall put forth every reasonable effort and exercise the greatest diligence in riding a race. See N.J.A.C. 13:70-11.10. If, in the opinion of our stewards, a jockey does not put forth every reasonable effort or use proper diligence in the riding of a race, the stewards have the authority to penalize the jockey pursuant to these rules according to the gravity of the offense. As is the case with all racing licensees, jockeys are responsible for being familiar with the rules governing racing in the jurisdiction where the race takes place.

COMMENT 2: Pointing out that the permissible exchange wagering markets, envisioned in N.J.A.C. 13:74C-5.1(a), (b), and (c) (offtime market, antepost market, and finish market) apply to horse races conducted within and outside of the State of New Jersey, the commenter indicates that this Commission will be regulating a new form of wagering that is available for all races simulcast in New Jersey, which races include all thoroughbred and quarter horse racing in the United States. The commenter states that its concerns about serious contraindications in the rules of racing, as expressed in Comment 1, are particularly acute if the Commission approves exchange wagering without any coordination with other states' regulatory authorities regarding how those states will include the new exchange wagering format within their reviews of the conduct of jockeys.

RESPONSE: As explained in the Response to Comment 1, the Commission does not have the authority to regulate racing in other jurisdictions. Each racing commission must promulgate, apply, and interpret the rules governing racing within its jurisdiction. All racing