

Too Close For Comfort? You Decide

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While there is nothing unique about brothers, sisters, children, cousins or even spouses following footsteps into a family business, what is distinctive in the professional sports arena is the competitive environment. Peyton and Eli; Serena and Venus; Ken Sr. and Ken Jr... in professional sports, participation is often a family affair. Just think about dynastic auto racing families like the Andrettis and Earnhardts.

While the Kennedy clan may have never pitted candidates against one another in political events, consider that Joe, Vince and Dom DiMaggio all played centerfield in the majors, with the Yankee's Joe and Red Sox's

Dom often playing against one another. Contemporarily, the Molina brothers (Bengie, Jose and Yadier) were catchers with three different Major League Baseball teams in 2009.

Of course, things are even more distinctive when horse racing is involved. Unlike baseball, auto racing and other sports, horse racing involves a competition where gambling on the outcomes is both legal and encouraged. Moreover, different from most other organized sports, in racing, the instances of licensed competitors being from the same nuclear or extended family are far beyond rare exception. Harness racing is filled with occasions where trainers and drivers boast the same lineage or are related in some form due to a marriage. How important are relationships in pari-mutuel racing, and what rules should be in place to ensure both the integrity of races and the appearance of propriety?

First, understand that for virtually all purposes in racing, spouses are considered a single unit. That's true even before the couple make it into the paddock. Under USTA rules, as well as the occupational license regulations of many jurisdictions, the Association can deny membership and the various commissions may suspend, revoke, exclude, or refuse to license any participant whose spouse would fail to qualify should such spouse apply for a license. In this regard the Association or commissions may require a participant to produce any evidence and information it deems necessary. Simply put, if hubby is a bad guy who doesn't deserve a license, don't assume that his wife is going to be allowed to front for him.

What is a spouse? In New York, for instance, the term spouse means not just a person's husband or wife, but also one "held out by a person to be his or her husband or wife." Does this mean living together? Curiously, New York, unlike other jurisdictions, does not recognize common law marriages no matter how long unmarried couples reside together. Are couples divorced "for convenience" excepted from this definition, even if living together?

Should a husband be allowed to drive a horse in a race where his wife is listed as trainer for another entrant? What if they are divorcing at the time? How about if they are not married, just real close friends who show up all over town hand in hand, but so far as anyone can tell don't live under the same roof? What about folks with traceable financial entanglements, co-renters or those holding a mortgage together? What about those joined not in matrimony, but rather civil union?

In some jurisdictions, veterinarians and farriers are prohibited from participating as owners, trainers or drivers at any track at which a horse treated or cared for by such veterinarian or farrier is racing. If anti-collusion rules like this have a rational basis, should siblings be banned from competing against one another as drivers in the same race? Should a brother be allowed to drive in a race where his brother trains another horse in the same race? What if the trainer of the rail horse is simply the cousin of the driver of the 2 horse? Is that circumstance different than if the relationship were that of father and married daughter?

Again in New York, there are some stringent rules involving family relationships, but apparently only on the thoroughbred side. Those rules provide that all horses trained or ridden by a spouse, parent, issue (meaning child) or member of a jockey's household shall be coupled in the betting with any horse ridden by such jockey. Further, the New York rules mandate that no jockey, nor such jockey's spouse, parent, issue nor member of such jockey's household, shall be the owner of any racehorse. Similarly, the Model Thoroughbred Rules of the Association of Racing Commissioners International (ARCI) suggest that a jockey shall not compete in any race against a horse which is trained by the jockey's spouse.

Aside from the rules of the various boards and commissions in jurisdictions where pari-mutuel racing is conducted, private racetrack operators would appear to have unfettered discretion in this regard. Based upon the absolute right of exclusion they enjoy, track owners can, and often do, refuse to allow brothers to drive against brothers, fathers to drive against sons, etc. Do such management prerogatives advance the cause of integrity or simply place an arbitrary prohibition on licensees plying their trade?

If the biblical murderer Cain and his victim brother Abel competed against one another, it could still be considered an affront to the appearance of impropriety, their animosity notwithstanding. What then of two lifelong fraternity brothers, one of which married the other's sister? Here, while the tie is arguably stronger than some created through blood, it is nonetheless formed only through desire and circumstance, not any objectively ascertained affiliation between the participants.

Forget about what the rules are. Rather, focus on what you think the rules should be. Consider which relationships, if any, should be prohibited. Try to balance the rights of individuals to compete against the need to guarantee that the betting public can wager with confidence in any given contest. When should coupled entries be mandated so as to foster integrity? Be mindful that every coupled entry constitutes one less wagering interest in a race, and thus debilitates pari-mutuel handle, subsequent purses and ultimately the horsemen's collective earnings. It's your sport: tell us what you think works so your suggestions can be shared with others.

Send your comments to me at WittstruckC@aol.com. We'll report what you decide!

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