

Readers Weigh in on what Constitutes Uncomfortable Relationships

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A large amount of solicited responses weighed in.

Last month, this column questioned whether there were adequate rules in place addressing circumstances when family members compete against one another in harness racing. Obviously, the question presupposed that having spouses, siblings and other relations participate with different interests in the same race creates a problem. In the author's mind, without evidence of actual skullduggery, it is undeniable that such situations create at the very least the appearance of impropriety, and thus require regulation.

Interestingly, a large amount of solicited responses to the column didn't agree with the above premise. For instance, one reader not only didn't agree with the concerns raised, but suggested that regulation regarding relationships could prove counterproductive:

"Bona fide separate ownership seems to be the sufficient criteria for uncoupling entries. Overnight race cards are quicker to handicap when the trainers and drivers are familiar, whether or not they are related. Family ties become a factor or no factor depending on the gamblers opinion and the wager would reflect that. Stake races can be written with particular rules regarding entries. Integrity isn't just a blood relation concern. Presenting more reasons for "Bearding" would not be constructive."

The last two sentences are worth noting. In the reader's mind, "friendly" drivers or trainers that do not share lineage are as likely to commit integrity violations as family members. Moreover, having a "family" rule in place might simply encourage "bearding;" the practice of substituting a straw name on the entry slip in place of the actual trainer. Thus, the reader fears that if two related trainers are ineligible to enter horses in the same race, one horseman could simply list his second trainer, someone unrelated by blood to either one, on the program and thus evade the rule and create a false appearance of propriety to all but the "tuned-in."

Extremely insightful comments echoing the above reader were offered by a professional driver:

"A driving colony becomes a family after driving on an every night basis against each other. When you take the top eight drivers at a track and they are in 90% of the races against each other, they see and live each others' lifestyle from what goes on at home to on the track.... When you're a driver at a track and you drive every night there, you know the horses you want to drive and trainers that you want to drive for. So, if I am a driver on a regular basis, I want to drive the best horse in the race because it makes my job and stats look better, as opposed to driving a horse that has no shot just because a relative or family member trains. Should I be forced to just sit that race out (wrong)? A driver has a right to pick the best horse he thinks he is listed on. We do have judges, and if they see a driver not driving a horse up to their ability, they have a job to do as well. The better horses and drivers are, the less work for the judges; very simple."

Another horseman was even more succinct, suggesting that concerns over family member competitors is exaggerated:

"When we race we race to win. It is a competition with rules. Follow the rules, and the better you do, the more in purse money you make. Family members should be allowed to race against each other. If they violate a rule during a race they should be penalized for it. It really is that simple."

Another reader intimated that inconsistent rules might be worse than no rules at all. With the proper names and dates redacted, here is what one reader pointed out regarding two separate races conducted with a short period at the same oval:

"I and other bettors are always confused about the "rules" for coupling. Novices are always asking me to explain the rules. My confusion recently moved to an extreme. In January, I was watching TVG. The announcers were totally confused as to why there was a coupled entry in a race. Apparently, the respective horses were coupled because they were trained by a husband and a wife, even though there apparently was no common ownership. If there was no common ownership and marriage was the reason for the coupling, then it is so inconsistent to me that two weeks later two horses trained by the same trainer raced at the same track uncoupled because of "bona fide separate ownership."

A veteran fan noted that the "family" nature of our industry makes any sort of regulation in this regard a difficult task at best:

"In harness racing the blood lines of trainers, owners and drivers who are related are too deep. How can the judges, in all fairness (especially to the owners) dictate who should drive whose horse? How about a Hall of Fame driver who is above reproach? Are you going to tell him he has to drive his relative's horse in a stakes race, or even a cheap claimer? In my eyes, Hall of Fame drivers are icons. How do you tell an icon what to do? So, in fairness to everyone involved, shouldn't the judges be the one to make the "judgment call?" If the Hall of Famer is the even-money favorite and the relative's horse wins at 12-1, doesn't everyone get called in? The trainers and drivers I am thinking about are in my opinion the best the business has to offer. In no way was I implying they are doing anything wrong. They truly are all icons."

A woman born into a harness racing family provided an "insider's" prospective of how certain track policies regarding family relationships proved to be not only unfair, but to some extent insulting:

"I have been in harness racing since the 50's.... Our family had horses, but I don't think the wife or husband should be left out just because the other one had a license. Many times the wife has to sit on the sidelines as the groom even though she does a lot of the work and had the experience needed to be a driver. Let's be fair... it should be on the experience you have working with horses. My family had two brothers who drove. One track would not allow them to race against each other. My uncle left the track as my Dad had driven there for years, though they usually were not in the same race. Then when my Dad got hurt and could not drive, we had to contact my uncle to come back and drive Dad's horses while he was in the hospital. They both drove to win every time."

Other readers did, in fact, express concern regarding the issues, and some offered potential solutions. One palatable compromise rule was expressed as follows:

"If we lived in a harness racing world that was open to fair rules my suggestions regarding this topic would be:

- 1. Any shared financial interests, of any type, the questioned parties would be seen as one entity.**
- 2. Any family relations would be seen as separate betting interests, as long as they don't share any financial interests."**

Still other readers thought the concern was distressing enough to impose some very stringent rules. Consider the thoughts of this very astute observer:

"You are addressing a sore spot amongst bettors for "centuries;" that being competition and/or often non-competition between siblings, spouses etc. One of the oldest axioms in the books is never bet on anything that talks. As a sidebar, it is even riskier to bet on things that have easy wherewithal to talk to each other: like siblings and spouses etc. Who amongst us that actually paid attention during the halcyon days of racing will ever forget the charades of some pairs? Who amongst us did not lose countless hours of sleep, hair and whatever else trying to figure out just which one might be live or at the disposal of the other? As long as betting is paramount to horse racing every effort must be made to preserve the integrity of the

transaction and if that involves removing the temptation of spousal and/or sibling collusion, so be it. The alternative is the status quo which obviously has proven unacceptable.”

Of course, while outright prohibitions against spouses, siblings etc. competing at the same oval could be considered unfair, requiring coupled entries anywhere there is a family relationship could prove disastrous in terms of pari-mutuel handle. As horses are connected for betting purposes, the number of betting interests necessarily decreases, thus reducing the number of exotic box and wheel combinations. Lessening the betting interests on a card lessens the handle. Sheer economics dictate that tracks would send a spouse or brother packing before creating entry mates.

What should not be lost in this discussion is the undeniable fact that the first priority of regulators is to protect the consumers of our product – in this case, the bettors. They don't know and can't assume the nature of family relationships on or off the track – they are there to serve the interests of the public first and ensure to the best of their ability that it's every man and woman for themselves out on the track. The appearance of impropriety is as strong as the reality of impropriety. Regulators must try to balance reality with the imaginations or suspicions of racing's consumer, a task that will almost certainly alienate someone.

For five years, we've been bringing you a variety of legal topics that we hope have informed and enlightened you. I want to know if there are issues, topics, questions that can be addressed in this space that can help you in your everyday involvement with harness racing. Please let me know your thoughts on subjects you'd like to see in this space. I look forward to hearing from you at WittstruckC@aol.com.

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