CHAPTER 69.5-01-03
RACING OFFICIALS

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69.5-01-03-01. General description.

Every association conducting a race meeting shall appoint at least the following officials:

1. Two of the members of a three-member board of stewards.
2. The racing secretary.
3. The paddock judge.
4. The horse identifier.
5. The clerk of the scales.
6. The starter.
7. Timers, if needed.
8. Three or more patrol judges.
9. Gate judge.
10. The association veterinarian who shall assist and be responsible to the commission veterinarian and whose appointment must be from a list approved by the commission veterinarian.
11. Jockey room custodian, valets, and attendants.
12. Such other officials as the commission may from time to time require.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10

Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-02. Eligibility for officials.

To qualify as a racing official the appointee must be licensed by the commission after a determination that the proposed racing official:

1. Is of good moral character and reputation;
2. Is experienced in horse racing;
3. Is familiar with the duties to which the racing official is appointed and with the commission's rules of horse racing;
4. Possesses the mental and physical capacity to perform the duties which the racing official is appointed to perform;
5. Possesses natural or correctable eyesight sufficient to perform the racing official's duties; and
6. Has not been convicted of a crime which the commission may determine has a direct bearing upon the racing official's ability to serve in the appointed capacity or if so convicted, that the official has not been sufficiently rehabilitated.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-03. Official's prohibited activities.

A racing official or the racing official's assistants listed in section 69.5-01-03-01, while serving during any meeting in such capacity, may not engage in any of the following:

1. Participate in the sale, or purchase, or ownership of any horse racing at the meeting;
2. Be involved in any way in the purchase or sale of any contract on any jockey racing at the meeting;
3. Sell or solicit horse insurance on any horse racing at the meeting or participate in any other business sales or solicitation not a part of the official's duties;
4. Wager on the outcome of any race; or
5. Accept or receive money or anything of value for such official's assistance in connection with such official's duties.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-04. Report of violations.

Every racing official and such official's assistants are responsible to report immediately to the stewards of the meeting every observed violation of these rules and of the laws of this state which occur within such official's or assistant's jurisdiction.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-05. Single official appointment.

An official appointed to any meeting may not hold more than one official position listed in section 69.5-01-03-01 unless, in the determination of the stewards or the commission, the holding of more than one appointment would not subject the official to a conflict of the official's interests and duties to the two appointments.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-06. Stewards - General authority.

1. The stewards for each racing meeting are responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and the rules adopted by the commission. The stewards only have authority to resolve conflicts or disputes between all other racing officials or licensees where the disputes are reasonably related to the conduct of each race, or races, and to punish violators of these rules in accordance with the provisions of these rules.

2. Should any steward be absent at race time, the other two stewards shall agree on the appointment of a deputy for the absent steward or if they are unable to agree on a deputy, then the racing secretary shall appoint a deputy for that race. If any deputy steward is appointed, the commission must be notified immediately by the stewards.

3. All three stewards must be present in the stands during the running of each race.

4. The period of authority for the association stewards commences upon issuance of their license by the commission and terminates thirty days after the end of each racing meet.

5. Stewards, from their own observations, may take notice of misconduct or rule violations and institute investigations and compliance of possible rules' violations.

6. Stewards may inspect at any time a license document or paper related to horse racing including, without limitation, partnership papers, jockey employment contracts, appointments of authorized agents or jockey agents, jockey agents' engagement records, and the adoption of colors.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-07. Stewards - Enforcement authority.

1. Stewards shall enforce these rules and the racing laws of this state and have authority to charge any licensee for a violation of these rules and the laws of this state, to conduct hearings, and to recommend to the commission the imposition of administrative fees or suspensions within the limits and procedures of this section. The decision of the stewards as to the extent of a disqualification of any horse in any race is final for purposes of distribution of the pari-mutuel pool and purses.

2. Stewards may impose administrative fees of up to one thousand dollars for each offense or suspend occupational licenses for up to six months for each offense, or both such fee and suspension. Such action by the stewards does not bar the commission from imposing a more severe penalty if so required in the determination of the commission. However, the commission shall initiate no action increasing any steward's penalty after sixty days from the date of the stewards' action. The stewards, instead of taking action against a licensee, may

refer any alleged violation to the commission for hearing and decision, but such referral to the commission by the stewards is not necessary as a condition to commission action against a licensee. In cases where fines or penalties alter the results of a race, the stewards shall re-award purses, prizes, awards, and trophies.

3. All fines imposed by the stewards upon a licensee must be paid by the licensee to the commission within forty-eight hours after imposition.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-08. Stewards' summary hearings.

1. **Violations.** The stewards may take summary and immediate action when violations constitute an immediate danger to public health, safety, and welfare. If such action is taken prior to the summary hearing procedure in subsection 2, the affected licensee is entitled to a postsuspension hearing pursuant to such subdivision. The stewards may conduct summary proceedings for violations involving the following:

   a. Horse riding.

   b. The use of drugs and medication.

   c. Possessing a device for the injection of prohibited substances in horses.

   d. Suspensions under reciprocity agreements with other states.

   e. Acts prohibited by any of the provisions of North Dakota Century Code chapter 12.1 and any other criminal offenses prohibited by state law when by a preponderance of evidence, the stewards believe such offenses to have occurred.

   f. Prearranging or attempting to prearrange the outcome of a race.

2. **Summary hearing procedure.** Stewards' hearings in respect to matters exempted from notice and hearing provisions, unless waived by the licensee, nevertheless shall provide at least the following:

   a. Written notice to the licensee, delivered at least three days prior to the hearing, informing the licensee of the charges against the licensee and the possible penalties which may be imposed as well as the right to counsel; the right to present a defense, including witnesses for that purpose; and the right to cross-examine the stewards' witnesses.

   b. The stewards may grant a continuance of any hearing set under the summary procedures authorized for good cause shown.

   c. Failure of a licensee to appear at any scheduled hearing shall constitute a violation of these rules.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-09. Appeals from stewards' hearings.

1. Any licensee aggrieved by the imposition by the stewards of any fee or suspension may appeal to the commission. Appeals must be in writing, filed with the commission within fourteen days of the stewards' order. The stewards shall, in that event, forward to the

commission their charges and evidence for an administrative hearing (de novo) by the commission upon all of the evidence pursuant to North Dakota Century Code chapter 28-32. No appeal from a stewards' order to the commission shall stay or supersede the penalty imposed by the stewards unless the commission shall order, in writing, a stay of the penalty.

2. The stewards shall possess and may exercise emergency authority, as follows:

   a. Substitute officials. When in an emergency any official is unable to discharge the official's duties, the stewards may approve the appointment of a substitute. The stewards shall report such appointment immediately to the commission.

   b. Substitute jockeys. The stewards have the authority in an emergency to place a substitute jockey on any horse in the event the trainer does not do so. Before using such authority, the stewards shall attempt, in good faith, to contact the trainer to inform the trainer of the emergency and to afford the trainer the opportunity to appoint a substitute jockey. If the trainer cannot be contacted, or if the trainer is contacted but fails to appoint a substitute jockey and to inform the stewards by thirty minutes prior to post time, then the stewards may appoint under this rule.

   c. Substitute trainer. The stewards have the authority, in an emergency, to designate a substitute trainer for any horse.

   d. Excuse horse. In case of accident or injury to a horse or any other emergency deemed to exist by the stewards before the start of any race, the stewards may excuse the horse from starting.

   e. Exercise authority. No licensee may exercise a horse on the track between races unless upon the approval of the stewards.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-10. Steward investigations and decisions.

1. **Investigations.** The stewards, upon direction of the commission, shall conduct inquiries and shall recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers, and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses and shall submit to the commission a written report of every such inquiry made by them.

2. **Cancel trifecta.** The stewards shall cancel trifecta wagering any time there are fewer than five betting interests unless there is a late scratch.

3. **Form reversal.** The stewards shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the horse's owner, trainer, or other persons connected with said horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win, be likely to cause it not to win, finish as near as possible to first, or be likely to finish as near as possible to first.

4. **Fouls.**

   a. Extent of disqualification. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and shall place any horse found to be disqualified behind the others in the race with which it interfered or may place the offending horse last in the race.

b. Coupled entry. When a horse is disqualified under this section and where that horse was a part of a coupled entry and, where, in the opinion of the stewards, the act which lead to the disqualification served to unduly benefit the other part of the coupled entry, the stewards may, at their discretion, disqualify the other part of the entry.

5. **Protests and complaints.** The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and file such reports daily with the commission.

   a. Protests involving fraud. Protests involving fraud may be made by any person at any time to the stewards.

   b. Protests not involving fraud. Protests, except those involving fraud, may be filed only by the owner of a horse or the owner's authorized agent, the trainer, or the jockey of the horse in the race over which the protest is made. The protest must be made to the clerk of the scales or to the stewards before the race is declared official. If the placement of the starting gate is in error, no protest may be made thereon, unless the protest is entered prior to the time the first horse enters the gate.

   c. Protest to clerk of scales. A jockey who intends to enter a protest to the clerk of scales following the running of any race, and before the race is declared official, shall notify the clerk of scales of this intention immediately upon the arrival of the jockey at the scales.

   d. Prize money of a protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race must be paid to and held by the horseman's accountant until the protest is decided.

   e. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant, and filed with the stewards one hour before post time of the race out of which the protest arises.

   f. Frivolous protests. No person or licensee shall make a frivolous protest nor may any person withdraw a protest without the permission of the stewards.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-11. Racing secretary.

1. **General authority.** The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due, and the recording of racing results.

2. **Conditions.** The racing secretary shall establish the conditions and eligibility for entering the races of the meeting and cause them to be published to owners, trainers, and the commission. Unless otherwise provided by the conditions, the winner of a certain sum means the winner of a single race of that sum. Corrections to the conditions must be made within twenty-four hours of publication.

3. **Posting of entries.** Upon the closing of entries each day, the racing secretary shall post a list of entries in a conspicuous location in the racing secretaries' office and furnish that list to local newspapers and radio and television stations.

4. **Stakes and entrance money records.** The secretary is caretaker of the permanent records of all stakes, entrance moneys, and arrears paid or due in a race meeting and shall keep permanent records of the results of each race of the meeting.

5. **Record of racing.** The racing secretary, no later than the day following each race, shall attach or endorse on the registration certificate of each horse winning in any race the fact of that winning performance and the distance, the date of the race, and the type of conditions of the race.

6. **Record of jockeys.** Upon entry of a horse in a race, the owner or trainer shall furnish to the racing secretary the name of the jockey who will ride the entry no later than scratch time of the date of the race unless unusual circumstances prevail and the stewards grant contrary permission, but in no event not later than forty-five minutes before post time.

7. **Handicapping.** The racing secretary, or a handicapper assigned by the racing secretary, shall assign the weight to be carried by each horse in a handicap, according to the following table, when weights are not stated in the condition of the race:

   a. Scale of weights for age:

Distance	Age	Jan./ Feb.	Mar./ Apr.	May	June	July	Aug.	Sept.	Oct.	Nov./ Dec.
One-half Mile	2						105	108	111	114
	3	117	119	121	123	125	126	127	128	129
	4	130	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
Six Furlongs	2						102	105	108	111
	3	114	117	119	121	123	125	126	127	128
	4	129	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
One Mile	2							96	99	102
	3	107	111	113	115	117	119	121	122	123
	4	127	128	127	126	126	126	126	126	126
	5 & up	128	128	127	126	126	126	126	126	126
One Mile and a Quarter	2									
	3	101	107	111	113	116	118	120	121	122
	4	125	127	127	126	126	126	126	126	126
	5 & up	127	127	127	126	126	126	126	126	126
One Mile and a Half	2									
	3	98	104	108	111	114	117	119	121	122
	4	124	126	126	126	126	126	126	126	126
	5 & up	126	126	126	126	126	126	126	126	126
Two Miles	3	96	102	106	109	112	114	117	119	120
	4	124	126	126	126	126	125	125	124	124
	5 & up	126	126	126	126	126	125	125	124	124

   b. Sex allowances. In all races except handicaps and races where the conditions expressly state to the contrary, two-year-old fillies are allowed three pounds [1.36 kilograms]; mares

three-years old and upward are allowed five pounds [2.27 kilograms] before September first and three pounds [1.36 kilograms] thereafter.

c. No sex allowance is permitted in quarter horse races.

8. **Penalties not cumulative.** Penalties and weight allowances are not cumulative unless so declared in the conditions of a race by the racing secretary.

9. **Winnings.**

a. All inclusive. For the purpose of the setting of conditions by the racing secretary, winnings must be considered to include all moneys and prizes won up to the time of the start of a race, including those races outside the United States. Foreign winnings must be determined on the basis of the normal rate of exchange prevailing on the day of the win.

b. Winnings considered from January first. Winnings during the year must be reckoned by the racing secretary from the preceding January first.

c. Winner of a certain sum. Winner of a certain sum means the winner of a single race of that sum, unless otherwise expressed in the condition book by the racing secretary. In determining the net value to the winner of any race, the sums contributed by its owner or nominator must be deducted from the amount won. In all stakes races, the winnings must be computed on the value of the gross earnings.

d. Winner's award. Unless the conditions of a race provide otherwise the entrance money, starting and subscription fees, and other contributions, shall go to the winner of the race. If for any reason a race is not run, those entrance, and starting and subscription fees must be returned to the nominators.

10. **Cancellation of a race.** The racing secretary has the authority to withdraw, cancel, or change any race which has not been closed. In the event the canceled race is a stakes race, all subscriptions and fees paid in connection with the race must be refunded.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-12. Paddock judge.

1. The paddock judge is in charge of the paddock and has general responsibility for the saddling and mounting of horses and for the equipment used.

2. The paddock judge shall attempt to maintain consistency in the use of equipment on individual mounts. Duties of the paddock judge include:

a. Requiring that a plater be in the paddock prior to each race to ensure that all horses are properly shod.

b. Excluding from the paddock all those persons who have no immediate business with the horses entered in a race and report rule violations in the paddock area to the stewards.

c. Permitting horses competing in a race to be shod in special training shoes only with the express permission of the stewards.

d. Reporting to the stewards all horses that fail to arrive in the paddock at the designated time.

History: Effective July 1, 1989; amended effective January 1, 2008.

General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-13. Horse identifier.

The horse identifier must be present for each race and shall inspect each horse prior to its departure from the paddock to the post to confirm the horses' proper identity. The horse identifier shall report to the stewards any horse not properly identified or whose foal papers are not in conformity with these rules.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-14. Clerk of the scales.

The clerk of the scales (clerk) is responsible to weigh out jockeys and their equipment before each race and to weigh in jockeys and equipment after each race. The clerk shall record and publish any weight over or under the weight appearing on the official program. The clerk upon determination that there has been a change in weight, jockey, or racing colors from those given in the official program shall note the change immediately to officials of the association for immediate dissemination to the public. The clerk shall report immediately to the stewards any violation of these rules respecting weight, weighing, or riding equipment. After each race the clerk shall advise the stewards of any underweight or overweight carried by any jockey. The clerk shall report to the stewards any other information they may require.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-15. Starter.

The starter is responsible to provide a fair start for each race. The starter shall have the following duties:

1. The starter may appoint assistants, but assistants may not handle or take charge of a horse in the starting gate except by the express permission of the starter.

2. The starter shall report violations of these rules occurring in the starting of a race to the stewards.

3. When a door of the starting gate fails to open as the starter dispatches the field, it shall be reported immediately to the stewards by the starter. The stewards shall post the inquiry sign and have the announcer alert the public to hold all mutuel tickets. The stewards shall then decide if the gate or gates failed to open when the starter dispatched the field and rule accordingly.

4. The starter shall supervise the schooling of horses for the starting gate. The starter may require schooling for any horse the starter determines not to be sufficiently trained in starting gate procedures to ensure a fair start. The starter shall maintain a schooling list of horses designated for training, a copy of which must be accessibly posted in the office of the racing secretary.

5. The starter shall maintain a list of every horse ineligible to start because of a determination by the starter that the horse is not sufficiently schooled for starting or is otherwise unable or unfit to start a race.

6. The starter and the starter's assistants are prohibited from striking a horse or using abusive language to a jockey.

7. The starter shall ensure that the horses take their positions in the starting gate in order of post position from the inside rail out.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-16. Timer.

Each association shall provide where necessary for each race an official timer who shall occupy the timers' stand or other appropriate place to observe the running of each race. The timer shall record permanently the time elapsed between the start and finish of each race.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-17. Patrol judges.

At least three patrol judges shall observe the running of the race and report information concerning the running of the race to the stewards. Each patrol judge shall have a duty station assigned by the stewards.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-18. Stewards serve as placing judges.

It is the duty of the stewards to determine the winner of each race and the order of finish for each of the remaining horses in the race. In case of a difference of opinion among the stewards, the majority opinion shall govern. In determining places at the finish of a race, the stewards shall consider only the noses of the placing horses. The stewards may correct errors in their determination of the placing of horses at the finish before the display of the official sign, or if the official sign has been displayed in error, after that display. If the display is in error, no person is entitled to any proceeds of the pari-mutuel pool on account of such error. At the conclusion of each racing day, the stewards shall file with the commission a copy of the official placement of horses with the names of the first four horses finishing in each race of that day. The stewards shall provide other racing information within their observation or records upon the request of any official of the association or the commission. The stewards' decision on the race is final.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-19. Association veterinarian.

The association veterinarian may, at the direction of the commission veterinarian, be required to inspect all the horses in a race at the starting gate, and, after the finish of a race, shall observe the horses leaving the track. The association veterinarian is responsible to the commission veterinarian.

History: Effective July 1, 1989; amended effective January 1, 2008.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10

69.5-01-03-20. Jockey room custodian and valet attendants.

1. The jockey room custodian has the following duties:

   a. Maintain order, decorum, and cleanliness in the jockey and scale rooms.

   b. Assist the clerk of the scales as required.

   c. Ensure that no person other than representatives of the commission, association, news media, jockey's guild, and jockey room attendants are admitted to the jockey room on a racing day except by permission of the stewards and ensure that no unauthorized personnel is permitted in the jockey room after the final race on racing day.

   d. Supervise the care and storage of racing colors.

   e. Supervise the jockey attendants and arrange their rotation among jockeys for the weighing out.

   f. Ensure that jockeys are neat in appearance and properly attired when they leave the jockey room to ride in a race.

   g. Report any rule violation within the jockey room to the stewards.

   h. Assign to each jockey a locker capable of being locked for the use of the jockey in storing clothing, equipment, and personal effects.

2. Valet attendants have the following duties and restrictions:

   a. No person or licensee except a valet-attendant provided by the association may assist jockeys in weighing out and weighing in.

   b. No jockey room attendant or jockey valet on duty may make a bet on any race nor place a bet for another person.

   c. No attendant or valet may mingle with the public or loiter in public areas of the association premises during racing hours.

History: Effective July 1, 1989.
General Authority: NDCC 53-06.2-04, 53-06.2-05, 53-06.2-10
Law Implemented: NDCC 53-06.2-01, 53-06.2-04, 53-06.2-05, 53-06.2-10