

Barn Area Violations Panel (“BAVP”) Rules & Procedures

I. Purpose and Applicability

These rules and procedures apply to any hearing held in front of the Barn Area Violation Panel (“BAVP” or the “Panel”) for violation of The New York Racing Association Inc.’s (“NYRA”) House Rules. NYRA’s House Rules serve the purpose of maintaining safe and orderly racetrack properties, and the following rules and procedures ensure that hearings for violations of the rules are conducted in a manner that is fair to all parties, that the Panel acts in an impartial and objective manner, that cases are concluded as expeditiously as possible, and that those persons who appear before the Panel (“Alleged Violators”) understand their rights and responsibilities.

II. BAVP Members

The Panel shall consist of three (3) impartial members, the NYRA Steward, a representative from the NYRA Security Department, and a representative from the New York Thoroughbred Horsemen’s Association (“NYTHA”). The NYRA Steward will chair the Panel and shall have certain responsibilities and decision-making authority beyond that of other panel members, as outlined below.

III. Conflicts

- A. Automatic Recusal. Any member of the BAVP who issued a ticket or investigated a matter before the Panel must automatically recuse themselves from the hearing and allow for an appropriate substitute.
- B. Other Conflicts. All other potential conflicts must be disclosed by an interested Panel member to NYRA’s Legal Department. The Legal Department will decide whether such Panel member is required to recuse themselves from the hearing.

IV. Translation Services

All Alleged Violators are entitled to have a Spanish translator present during the hearing. NYRA will make every attempt to accommodate other language translations if required. Requests for translations in languages other than Spanish must be made to the NYRA Steward at least 72 hours prior to the hearing date.

V. Representation

Alleged Violators may choose to represent themselves or to be represented by an attorney. Those represented by an attorney must advise the NYRA Steward in advance of the hearing date and provide the attorney’s address, telephone number, and email address.

VI. Notice of Charges

A hearing ticket issued to the Alleged Violator provides notice of the date of the BAVP hearing and will serve as notice of the charges. If Alleged Violators have questions about the charges, they should contact the NYRA Steward prior to the hearing date.

VII. Answer and Affirmative Defenses

An Answer is a written document responding to the charge(s), served prior to the hearing date. Alleged violators are not required to answer the charges in writing but may do so pre-hearing. If the charges are answered in writing, the answer should specifically admit, deny, or state that there is not enough information to admit or deny each allegation. The answer should be sent or delivered to the NYRA Steward at least 24 hours prior to the scheduled hearing date.

VIII. Adjournments

Requests to adjourn the hearing to a later time must be made to the NYRA Steward at least 24 hours prior to the hearing date. Adjournments may be granted at the discretion of the NYRA Steward.

IX. Discovery of Documents

Alleged Violators are entitled to inspect and copy documents that will be used at the Hearing. The term “Document” includes more than a writing; it also refers to any other physical thing, such as a photograph or data stored by computer. Not all Documents prepared or obtained during investigations are subject to disclosure. Generally, the BAVP may withhold Documents that: (1) are privileged or constitute attorney work product; (2) will not be offered in evidence during the Hearing; or (3) may disclose a technique or guideline used in examinations, investigations, or enforcement proceedings; or disclose the identity of a confidential source.

X. Witnesses

The BAVP may present the testimony of witnesses. Any witness called against an Alleged Violator may be questioned by the Alleged Violator or their representative.

XI. Failure to Appear at Hearing

- A. Default Decision. Failure to appear at a hearing will result in a default decision, which means that the allegations contained in the charges will be deemed admitted.
- B. Application to Vacate. An application to vacate a default decision may be submitted to the NYRA Steward within forty-eight (48) hours of the hearing date. The default may be vacated, and a new hearing date issued if, in the sole discretion of the NYRA Steward, the failure to appear is deemed excusable.

XII. Decision

The BAVP will make a determination regarding the alleged violation and will issue its opinion at the hearing or after the hearing if the matter requires further deliberation. The NYRA Steward may consider the recommendation of Panel members when determining penalties and/or fines.

However, the NYRA Steward shall be the final authority with regard to all decisions of the Panel.

XIII. Penalties/Fines

Please see the attached penalty schedule.

XIV. Appeal

- A. Timing of Appeals. Appeals must be made within fourteen (14) days of the hearing date to NYRA's Senior Director of Security.
- B. Appeals Panel. Upon receiving the appeal application, an appeals panel will be comprised of three (3) members that were not involved in the original hearing.
- C. Appeal of Decision to Revoke or Suspend NYRA Credentials. In the event that the BAVP issues a decision that may result in the revocation or suspension of an Alleged Violator's NYRA credentials, appeals must be made directly to NYRA's Legal Department within the 14-day time period.

**Barn Area Violations Panel (“BAVP”)
Fine/Penalty Schedule**

Code	Violation Category	1st Violation	2nd Violation	3rd Violation	Notes
HS	Housing Violation	\$50	\$100	\$150	
HA	Harassment	\$50	\$100	\$150	
PV	Physical Violence, Threats, or Weapons	\$50	\$100	\$150	
SA	Substance Abuse	\$50	\$100	\$150	
HE	Health/Safety	\$50	\$100	\$150	
EQ	Animal Safety/Welfare	\$50	\$100	\$150	
ID	Absent or Expired ID	\$50	\$100	\$150	
FS	Fire Safety	\$50	\$100	\$150	
EV	Environmental	\$200	\$500	\$1,000	
CO	Conduct	\$50	\$100	\$150	
VE	Vehicle/Parking	\$50	\$100	\$150	
TR	Training	\$50	\$100	\$150	
OT	Other	\$50	\$100	\$150	

Fines are suggested minimums. Aggravated circumstances, including multiple concurrent violations, may result in higher fines or other action as decided by the Panel. Mitigating circumstances may be taken into consideration to mitigate the minimum suggested penalty. The Panel may refer an individual to B.E.S.T. as deemed appropriate in lieu of or in addition to the recommended penalty structure.

Environmental violations carry higher minimums due to state and local regulations. Fines for environmental violations will be assessed to the trainer who employs the responsible party.

**Barn Area Violations Panel (“BAVP”)
Appeal Process & Form**

- A. Timing of Appeals. Appeals must be made within fourteen (14) days of the hearing date and submitted to NYRA’s Senior Director of Security.
- B. Appeals Panel. Upon receiving the appeal form, an appeals panel will be comprised of three (3) members that were not involved in the original hearing.
- C. Appeal of Decision to Revoke or Suspend NYRA Credentials. If the BAVP issues a decision that may result in the revocation or suspension of an Alleged Violator’s NYRA credentials, appeals must be made directly to NYRA’s Legal Department within the 14-day time period.

Name: _____

Employer: (If applicable) _____

NYRA ID #: _____

Dorm (If applicable) _____

Phone Number: _____

E-Mail Address: _____

I want to appeal the ruling reached after the BAVP Hearing that was held on _____. Please attach a copy of the original ticket that you are appealing and any written decision issued after the hearing.

I am appealing the BAVP decision because (please be specific as to why the BAVP decision should be re-considered):

SIGNATURE: _____

DATE: _____

NOTE: If you are signing this form as Authorized Representative, please attach a copy of the document that establishes your authority to act on behalf of the client and include your contact information.