



## FINANCIAL RESPONSIBILITY INSTRUCTIONS AND FORMS

### INSTRUCTIONS FOR THE FILING OF FINANCIAL RESPONSIBILITY COMPLAINTS

Please read these instructions carefully before proceeding with your financial complaint. Failure to follow these instructions may result in unnecessary delays in your complaint being filed or in it being rejected altogether.

To be accepted your complaint must comply with all of the criteria listed below:

1. The cause for action must have originated and occurred in California;
2. The cause of the complaint must be a California racetrack related matter and the debt incurred must be in direct relation to the accused party's performance within their California Horse Racing Board (CHRB) license duties;
3. The services rendered, supplies sold, fees charged or the debt(s) incurred were within one (1) calendar year of the date of filing the complaint;
4. You may not have filed a financial complaint against the same debtor within two (2) years of the filing of this complaint;

If the nature of your complaint does not fall within these parameters it will not be accepted and you may seek remedy through the civil court system or small claims court.

You must also supply documentation in order to substantiate the allegations of your complaint. Each financial responsibility complaint you file **must** be accompanied by copies of the following documents:

1. A detailed billing invoice (including horse's name, if applicable) which fully describes the goods or services provided and delivered, where provided or delivered, by whom received authorized or ordered;
2. Bills of lading, where applicable;
3. A copy of the contract for services, if executed;
4. A copy of a court judgment, if one has been obtained;
5. A proof of service of the bill or notification of the indebtedness being served on the accused party as evidence by a certified mail return receipt or a process server's declaration of service.

You will be given two (2) copies of the blank forms in order to file your complaint. CHRB staff will not fill these forms out for you. **\*NOTE – ALL INFORMATION MUST BE FILLED IN COMPLETELY IN PRINTING OR TYPE – BE SPECIFIC AS TO THE NATURE OF THE DEBT WHEN COMPLETING THE FORM.**

Once the forms are completed, make a total of five (5) copies of all forms and substantiating documents except the original Complaint/Notice to appear page. Make sure that the original Complaint/Notice to Appear is dated and signed! Submit these packages along with one (1) self-addressed, stamped envelope, for your notification of hearing date and time, and one (1) blank 13" X 10" manila envelope. All copies and both envelopes should be submitted to the appropriate CHRB office. It is your responsibility to ensure that you are aware of the date, time and place for your appearance at the hearing of your case.

Upon receipt of your complaint, a CHRB staff member will review the package for completeness and correctness. If any deficiencies are found, the packages will be returned to you and you will be advised of the items necessary to effect the correct submission of your complaint. The complaint will then be logged in and a date and time will be set for the matter to be heard before the Stewards. The Notice to Appear will be mailed notifying both of you to the date, time and place of the hearing. NOTIFY THE CHRB IMMEDIATELY IF THE DEBT IS SATISFIED BEFORE THE SCHEDULED HEARING DATE!

APEARANCE BY BOTH PARTIES AT THE STEWARD'S HEARING IS MANDATORY unless a party is excused by the Stewards. Should you, the complaint, fail to appear, your complaint will be dismissed and any future complaints filed by you against the same party will be declined for hearing for a period of two (2) years. It will be your responsibility to present your case before the Stewards!

**\*NOTE:** If you eventually agree to a payment plan as a result of the Stewards hearing and the accused party defaults on his promise to pay, you must seek your remedy directly with the Stewards or via the civil court system. A second complaint on the same matter or the resulting default will not be accepted.

Please do not hesitate to contact your nearest CHRB office should you have any questions regarding this procedure.

## **1876. Financial Responsibility.**

- (a) No licensee shall willfully and deliberately fail or refuse to pay any moneys when due for any service, supplies or fees directly related to his or her California horse racing operations, nor shall he or she falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying or defrauding the person to whom such indebtedness is due.
- (b) Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due, or by a judgment from a civil court which has been issued within one year of the date of the complaint
- (c) The Board will not consider a financial responsibility complaint made by the complainant against the same accused within twenty-four months of the filing of the instant complaint.
- (d) The Board will consider only those financial responsibility complaints which meet the following criteria:
  - (1) The complaint involves services, supplies or fees that are directly related to the licensee's California racetrack operations; and
  - (2) The debt or cause for action originated, or the civil court judgment was issued, in this State within one year of the filing of the complaint.
- (e) Financial responsibility complaints submitted by equine medical hospitals, and horse auction sales authorized by the Board in accordance with Rule 1807 of this Division, will be considered provided such complaints comply with subsections (b), (c) and (d) (1) through (d) (2) of this regulation, and are directly related to the California horse racing operations of a person licensed by the Board.
  - (1) Financial responsibility complaints submitted by horse farms will be considered provided the complaint is for not less than one thousand dollars and is related to the horse operations of a person licensed by the Board.
- (f) Financial responsibility complaints that are horse racing related wage disputes originating between persons licensed by the Board will be considered.

### **NOTE:**

Authority Cited: Sections 19440 and 19460, Business and Professions Code.

Reference: Sections 19440, 19460 and 19461, Business and Professions Code.

### **HISTORY:**

1. Amendment filed 10-4-93; effective 11-3-93.
2. Amendment filed 6-21-11; effective 7-21-11.

**FINANCIAL RESPONSIBILITY COMPLAINT**

CHRB – 8 (Rev 10/18 date)

**SAMPLE PAGE**

To the California Horse Racing Board:

I hereby file a complaint against: (NAME OF THE PERSON YOU ARE FILING AGAINST)(THEIR COMPLETE ADDRESS)

(Address)

(City)

(State)

(Zip Code)

for violation of Rule 1876, Financial Responsibility, of the California Horse Racing Board (Board) Rules and Regulations, and I allege and complain as follows:

1. That (NAME OF THE PERSON YOU ARE FILING AGAINST) is indebted to (YOUR NAME), in the amount of \$ (AMOUNT OF DEBT)

for services, supplies or fees connected with his/her operation as a licensee and that he willfully and deliberately failed and refused to pay the amount of indebtedness alleged;

2. That on (DATE SENT), I sent to (NAME OF THE PERSON YOU ARE FILING AGAINST) By certified or registered mail to his/her last known address a statement of the amount owed and the reasons therefore and have received no acknowledgement of same;

3. That I have read Rule 1876 and I believe this complaint to be within the provisions of the said action;

4. That I have attached to this complaint a documentation of the services, supplies of fees alleged to be due;

5. That in support of my allegations and complaint I will appear upon notice before a Board of Stewards, the Board, or any referee appointed by the Board, to give evidence at any hearing on this matter.

I certify under penalty of perjury that the statements made herein are true and correct.

**(SUPPLY ALL PERTINENT INFORMATION REQUESTED)**

Signature of Complaint

Date

Address of Complaint

City

State

Zip Code

Work Phone Number

Home Phone Number

**FINANCIAL RESPONSIBILITY COMPLAINT**

CHRB – 8 (Rev 10/18 date)



To the California Horse Racing Board:

I hereby file a complaint against: \_\_\_\_\_

\_\_\_\_\_  
(Address) (City) (State) (Zip Code)

for violation of Rule 1876, Financial Responsibility, of the California Horse Racing Board (Board) Rules and Regulations, and I allege and complain as follows:

1. That \_\_\_\_\_ is indebted to \_\_\_\_\_, in the amount of \$ \_\_\_\_\_

for services, supplies or fees connected with his/her operation as a licensee and that he willfully and deliberately failed and refused to pay the amount of indebtedness alleged;

2. That on \_\_\_\_\_, I sent to \_\_\_\_\_ By certified or registered mail to his/her last known address a statement of the amount owed and the reasons therefore and have received no acknowledgement of same;

3. That I have read Rule 1876 and I believe this complaint to be within the provisions of the said action;

4. That I have attached to this complaint a documentation of the services, supplies of fees alleged to be due;

5. That in support of my allegations and complaint I will appear upon notice before a Board of Stewards, the Board, or any referee appointed by the Board, to give evidence at any hearing on this matter.

I certify under penalty of perjury that the statements made herein are true and correct.

\_\_\_\_\_  
Signature of Complaint Date

\_\_\_\_\_  
Address of Complaint City State Zip Code

\_\_\_\_\_  
Work Phone Number Home Phone Number

# COMPLAINT

CASE NUMBER: **(LEAVE BLANK)**

The CHRB hereby files a complaint against **(NAME OF THE PERSON)** for violation of CHRB Rule 1876.

The person named in this complaint holds a license as a **(LEAVE BLANK)**, license number **(LEAVE BLANK)**. The offense alleged occurred on or about **(DATE DEBT INCURRED)** and is as follows:

<b>(FILL IN THE APPROPRIATE INFORMATION)</b>
<b>If more information is needed, continue on a separate sheet of paper. Explanations such as</b>
<b>Services Rendered, hay and straw, transportation charges, veterinary treatment, etc. may be used.</b>
<b>Be specific.</b>

Pursuant to Business and Professions Code Section 19420, 19440, and CHRB Rules, the stewards are empowered to impose penalties for violation of any provision of the CHRB Rules. Such penalties may consist of suspension of any license, fines, and exclusion from all racing enclosures under the jurisdiction of the Board or by any combination of these penalties.

Date : <b>(LEAVE BLANK)</b>	Complainant : <b>(LEAVE BLANK)</b>
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## NOTICE TO APPEAR

To **(LEAVE BLANK)** you are hereby notified to appear before the Board of Stewards at the below listed location, date, and time.

Location: <b>(LEAVE BLANK)</b>	Date: <b>(LEAVE BLANK)</b>	Time: <b>(LEAVE BLANK)</b>
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You are entitled to reasonable notice of the hearing and reasonable time to prepare for the hearing. If you need additional time to prepare for the hearing, you must contact the Board of Stewards within 72 hours of receipt of this notice. All requests for a continuance must be in writing. You should be prepared to justify your request for additional time. Granting or denial of a request for additional time is within the sound discretion of the stewards. The hearing will be conducted in accordance with the GOVERNING PROCEDURES FOR HEARING BEFORE THE BOARD OF STEWARDS, a copy of which is attached to this Complaint and Notice to Appear.

Investigator <b>(LEAVE BLANK)</b>	Date <b>(LEAVE BLANK)</b>
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