

Western Regional Off-Track Betting Corporation

BATAVIA DOWNS

STALL APPLICATION AND AGREEMENT

2016

IMPORTANT – READ CAREFULLY

COMPLETE AND RETURN IMMEDIATELY!

Stalls are assigned only upon the following conditions and your signature on this agreement signifies your complete endorsement of its terms and your assent to be subject thereto.

The terms of the agreement are as follows:

- (1) Rules and regulations of the New York State Gaming Commission shall govern all events.
- (2) Upon arrival, all eligibility papers must be filed at the Racing Secretary's office. Badges or passes are issued only for the persons named on said papers, and are not transferable. Misuse of a badge or pass will result in its cancellation.
- (3) The opportunity to use the stalls and to board horses at any of the stalls is granted, by WROTBC, in its sole discretion, on a revocable basis.
- (4) WROTBC reserves the right to charge each applicant a damage deposit which must be paid in advance of occupancy of a stall.
- (5) The privilege of stall accommodation may be reduced or revoked and terminated by WROTBC at any time without notice in the sole and absolute discretion of WROTBC without any reason or cause existing or being stated or given.
- (6) An application for stall space in the form annexed to this application must be filed and signed by the applicant before any stalls are occupied.
- (7) All trash generated in the stall area must be put into containers provided at the end of the barns.
- (8) Manure must be put in pits provided; manure will be pushed and loaded inside the pits and will not be dumped in front of pits. Areas around the pits must be kept clean.
- (9) Barbecues are not allowed in or around barns.
- (10) No sleeping is permitted in any tack rooms or stalls.
- (11) Cooking, smoking and possession of unauthorized controlled substances or **drug paraphernalia, including syringes**, or other apparatus for the subcutaneous or intramuscular administration of substances are strictly prohibited in stables, tack rooms, and barn areas are strictly prohibited in stalls and tack rooms.
- (12) Absolutely no dogs, goats, sheep, or chickens will be permitted in the stabling area or stalls.
- (13) WROTBC reserves the right to request evidence that all horses approved for stall space are in good health and have been subjected to the Coggins Test for Swamp Fever (E.I.A.).
- (14) It is clearly understood and agreed that if and when stall or stalls are assigned that this is not a lease of any space, but is merely a revocable license or permit granted by the WROTBC only on the terms and conditions above stated and may be terminated at the discretion of WROTBC.
- (15) Stall allotments will be made in the name of the horse and specifically assigned to that horse only, if you decide not to ship the horse assigned to the stall space, the stall reverts back to WROTBC. Gate security will have names of horse's assigned stalls and no others will have access to the barn area.
- (16) If the horse is sold or otherwise leaves the premises permanently, such stall reverts back to WROTBC for allotment.
- (17) Each and every stall assigned will be used for allotted trainer's horses only. Trainer is not allowed to use any stalls not assigned to them without the express permission of the Racing Secretary and/or Stall Superintendent. Once a trainer and their stable depart the barn area for any reason they must reapply for stall space. Any stable that has departed the barn area can reapply for assigned ship-in stalls but will NOT be allowed to return to their former stalls once they have departed. No exceptions.
- (18) If a horse stabled at Batavia Downs leaves to race at another facility, it must have the Racing Secretary's permission and turn in a slip requesting permission. If no permission is granted, the horse will not be allowed to be stabled at Batavia Downs. Trainer is subject to loss of that stall from his allocation.
- (19) WROTBC reserves the unrestricted right to refuse and decline stall space and permission to enter racehorses at WROTBC'S, Batavia Downs. They further reserve the unrestricted right to refuse applicant or employees or persons under his charge or

control, or any of them, admission to Batavia Downs backstretch and barn area, and to revoke this license or permit at will and to require applicant and/or his employees or persons under his charge or control, or any of them, to vacate space upon twenty-four (24) hours notice in writing and remove all horses, equipment and personnel off the premises. Such notice may be given at any time by delivering same personally to applicant or by mailing same to address of applicant set forth in this application or by affixing such notice on some portion of the stall space of the applicant. Such notice may be given at any time during the term of this contract with or without reason and entirely at the discretion of WROTBC.

- (20) If the premises have not been vacated after twenty-four hours have expired, the applicant on behalf of all persons he employs or represents hereby consents that a Judicial Order be granted for a Sheriff to remove all horse or horses and personal property from the WROTBC premises at the applicant's or owner's expense.
- (21) Owner, in order to induce the WROTBC to approve this application does for himself and employees and all persons, for whom he is acting, consent to any such action by the WROTBC under this paragraph and the following paragraph.
- (22) The WROTBC may refuse admittance to or eject anyone considered undesirable by it.
- (23) WROTBC will not, under any circumstances, be liable or responsible for any losses, injuries or damages sustained to or by any horses owners, trainers, drivers, their agents, servants or employees and or horses entered in any racing events, or while participating in such events, or while in training, or while on the grounds. All risks of loss, injury, damage or destruction to person, property, and/or horses are assumed in full by such owners, trainers and drivers, their agents, servants and employees, whether caused by active or passive negligence, condition of the premises or any other reason or cause whatsoever. This provision shall not be deemed waived by the fact that the WROTBC does presently, or will in the future, furnish insurance coverage against injury to the drivers competing on the race track or using the training track.
- (24) The employment in any capacity of a minor 16 years of age or less on the premises of WROTBC is forbidden. Minors 16 years of age or less must be accompanied by an adult in the barn area at all times. Minors 16 years of age or less are not allowed in the barn area after 12:00 p.m., preceding matinee programs, 2:00p.m., twilight programs and 4:45 p.m. preceding evening programs. Minors 16 years of age or less are allowed to enter the barn area through the stable gate entrance 30 minutes after the last scheduled post time as long as accompanied by an adult. Fail to adhere above rules will lead to loss of barn area privileges.
- (25) All owners, trainers and drivers do hereby unreservedly and without exception agree to hold the WROTBC harmless from any loss, costs or damage caused by them arising from any occurrence in which they or their property or animals, or any of them, may be involved while on the premises of Batavia Downs.
- (26) In accordance with NY Executive Law Article 15 and NYS Human Rights Law, WROTBC will not discriminate because of age, race, creed, color, national origin, sexual orientation, military status. Sex, marital status, or disability.
- (27) Upon vacating barn area assigned stalls must be fully cleaned and "signed off" by designated member of WROTB staff. Any uncleaned stalls will be subject to a cleaning fee of \$25 per stall, no exceptions

ALTERATIONS, MISUSE, MODIFICATIONS OR CHANGES OF ANY NATURE, BY ANYONE TO THE PROPERTY OF WROTBC, WITHOUT PERMISSION BY AN OFFICER OF WROTBC, ARE STRICTLY FORBIDDEN. VIOLATION OF THIS RULE MAY CONSTITUTE A REVOCATION OF THIS LICENSE. ANY COSTS SUSTAINED BY WESTERN TO RETURN ITS PROPERTY TO THE ACCEPTABLE CONDITION THAT EXISTED PRIOR TO ANY SUCH ALTERATIONS WILL BE ASSESSED AGAINST THE PERSON OR PERSONS TO WHOM SAID STALL OR TACK ROOM HAS BEEN ASSIGNED AND SUCH ASSESSMENT IS REQUIRED TO BE PAID IMMEDIATELY. FAILURE TO DO SO MAY CONSTITUTE A REVOCATION OF THIS LICENSE.

WROTBC RESERVES THE RIGHT TO MODIFY THESE REQUIREMENTS, INCLUDING THE INSTALLATION OF PROVISIONS FOR SECURITY AND TO REQUIRE COMPLIANCE WITH ITS RULES OF DECORUM.

- (28) WROTBC will issue Identification Badges to all people having business in the barn area. These badges must be worn at all times while in the barn area. NO ONE will be allowed in the barn area without a badge being shown and affixed to your clothing in plain view. NO ONE will be allowed to train, jog, warm up or race without wearing a safety helmet approved by the New York State Gaming Commission.

NOTICE Applications for stall will be refused unless owners are members in **GOOD STANDING** in the **U.S. TROTTING ASSOCIATION**

Signed: _____ Phone Number _____
(Please Write Legibly)

Mailing Address: _____