

Harness Racing Congress
Thursday, February 9, 2006
General Session

10:30-11:20 a.m. Who Runs the Game and How They Do It:

Letting the Customers Know What's Going On

- **Jeff Ewalt, Director of Racing Officials, Racing Officials Accreditation Program**
- **Ingrid Fermin, Executive Director and Former Steward, California Horse Racing Board**
- **Bennett Liebman, Coordinator, Racing and Wagering Law Program, Albany Law School, Former Member of the New York Racing and Wagering Board**
- **Maury Wolff, Racing Economist and Serious Bettor**
- **Moderator: Chris Scherf, TRA**

Stan Bergstein: The next panel is who runs the game and how they do it, and letting the customer know what is going on. This is going to be a freewheeling discussion because the people we have to discuss it have varying views on the issue, and they are free to run the gamut of whatever they want to do. The basic theme behind this panel is the question of whether racing is doing enough to let its customers know what is going on and how decisions are arrived at. There is a difference of opinion, for example, as to how much stewards should let customers know what their decisions are based on and how the game is run. It goes beyond stewards. To discuss it, we have Jeff Ewalt, who is the Director of Racing Officials at the Racing Officials Accreditation Program; Ingrid Fermin, who was a state steward in California and now is the Executive Director of the California Horse Racing Board; Bennett Liebman, who everyone in racing knows, and who knows everyone in racing, is now currently the Coordinator of the Racing and Wagering Law program at Albany Law School. His daily newsletter is one that, if you have not ever read it, start reading it now because it is most comprehensive coverage of what is happening in racing and gaming in America. Of course, Bennett also is a former member of the NY Racing and Wagering Board. Maury Wolff, another of the former HTA Executive Directors of whom I am intensely proud, who is a very serious bettor and also is a trained economist. I first met Maury and hired him through a letter on the op-ed page of the *Wall Street*

Journal on takeout. I decided anybody who could get to that point was someone I wanted to have work with me if possible, and he did for three happy years for me, and I assume for him, until he went back to betting on horses, which he has done successfully.

The first question I am going to ask of Ingrid, are we letting the customers know enough about what is happening in racing?

Ingrid Fermin: Well, first of all, from the previous panel, which I thought was very interesting, we heard a lot about change and I think that California has undergone a lot of change in the last year. In fact, I was talking to one staff member and he said, “How do we always seem to make it in the news?” I said, “Well at least we are doing something.” We are making changes and some of them work and some of them don’t, but our main effort has been to have our regulatory agency function more effectively. We want to make sure that we are perceived as an even playing field and also we have really been trying to emphasize transparency to the consumer. I think this is something that is terribly important. The stewards are an extension of the regulatory agency and as well as the investigators. Those are the people out in the field who represent the agency, and therefore it is essential that they be giving the profile that the state of California wants and needs. I have to say that my perception of the job has probably changed a lot in the last year. I was just appointed a little over a year ago as the executive director, and I had, as Stan mentioned, been a steward for 24 years, mainly on the southern California circuit. Well, I had done quarter horses and certainly the fairs and such earlier. However, when you are on the outside and looking in, it looks very different. I think that one of the things I have been working on very hard with the stewards and the investigators is that, just like we have been talking in the last two days about the expansion of betting and the Internet and how many people are watching that the stewards have to realize that we are not just talking about the little track where they happen to be working. We are talking about bettors from all over the world. I think that they have been a little naïve and we are working on that. There are some stewards who have been very resistant to even a computer. We have gotten computers in all of the steward’s offices. We are making changes that way. They were a little shocked when I started sending any emails that I get from fans to the board of stewards if applicable, and I expect them to respond. Our public relations person also responds and we invite the people in to view, if they happen to be geographically in the area, but we are really making an effort to make sure that there is a lot of

connection between the fan and the regulatory agency. For instance, every time there is a first time gelding missed that offends the bettors; I send it on to them. They have started finding them, and perhaps in looking at the whole picture what we need to do now is have such horses scratched. There are too many people saying this affects how they are handicapping. We also, need to update sanctions that have become obsolete. For instance, if somebody has been betting on one particular rider all day and all of a sudden that rider does not show up, and the bettor ends up with somebody else, the rider that did not come in obviously should be sanctioned heavily. A \$100 fine is not going to do it. I think we have to look at what the other sports are doing. If somebody does something in cycling or baseball or whatever, they are certainly handled very differently than they have been in the past in horse racing. We have done a lot in the past year to try ensuring the integrity of the even playing field. Last year when I was here there was a lot of talk about the milkshaking, and that is now something that is handled under our jurisdiction, which it was not initially. It was handled by the associations, and they were the ones that took the step forward, along with the horsemen's groups. That is just the tip of the iceberg, I think. We have to be alert. We have to know that there are designer drugs out there. We have to know that there are people that are betting from other places and there are people that would be trying to influence the outcome of a race. Some of the things that we have been doing is that we have barn inspections now with the investigators, they have been searching vans, and we have searched vet trucks. Every time there is a graded race in California, there is one-on-one surveillance of the horse for between 4 to 6 hours prior to. The person that is assigned has a camera, they have a radio, any time anybody comes into the barn, they go on film. One of the things that we have been doing for more transparency is that I have not turned down any interviews all year. Any time that anybody wants to talk, I think that is important. We have gone on TV. I have had the stewards go on TV. The stewards have been interviewed on a number of radio shows, and they have also taken part in some Internet interviews, and I think all of this is part of the transparency. We started after the situation in NY with the jockey weights, we put together a plan that is going to be before the RCI model rules committee in March where we want the public to realize what a horse really carries, what is indeed included in that weight. It was amazing that the trainers did not know. The trainers thought that they were really carrying 121 lbs. and were horrified when they figured out that it was more because of equipment that was not listed. All of these things I think are very important for our industry in order for the people who are our bettors and who are

keeping this business going that we need to make sure that they are feeling comfortable that they are betting on an even playing field.

Stan Bergstein: Thank you. Jeff Ewalt, today, people at the racetrack looking over the stewards' shoulders are not the only ones looking over their shoulders. It is the people in Paducah or Melbourne, Australia, or wherever the signal is going to. They also need to know what is happening. As the director of racing officials, what is your opinion on letting them know and how to let them know so that vast audience in simulcasting knows what is happening?

Jeff Ewalt: That is an issue that is difficult to get your hands around because in most simulcast outfits, the audio is turned down. There is no opportunity to hear an announcement that stewards are investigating an incident in a race, hold your tickets. Once they have made a decision, there is also no way for them to completely understand why they have made that decision. One way they may be able to address that is with clearer graphics on the bottom of the presentation, the video itself. Ingrid has begun using the stewards to explain their rulings, as I understand it, sort of like the NFL football referees. I am not sure how I feel about that. I think announcers and stewards, never the twain shall meet. I don't know. I am still working on that one. I don't know. It is a tough one for me. Maybe Maury may have a little more insight on that, being a current gambler. I came to the game from the betting window side, but it has been a while since I have been active.

Stan Bergstein: Maury's response is going to be interesting because Maury is one of the people that the previous panelists were talking about who not only knows the racetrack and every inch of every racetrack, but also works from his home now and enjoys betting from his home. How do you view the particular situation, Maury, as far as it relates to this issue of letting people know what is happening on the racetrack? If you then want to go and expand on some of the things that were said previously by the other panel, you certainly are an authority and expert on it.

Maury Wolff: I certainly agree that, professional considerations aside of whether stewards make for good television or good audio, that if you are a bettor and a decision has been made, you would like to hear from the person who made the decision why they made the decision. The idea

of just issuing a ruling and not having any accountability, and not having any explanation as to why it was done, is something that is guaranteed to lead to frustration or more. We are beyond the time where people actually reacted violently, I think, but there have certainly been cases where stewards have made rulings that have left a lot of people shaking their heads and some of them doing more. The audio problem in simulcasting is pervasive, and I have no idea how you solve that (it might not be a bad idea if, at the very least, stewards called sources like *Racing Form* that people are capable of accessing). There was an incident in California where there was a race at Del Mar that was cancelled during the race. In the absence of audio, people were wondering what happened. I was getting calls late that evening about it. Actually, if you are in your home, there is a pretty good chance you will know what happened because TVG or whatever will pass that along. If you are out at the racetrack, you have no idea what happened and it is just a terrible situation. There has to be a way of disseminating the message, whether it is across the screen or what, that gets makes people aware of why decisions were made.

A voice: Maybe tracks could inject the audio. Once the inquiry light goes on, they have someone back in the studio that is ready to crank the audio. I don't know what the answer is. That is a tough one.

Ingrid Fermin: Well, first of all, one of the things that we have also changed is that I have requested that the stewards put up the inquiry sign so that even though it may be something that is not going to change, the public at least knows that you are looking, you saw something, and there was an incident. Some of the stewards are explaining the inquiry in California, some are not. In fact, I think Santa Anita stewards are not. Trevor Denham is still doing it because Santa Anita chose to have it that way. However, they are giving a lot more information out, so that instead of it being that it did not alter the outcome of the race, and it is just kind of the same old stuff, and then they come on and I get an email that says, "What do they think they are, God? How do they know that this did not change the outcome of the race?" We are trying to deal with that and make it so that they are more specific. I would think that possibly a very quick remedy would be on the audio, that perhaps just a crawl that would explain what is going on. I would think that is very easy to remedy, and we will see if we can't get that done next week. Also,

maybe trying to get the satellite facility to turn the audio on...that would be something we could certainly remedy.

Stan Bergstein: Bennett Liebman is far more than a law professor and former racing commissioner; he is a historian of this sport and looks at everything through his humorous and whimsical historical perspective. He also, of course, is a racing fan at heart, and that goes way back to his racing days as a railbird. You want to approach this question, and then we will have many more for you, Bennett?

Bennett Liebman: I basically agree with Ingrid that we certainly need much more transparency. I have had an ongoing argument with the stewards at NYRA over the years as to why don't we disclose your votes on inquiries and just on inquiries? They always tell me this will destroy the collegiality of the relationship in the box and I have never understood that. Judges always disclose their votes without any worry about collegiality. We have had problems in New York where as long as this is not done, there was always the belief that if a decision was unpopular that one of the stewards would then run to the press and say, "I did not make it. Those other guys made it." We need to do that one. In terms of how you talk about the decision, you can't have something like Bill Levy does, or did at the Super Bowl last week, on the disputed touchdown of the Steelers and say, "Decision stands." You really have to give an explanation. Whether you do it there, whether you put it on the Web-site of the racing commission or the racetrack the next day, you really need to explain every incident that happens. The more transparency we have in this business, the better it has to be. It is always simple and no one gets in any trouble by saying transparency is good, but no one really knows how the stewards operate and watching them operate can only help in racing.

A voice: I think presenting the rules to the fans that they operate from would be a good idea. You don't?

Bennett Liebman: No, our rules, as a nation, are so lousy on this. To me, the central problem in stewarding is this: If am sitting in John Signor's OTB in Albany, I want to know that the rules are the same at every track I am betting, so that if I bet a horse that moves out another horse to

pass, just brushing, the rider on the horse that is being brushed does not stop riding, my horse wins by a neck, I want to know that the result is going to be the same in New York, in California, or Maryland. I want to see some consistency in the way the rules are applied across the entire country, and you can't get that from the rules themselves. Everybody has a different rule that is written in some different fashion in terms of; do we set a horse back if it did not affect the order of finish? We need a uniform rule on that one. Beyond that, we just need, I have reached the point of thinking that we need almost a national. Catechism of how you make decisions on inquiries. This is what we do. Every hearing I have ever done, dealing with stewards, it immediately comes up that every decision is different, every fact situation is different. Sure there are always some differences, but we need a general procedure with clear decisions. What constitutes a foul? What is going to knock a horse down? We don't do that.

Stan Bergstein: That is interesting because in the Super Bowl or in any football game, the first call is a subjective judgment, and then they have the luxury now of immediate replay to go confirm their judgment. In a sense, judging and stewardship is also subjective on the basis of how the judge and steward see it, and it is very rare that their decisions are reversed after they take a look at the video patrol. Maury, I would like to reflect back just a moment on the previous panel. As I listened to the racing people talk, management mainly, of you how took an overview of what was said there in that panel as both an economist and a bettor.

Maury Wolff: It actually integrates with this panel. It was something that occurred to me back when I worked for you, and I still think it is true today. It is germane to this discussion itself, which is that as a state regulated business, horse racing is structured in such a way that it is seemingly incapable of having national plans. As Bennett just said, you can't even get the stewards or the rulebook from one state to another to coincide. We are not sitting around there with a rulebook from New Jersey when there is a foul claim at the Meadowlands and a rule book from California when there is a foul claim at Los Alamitos or Santa Anita. From the customer standpoint, it is a national market. From an industry standpoint, it is a provincial market. It seems that the changes that take place in this business are ad-hoc and determined at a state by state basis as opposed to nationally. If I had told you in 1985, when Garden State Park was built, that ITV owned two tracks, Philadelphia Park and Garden State, and that Garden State would 20

years later have been torn down and converted into whatever it has been and Philadelphia Park would be one of the most desirable racing properties in North America, you would not have been able for the life of you to understand how that could come to pass. It comes to pass because it is a state controlled business and states set very different rules. Pennsylvania could get into the telephone wagering business and New Jersey could not, and now Pennsylvania is going to have slot machines and New Jersey won't. All these business decisions are made without any sort of national sense of what the business is doing. The question is who controls the game? Well, obviously, in some sense the state legislatures and the regulatory system controls the game, and it is not the regulators. There are wonderful regulators and there are terrible regulators, and that is greatly what you have. In the end, as long as the business is construed of inside state borders, it is going to be very hard to get to the kind of rational system that the panelists were talking about in the previous session. It is structural.

Stan Bergstein: After eight or nine years of the absurdity of having two racing associations of commissioners, that problem, under Ed Martin now has been resolved with NAPRA and RCI joining. Is there any ongoing effort, Jeff, of your department of racing officials giving input or suggestions to RCI as to implementing rules that they may currently not have on a coordinated basis? They are all more or less politically controlled and it has always amazed me that with the clout that they must have to become racing commissioners that they don't go back to the legislators and insist or at least urge uniformity. Do you make recommendations, or does anyone make recommendations to the racing commission, RCI, as to what rules might be put into place that would make your roles easier?

Jeff Ewalt: There is an entire rule book at RCI and back when NAPRA was a separate entity itself. I worked at RCI from 1991 to 1997, and during that time I was working exclusively on model rules, promulgation for harness racing, greyhound racing, flat racing. I see Norm Barron in the audience. He was there the whole time. I am not sure how long regulators have been trying to come up with a package of palatable model rules that all jurisdictions can plug in. As Maury said, and Bennett said, it would relieve so many problems. We make recommendations; we have members of the model rules. It is a standing subcommittee at RCI. They are members of our oversight committee. We have interchanged. We end up preaching to the choir on this, but I

don't know how you...obviously the rule making process is different from jurisdiction to jurisdiction and in some jurisdictions it is ridiculously different.

Stan Bergstein: I have always been amazed, when I go to racing commissioners meetings, at the high resolve during the meetings and at the disappearance of the resolve when they get back home. Can you tell us how ROAP is dealing with the issue of stewards communications, doing better communicating? Are you doing any training?

Jeff Ewalt: Part of the accreditation process is, once you go through the 60 hour educational process, every two years you are required to undergo 16 hours of continuing education. One of the plans is to incorporate the media planning, media training for stewards and judges, because as Ingrid said, it is an issue that has become more and more in the spotlight. Stewards, whether or not they are comfortable, are going to be asked to comment publicly and succinctly. It is something that is long needed.

A voice: Jeff, do we want to do this? Is this a big deal? I mean, I don't watch a football game, or bet on a game because I like the way the league explains personal fouls. Sixty hours—shouldn't they be learning how to be better stewards.

Jeff Ewalt: It is not something I am promoting. They should be learning how to be better stewards, but that is one aspect of it, as is learning better computer skills, skills with technical equipment, digital cameras. Being a steward involves so many aspects that you can have continuing education classes as well. Back to your question, Stan, yes that is, we currently have not had any to my knowledge since I have been here since August, but there are plans in the works.

Ingrid Fermin: Before I took over it was just a random executive director, and I think it can be better. Not everybody can have every expertise, so I am in the process of doing some restructuring and we are going to be naming a new equine medical director within the next couple of weeks. Contracting with someone who is going to be working with the stewards on a regular basis to really give them better legal training. In California, everybody has got an

attorney and they all show up, and most of the stewards have not been trained extensively for hearings. We are going to be going through a long process of that, which I think will help. We now have on board Maddy Lab with Better Testing, so it's going to be about a four-pronged thing, which I think is going to be very good for California. I think that it is going to help with consistency with our stewards. We have a meeting next week—I think we've had more in the past year than we've had in the past ten years—we have taken all of the inquiries: harness, quarterhorse, thoroughbreds, whatever and we put them all together on a disk and we're taking all of the identification from them and we're going to have the stewards be looking at that, spend an entire afternoon critiquing one another, find out how consistent they are, how different boards, different stewards might look at it and I think it's going to be very interesting to really see how close they are, what they are thinking. Hopefully some of them will recognize what they've done, but you never know. I think it's going to be a very good exercise and something that we should continue, we also do say whether a decision is a majority or unanimous, but we don't go to the person.

Stan Bergstein: More and more with the expansion of simulcasting, there are interviewers or hosts (whatever you chose to call them) whose skills and knowledge and ability vary immensely. Sticking microphones in front of trainers or drivers, whose ability to respond also is exponentially increased by some like Jerry Bailey or John Campbell on one hand, and the guys who have to say 'duh' on the other. Has there ever been any thought given to offering courses in public relations or in public speaking to racing participants themselves? A few years ago in Montreal, Hippodrome de Montreal, at that time I think it was still Blue Bonnets, offered a course and asked their trainers and drivers to come in to take a six day or six week course, whatever it was, one day a week, on how to handle themselves in front of a microphone. Any thoughts on that?

Jeff Ewalt: I think it is an excellent idea, I'm not aware of a program like that.

Bennett Liebman: It's a chicken soup proposal, there's nothing wrong with it, but in terms of the priorities of racing, I'm not sure if that's where we need to go. We always look at the NFL as the paradigm of doing everything right, and then you see Mike Holcomb complaining about

the officiating in the middle of a Super Bowl. So I'm not sure if that's—given the financial condition of the racetracks as we heard from the last panel—whether that's the way we should be spending our money.

Jeff Ewalt: Any sporting event where you have winners and losers, someone's ox gets gored pretty regularly, and whether or not that's a burning problem that somebody is upset over a steward's ruling is secondary or tertiary to the main goal.

Bennett Liebman: I think we're concerned with, not so much that Jerry Bailey's going to make a better case that he was fouled than Jose Chavez is going to make. The question is: how do you make sure that the debating abilities of individual jockeys or drivers don't get factored into a steward's decision?

Stan Bergstein: Is there a great advantage in having stewards who were participants themselves? I'm talking about whether you get ex-jocks, ex-drivers.

Jeff Ewalt: I think so, I think the ex-jockeys, I work with thoroughbred racing, they have insights into race-riding and they can watch a race being run and...

Stan Bergstein: The reason I ask is because very often governors and appointing racing commissioners don't necessarily reach to anyone who has any particular knowledge about racing or background. So I was wondering whether it would be an advantage or if you consider it an advantage that someone does have racing background, from a participant's point of view.

Ingrid Fermin: I think it really depends on the individual, and it would be true whether he had been a trainer or, whatever the capacity has been, sometimes they get back into the good old days.

Jeff Ewalt: I agree 100 percent with Ingrid, I mean, I do think it's probably valuable for the stewards to have a former rider at least helping with films, but the necessity of having a particular rider or riders in the stand or driver in the stand, I don't know. Look at the other sports

which we tend to think of as being better-ref'd than our sport. You don't see too many former football players as referees or former baseball players as umpires. As much as anything else, you want to have developed a professional core of officials and they don't have to come from the sport itself.

Stan Bergstein: Maury Wolff, there was a comment made yesterday, and when it was made I was thinking about your possible response, so I'll ask you now. When you make wagers, do you consider the medication issue at all?

Maury Wolff: Sure. The medication issue is pervasive; it's more suspicion than it is based in fact. But I don't think that when the milkshake list came out in California last year that people were terribly surprised at the names on it. I think anybody in the business of betting on horse races is aware that certain trainers get reaction, claim a horse, and two weeks later he runs much better. We don't know why and we do tend to wonder just how much the trainer was able to do in those two weeks that turns the horse into a rocket. On the other hand, when Bill Nack was going on about "this is the reason people don't go to the track," I have a couple of Damon Runyan poems from the 1920s, one of them is called 'The Old Hop Horse' and the other one is 'The Hop Ain't What it Used to Be.' This isn't a new problem. I believe the founder of Keeneland was found using morphine in Russia in the 19th century. Drugs in horse-racing have been around a long time. It certainly maybe worsens. Some people think it's worse now. I'm not sure if it is or not, throughout the history of horse racing there have been situations. You and I remember it, but the younger people don't. That Sublimaze was a story on "60 Minutes" in the early 1980s; a long feature story on what was, at that time, the most popular show on television. So drugs in horse racing isn't a new issue. It is certainly an issue that we're interested in. I would like to ask a question. There was a ruling last week, or two weeks ago, in the Uvari case, specific to Gregory Martin, the trainer who was alleged to have milkshaked A-1 rocket in that race in New York last year. The decision was that the government can go ahead and prosecute this under statutes about gambling across state lines. This is, in fact, fraud. And I'd sort of like to get the opinions of the people up here, of whether that case is going to have significant implications in terms of getting the justice department involved in medication issues.

Bennett Liebman: My best guess is that it won't. In fact, there was an article in the New York Law Journal which said that this is unlikely to reoccur. The actual ruling is closer to finding a predicate for mail fraud, and as we sort of discussed, it's not any different from the cases from Maryland in the early nineties involving the trainer Michael Dowling who ended up with a federal mail fraud conviction because he basically supplied erroneous workout data to the clockers at Laurel. That again was the same predicate: violation of state racing rules became the predicate for a mail fraud conviction. I don't see this being any different than the Dowling situation. If the federal government wants to get somebody for some bigger reason, they will throw every possible charge under the sun, but the likelihood that this will signal greater federal government, I would really doubt it.

Stan Bergstein: Any questions from the floor for any of the panelists?

Paul Bowlinger: In a previous life, I spent five days a week in front of a bank of TV screens watching the races, and I want to applaud California, especially Trevor Denman, for explaining the DQ process now and circling the horses and replaying. But I think maybe as regulators, what is the most annoying with the audio signal is to have 20 TVs and to have one racetrack blasting music for 15 minutes which is completely inexplicable to me, but the crawler idea to at least alert those people in the OTBs where there are a great many people, I think is a great idea. Regarding the interpretation of rules: there is a model rule plan, and I think the rules are fairly clear in that a horse must keep a straight path, and if everyone adopts those model rules, as we are hoping to get accomplished. It comes down to then, very much like charging and blocking in the NBA, very subjective calls. I mean, the rule is clear, but how that ref calls it is where the rubber meets the road. We don't allow Carl Malone to get into a debate with some rookie about whether it was charging or not. But we allow the jocks to articulate their position and I think a lot of people are confused that we're one of the few sports that allow the participants to argue with the refs, or at least talk to them on the phone for five minutes before they make their determination. And I think there's a perception out there that some jocks get calls and some jocks don't.

Ingrid Fermin: My experience has been that, first of all I'm always amazed at how honest they are, you wonder what they say, and certainly when Chris McCarran was riding, people used to

say oh, 'he can sound like F. Lee Bailey and probably turn things around and the stewards are listening.' But you really do rely very heavily on your film—your tapes—also, your patrol judges, which are calling it as it happens and sometimes, the most significant information, I believe, that riders give is if they say that...was the horse already done or was he impeded to the point that he couldn't come on again, or whatever. And it's always surprising to me if they will say 'yeah, I was done.' But I don't think that riders have the importance that the fans sometimes place on it, and there are a lot of people who have said 'why do we talk to them at all?' Maybe we shouldn't, but sometimes they can also provide something that you haven't seen on tape, when you go back and look at what could have happened, maybe that's true, maybe the horse stumbled, was the horse doing this, that or whatever? So there are certainly two schools of thought.

Bennett Liebman: I had a case...normally you try to discount what most people tell you if you're in the stand, but occasionally there's a gem that comes forth. I had a harness racing case, really a violation of the breaking rule, and from the tape itself there's no doubt that the driver violated the breaking rules, it wasn't clear when he moved to the outside. The upshot of the story was, and the drivers' explanation (which would have been very valuable had the judges asked for it) is, as follows: the other guy told me to go to there! He did exactly what he was told to do, by the other driver to avoid impeding him, and he impeded him because the other driver didn't know what he was doing. He really didn't do anything wrong, and the only way you would have known that, you would have never known it from the tape, but from talking to the drivers you would learn what actually happened. So there is some value in this.

A voice: I'd like to ask a question. This is almost a pure gambling question. In Australia, the penalties for failure to persevere are enormous. In the US, the Racing Form stopped publishing official rulings, so I have no idea when the last time a jockey was suspended for failure to persevere, but I suspect it's been ages.

Bennett Liebman: I think there's was one in California more recently.

Ingrid Fermin: Last summer.

A voice: When jockeys stop riding...in Kentucky there was a situation where six or seven riders who had consistently failed to ride out were finally brought forth and fined. Do stewards ask jockeys consistently why, when that happens, it happened.

Ingrid Fermin: Yes, they bring them in. We've had some riders in California that have been fined and one rider, a number of years ago, who was certainly a top rider, got some days. There was a rider last summer that was actually on the fair circuit that got days.

Bennett Liebman: I just wanted, even now, if this is true for both thoroughbred and harness racing, whether our penalties for failure to persevere are enough. I mean, if somebody in the Super Bowl failed to persevere, we'd be hearing this even more than the Rick Tocket case, and here, I mean in New York, we ended up with failure to persevere for harness racing: fifteen days. So we don't do enough of it, and I'm just wondering if our penalties are tough enough.

Stan Bergstein: I want to thank the panel, and Chris McErlean will now lead one on detention barns.