



Worker status checks' errors called 'severe'

Los Angeles Times, CA - 20 hours ago

Some **mismatches** happen because few people update the **Social Security** Administration on changes to citizenship or immigration status unless they're updating ...

What do I need to check a new hire on E-Verify?

AZ Central.com, AZ - 7 hours ago

... citizenship status changes that were not shared with the **Social Security** Administration. If a worker's information is considered a **mismatch** by E-Verify, ...

Security, Labor Needs, And Law Enforcement

Wall Street Journal - Nov 25, 2007

... efforts to enforce immigration law with a rule that drives employers to check when their employees have **mismatched Social Security** numbers.

..

Government Abandons Current "No Match" Rule Harmful to Legal Workers Los Angeles County Federation of Labor, AFL-CIO (press release) all 5 news articles »

government revising plan on illegals

The Associated Press - Nov 24, 2007

the plan is meant to expose illegal immigrants who get jobs by giving out fake **social security** numbers and penalize companies that employ them. nothing in ...

mismatched records may cost hoosiers their licenses

Indianapolis Star, United States - Nov 2, 2007

7, all new driver's licenses will be issued only when the applicant's records have been verified through a check with **social security** records. the bmv has ...

as an employer, do i need to verify my employees' social security ...

Idaho Mountain Express and Guide, ID - Nov 7, 2007 many employers are confused at their responsibility of verifying someone's eligibility to work—and many link that with a valid **social security** card. as it ...



no-match reprieve could be short lived

Fast Casual, KY - Nov 19, 2007 by richard slawsky reporter although the **social security** administration won't be sending out no-match letters to employers this year, it's only a matter of ...



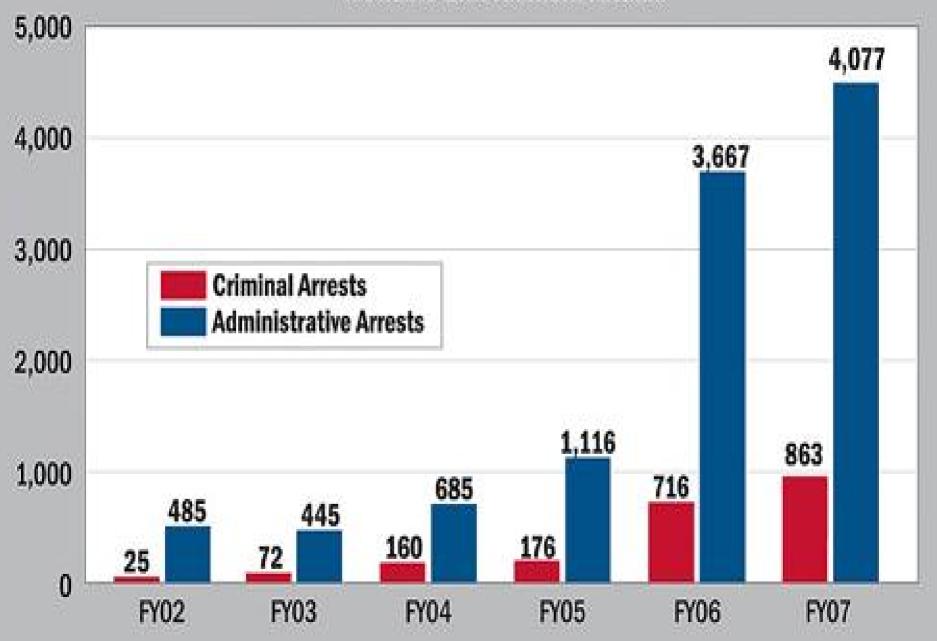


Fact Sheet - Worksite Enforcement October 15, 2007

The best measure of this new strategy lies in the number of arrests ICE has made for criminal violations in worksite enforcement investigations. Those arrested include a variety of persons — corporate officers, employers, managers, contractors and facilitators.

These arrests also include illegal aliens charged with criminal violations. Aliens have been charged with possession and/or distribution of fraudulent documents, re-entry after deportation or entry without inspection.

Worksite Enforcement Arrests



<u>Criminal Prosecutions vs.</u> <u>Administrative Fines:</u>

- In the past, administrative fines often proved to hold little deterrence value for violators. Many employers came to view these fines as simply the "cost of doing business." Administrative fines were ignored, not paid in a timely matter or mitigated down over several years. ICE has dramatically increased the amounts of criminal fines and forfeiture over previous years of administrative fines alone.
- Administrative fines in FY 2001 totaled \$1,095,734, \$72,585 in FY 2002, \$37,514 in FY 2003, \$45,480 in FY 2004, and \$6,500 in FY 2005.
- However, during the three quarters of FY 2007, ICE has obtained criminal fines, restitutions, and civil judgments in WSE investigations in excess of \$30 million.

Harboring Illegal Aliens.....

In criminal cases, ICE is often pursuing charges of harboring illegal aliens, money laundering and/or knowingly hiring illegal aliens.

Harboring illegal aliens is a felony with a potential 10-year prison sentence. Money laundering is a felony with a potential 20-year prison sentence.

OMB No. 1615-0047; Expires 06/30/08 Form I-9, Employment Eligibility Verification

Please read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work eligible individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and \	'erification. To be com	pleted and signed by employe	ee at the time employment begins.	
Print Name: Last	First	Middle Initial	Maiden Name	
Address (Street Name and Number)		Apt.#	Date of Birth (month/day/year)	
City	State	Zip Code	Social Security #	
I am aware that federal law provides for imprisonment and/or fines for false stause of false documents in connection we completion of this form.	tements or	nder penalty of perjury, that I am (cl A citizen or national of the United S A lawful permanent resident (Alien # An alien authorized to work until Alien # or Admission #)	tates A	
Employee's Signature			Date (month/day/year)	
Preparer and/or Translator Certificati penally of perjury, that I have assisted in the compl	ON. (To be completed and sig etion of this form and that to	gned if Section 1 is prepared by a pe the best of my knowledge the informa	rson other than the employee.) I attest, underston is true and correct.	
Preparer's/Translator's Signature		Print Name		
Address (Street Name and Number, City,	State, Zip Code)		Date (month/day/year)	

List A	OR	List B	AND	List C
Document title:				
Issuing authority:		-		
Document #:				
Expiration Date (if any):				
Document#:		-		
Expiration Date (if any):				
employment agencies may omit the date th Signature of Employer or Authorized Representati	e employee bega	n employment.) Name	ee is eligible to work in the	
	Business or Organization Name and Address (Street Name and Number, City, State, Zip Code)			
Business or Organization Name and Address (Street	. mane and mane	, City, Balle, Zip Colley	Date (M	onth/day/year)
Section 3. Updating and Reverification			1	onth/day/year)
Business or Organization Name and Address (Streetion 3. Updating and Reverification A. New Name (if applicable)			oyer.	onth/day/year) i/day/year} (if applicable)
Section 3. Updating and Reverification	ı. To be comple	ted and signed by empl	oyer. B. Date of Rehire (month)	n/day/year} (if applicable)
Section 3. Updating and Reverification A. New Name (if applicable) C. If employee's previous grant of work authorizat Document Title:	To be comple on has expired, pro	ted and signed by empl vide the information below for	B. Date of Rehire (months) or the document that establishes	current employment cligibility.
Section 3. Updating and Reverification A. New Name (if applicable) C. If employee's previous grant of work authorizat	1. To be completion has expired, pro	vide the information below for this complete is cligible to	oyer. B. Date of Rehire (month or the document that establishes Expiration	current employment cligibility.

I-9 Document Checklist

- Employer must examine one document from List A, or one from List B and one from List C.
- Employer must accept any document(s) from List of Acceptable Document presented by the individual which reasonably appear on their face to be genuine and to relate to the person presenting them. You may not specify which document(s) an employee must present.
- ◆ Employer must retain the Form I-9 for 3 years after the date the person begins work or 1 year after the person's employment is terminated, whichever is later; and
- Upon request, provide Forms I-9 to authorized officers of the Department of Homeland Security (DHS), the U.S. Department of Labor (DOL), or the Office of Special Counsel for Immigration Related Unfair Employ Practices (OSC) for inspection.-

(Within 3 days of Request)

LIST A

- U.S. Passport (unexpired or expired);
- Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
- Unexpired foreign passport with a temporary I-551 stamp;
- An unexpired Employment Authorization Document that contains a photograph;
- Unexpired foreign passport with an unexpired Form I-94 containing an endorsement authorizing the alien to work for the employer.

LIST B (Identification)

- Driver's license or ID card issued by a state containing a photograph or information such as name, date of birth, gender, height, eye color and address;
- ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color and address;
- School ID card with a photograph;
- Voter's registration card;
- U.S. military card or draft record;
- · Military dependent's ID card
- U.S. Coast Guard Merchant Mariner Card
- Native American tribal document
- Driver's license issued by a Canadian government authority

LIST C (Employment Authorization)

- U.S. Social Security card issued by the Social Security Administration (other than a card stating it is not valid for employment)
- Certification of Birth Abroad issued by the Department of State (Form FS-545 or Form DS-1 350)
- Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal
- Native American tribal document
- U.S. Citizen ID Card (USCIS Form I-197)
- ID Card for Use of Resident Citizen in the United States (USCIS Form I-179)
- Unexpired employment authorization document issued by DHS (other than those listed under List A)

Unlawful Discrimination

- The anti-discrimination provision of the Act, as amended, prohibits four types of unlawful conduct:
 - (1) citizenship or immigration status discrimination;
 - (2) national origin discrimination;
 - (3) unfair documentary practices during the Form I-9 process (document abuse);
 - (4) retaliation.

A. Document Abuse

- Discriminatory documentary practices related to verifying the employment eligibility of employees and the Form I-9 process are called document abuse. Document abuse occurs when employers treat individuals differently on the basis of national origin or citizenship status in the Form 1-9 process. Document abuse can be broadly categorized into four types of conduct:
 - 1) improperly requesting that employees produce more documents than are required by the Form 1-9 to establish the employee's identity and work authorization;
 - 2) improperly requesting that employees produce a particular document such as a "green card," to establish identity or work eligibility;
 - 3) improperly rejecting documents that reasonably appear to be genuine and belong to the employee presenting them;
 - improperly treating groups of applicants differently when completing the Form I-9, such as requiring certain groups of employees that look or sound "foreign" to produce particular documents the employer does not require other employees to produce. These practices may constitute unlawful document abuse and should be avoided when verifying employment eligibility. All work authorized individuals are protected against this type of discrimination. The INA's prohibition against document abuse covers employers with 4 or more employees.

Unlawful Discrimination (cont'd)

B. Citizenship Status Discrimination

C. National Origin Discrimination

D. Retaliation

From the Employer I-9 Compliance Handbook

- Q. What is my responsibility concerning the authenticity of document(s) presented to me?
- A. You must examine the document(s) and if they reasonably appear on their face to be genuine and to relate to the person presenting them, you must accept them. To do otherwise could he an unfair immigration-related employment practice. If the document(s) do not reasonably appear on their face to be genuine or to relate to the person presenting them, you must not accept them.

I-9 COMPLIANCE AND TIPS

- 1. Be certain you have completed I-9 forms for all new hires, including U.S. citizens.
- 2. Make sure that all staff who process new hires are trained to properly complete the I-9 process and are trained to properly complete the I-9 form. Periodically interview staff to make sure they are properly processing new hires. **Incomplete or improperly completed I-9 forms will result in exposure to liability!**
- 3. Complete the forms at the same point in the employment process for all employees after you have made the decision to hire the person.
- 4. The law does not require you to photocopy documents. However, if you wish to make photocopies, you must do so for all employees, and you should retain each photocopy with the Form I-9.
- 5. Periodically review your I-9 procedures, especially prior to the employment of seasonal workers. Conduct occasional "spot checks" to ensure the procedures are being followed and the forms are being filled out correctly.
- 6. Make sure your system is programmed to "flag" I-9s 90 days before the expiration date of any work authorization document!
- 7. Periodically review your record retention practices. Be certain you keep I-9 forms on file for **three years** after the date of hire or for **one year after termination** of employment, whichever date is later.

I-9 COMPLIANCE AND TIPS (cont'd)

- 1. Have a knowledgeable designated representative in place who is authorized to meet and talk with ICE or U.S. Department of Labor (DOL) personnel. Make sure that the representative knows when to contact the company's attorneys and owner(s).
- 2. Educate your employees to refer ICE or other government inquiries to your designated company representative. All employees must be trained to inform ICE agents that the Company has a standard protocol implemented by legal counsel, and that the agents need to wait for the designated person to follow through on that protocol.
- 3. No management employee should submit to an interview or provide documents to the ICE or other government agency without first conferring with your designated company representative. Do not allow ICE to talk to any management or supervisory employee without the Company's attorney. Never give consent for ICE to speak with employees if they try, stop them.
- 4. WHEN ICE SHOWS UP: Determine who the investigators are. Ask for a business card. Make sure they really are with ICE. If you are suspicious, call the agency to verify their identity. Contact your attorney immediately.
- 5. Find out why the investigators are there.

I-9 AUDIT

- 1. Requires three days' advance notice in writing Even if the audit is part of a DOL drop in inspection.
- 2. Always demand 3 days notice before showing anyone the I-9s, whether the request comes from ICE, DOL, or OSC (Office of the Special Counsel for Immigration-Related Unfair Employment Practices).
- 3. Never back date an I-9 to the date of hire!
- 4. Don't allow documents to be removed from your property without making copies, and don't turn over more documents than the law requires.
- 5. Nothing in the law requires you to give ICE original I-9 forms or to make photocopies of I-9 forms.

SOCIAL SECURITY MISMATCH PROTOCOL IF YOU RECEIVE A NO MATCH LETTER:

- 1. Verify Your Records:
- 2. Notify the Employee of the Discrepancy: Do not give the employee a deadline to report the information unless you want to discharge employees who fail to provide corrected information.
- 3. Be consistent in implementation of policy
- 4. Do no terminate unless constructive knowledge of unauthorized employment.

SAFE HARBOR REGULATION: WHAT TO DO IF IT TAKES EFFECT

CURRENT STATUS: 8/31/07: BLOCKED

 Under the new regulation, a no match letter (either that an SSN or an immigration document does not match the employee's name) will be basis to find that an employer has constructive knowledge that an employee is undocumented.

 If it goes into effect, ER will have to fire employee who does not fix discrepancy within 90 days.

THE H-2B PROCESS

- The H-2b is a temporary visa generally for non-professional workers. There are 66,000 H-2B visas issued per year for the entire United States. The quota has been reached the past three years.
- TIMELINE <u>START EARLY!</u> You may file as early as 120 days prior to need!!-It will take every bit of the 120 days to get your people here.

STEP ONE:

• ESTABLISH TEMPORARY NEED

- The Immigration and Nationality Act (INA) provides for a temporary visa to be issued to meet the need of an American employer in one of four temporary circumstances:
 - Seasonal
 Peakload
 Intermittent
 One-time occurrence
- For the Horse Racing Industry the predominant business cycle is **peak load** meaning that the business has a year round operation, but for 10 months or less during the year the need for supplemental labor peaks.
- For practical purposes, Immigration has ruled that any need lasting longer than **ten continuous months** is not temporary and therefore does not qualify for approval under the temporary H-2b visa.

- Peakload Need. The petitioner must establish that (1) it permanently employs permanent workers to perform the services or labor at the place of employment and that it needs to supplement its permanent staff at the place of employment on a temporary basis due to a seasonal or short-term demand, and (2) the temporary additions to staff will not become a part of the petitioner's regular operation;
- Must have a year round staff of permanent hires and at least two months of the year when the employer does not need any temporary workers.
- Each petition relates only to the specific location and occupation.

EVIDENCE REQUIRED TO ESTABLISH TEMPORARY NEED

- An employer must show that its need is not year round.
 The employer must establish its temporary need through a letter explaining its temporary need, a meet schedule and a data chart that gives at least the prior twelve (12) month's staffing, payroll and hours billed data divided into temporary and permanent workers. Each petition relates only to the specific location and occupation.
- Once the temporary nature of the position is defined and established through evidence which will follow shortly, the employer begins the "labor certification" process.

Designated Occupation: GROOM Payroll Reporting Period: Calendar Year 2007

	Reui	Requestion diamployment			Remporary/Employment			
Month Total		Total Hours	Total	Total	Total Hours	Total	No. 10 and 15 to be read to	
	Workers	Worked	Earnings	Workers	Worked	Earnings	Pakarkers) i Na	
			Received		1	Received	12534323665	
January	2	320	\$3,200.00	Q	Q	Ø	7-1,-1,1	
February	2	320	\$3,200.00	Ø	O	Q		
March	2	320	\$3,200.00	6	960	\$9,600.00	-	
April	2	320	\$3,200.00	6	960	\$9,600.00	· · · · · · · · · · · · · · · · · · ·	
May	2	320	\$3,200.00	6	960	\$9,600.00		
June	2	320	\$3,200.00	6	960	\$9,600.00		
July	2	320	\$3,200.00	6	960	\$9,600.00		
August	2	320	\$3,200.00	6	960	\$9,600.00	•	
September	2	320	\$3,200.00	6	960	\$9,600.00		
October	2	320	\$3,200.00	6	960	\$9,600.00		
November	2	320	\$3,200.00	6	960	\$9,600.00		
December	2	320	\$3,200.00	Q	i o	0		

I certify that the information contained on this monthly payroll report is accurate and based upon the individual payroll records maintained by (Employer's Name) for Calendar Year(s) 2005 and 2006.

John Smith, General Manager Employer's Name

STEP 2:

LABOR CERTIFICATION

- Once the temporary nature of the position is defined and established through evidence which will follow shortly, the employer begins the "labor certification" process.
- Labor Certification is a term of art that refers to a procedure in which the employer works with the Department of Labor to determine whether there are available American(s) to fill the particular position at need.
- NO AMERICANS ARE AVAILABLE It is important to always remember that the H-2b visa is only an available option if no Americans are available or willing to fill the particular temporary position.

RECRUITMENT CAMPAIGN: To establish that no American(s) are available to fill the position, the Department of Labor in the state where the employee shall work will supervise a recruitment campaign conducted by the employer advertising the open position(s) and will return the results of the recruitment to the DOL.

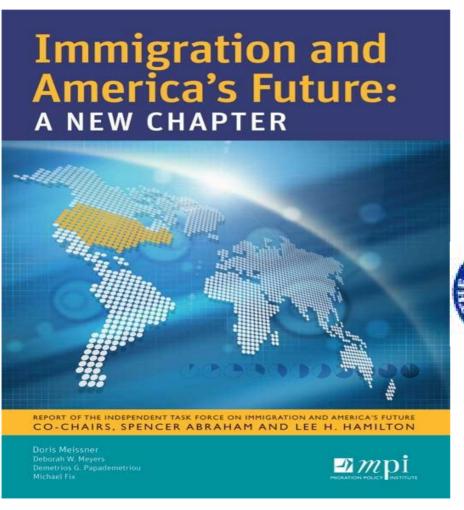
- <u>ADVERTISING</u>: Generally an employer must advertise under supervision of the state for three (3) consecutive days in the publication of record for the metropolitan area closest to the work location. The state DOL will refer any eligible Americans to the petitioner to interview for the job.
- MULTIPLE EMPLOYERS In circumstances where there are multiple employers who have identical dates and locations of need the employers can jointly advertise and conduct one unified recruitment campaign. This joint campaign allows the multiple employers to save money and time by not being required to duplicate each others efforts at advertising and interviewing the same people.
- <u>ASSOCIATION FILING</u> Under new H-2B regulations from DOL the previous accepted method of association filing for members is **no longer** allowed.
- ONLY EMPLOYER MAY FILE The USDOL takes the position that only the employer may file for an employee. Since employment is established by the entity that pays the employee and declares the employee its W-2 some HBPA's have successfully created payroll entities that acts as the employer for the Association.
- <u>JOB CONTRACTORS</u> Other groups have turned to job contractors who assume the workers compensation, tax liability and immigration compliance liability in exchange for a premium over and above the worker's salary.

STEP 3

- <u>USCIS I-129 PETITION</u> Upon completion of a ten-day recruitment period, the state DOL will certify the procedure and ship it to USDOL for final certification. Once USDOL issues the "labor certification," the employer can petition the USCIS for approval of the requested number of visas.
- QUOTA There are 66,000 new H-2B visas granted per fiscal year. If the quota is reached prior to the USCIS receiving the I-129 filed by the employer USCIS will reject the petition.
- RETURNING WORKER an employer may still petition for a worker who has held H-2B status anytime in the last three (3) years.
- <u>MULTIPLE EMPLOYERS</u> A <u>single H-2B petition</u> may be filed by multiple employers if the position descriptions, dates and locations of employment are identical.

CONSULATE - Finally, the approved visas will be cabled to the designated US Consulate for issuance to the international workers who have been named by the US employer. It is important that you have a knowledgeable representative in the consulate city to help your employees work their way through the confusing procedure.

Look into the future....









The Elite Program

Home of the Groom Elite Horsemen's Education Program

The Elite Program meets the definition included in H-3 regulation. The training program is designed to bring trainees invited by the organization for purposes of receiving instruction and training in a field that they can find productive profitable work in when they return to their home country. The training program is one "that is not designed primarily to provide productive employment."



The Elite Program

Home of the Groom Elite Horsemen's Education Program

- Each trainee has a foreign residence to which s/he shall return.
- The Elite Program training is **not available in alien's home country**;
- Trainees will not be placed in a position in which citizen and resident workers are regularly employed;
- No productive employment will occur unless it is incidental and necessary to the training and pursuing a career outside the U.S. in the particular case our trainees will be deployed outside the United States immediately upon completing the training course.
- The training will benefit the beneficiary in pursuing a career outside the U.S. currently the Elite Program is not available outside the United States. Further there is an urgent need outside the United States for personnel qualified to conduct this type of work. As a result the trainee's skills will be highly marketable outside the United States.
- The program is **highly specific and tailored** to the Elite Groom mission of instilling the highest quality paraveterinary skills in trainees. It has a fixed schedule, objectives and means of evaluation;



The Elite Program

Home of the Groom Elite Horsemen's Education Program

- The program is entirely compatible with the mission of our association;
- The program is unique and designed for a comprehensive skills training in **paraveterinary care of advanced equine athletes.** Therefore although the beneficiary is a trained heavy equipment mechanic the substantial training and expertise in The Elite Program is not available outside the US and has not previously been available to the prospective trainees;
- The Elite Program is urgently in demand outside the U.S. and will immediately be utilized in the trainees' home country horseman's industry.
- The training program will not result in productive employment beyond that which is incidental and necessary to the training;
- The training program is not designed and will not recruit and/or train aliens for the ultimate staffing of domestic operations in the U.S.

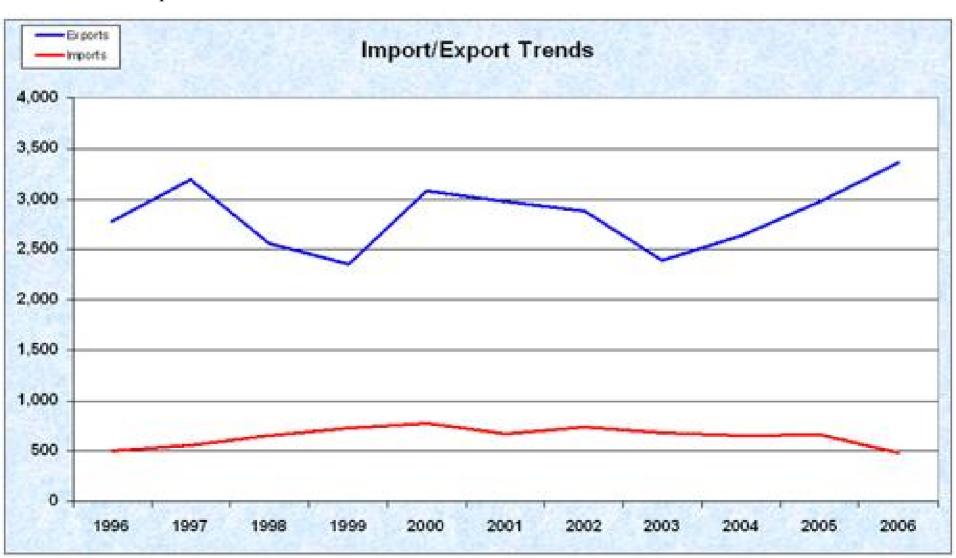


The Elite Program Home of the Groom Elite Horsemen's Education Program

- The Elite Program has the physical plant and sufficiently trained manpower to provide the training specified.
- Elite Program has been in existence for more than ten years and has been developed by PHD Veterinarians with Texas A&M University.



• Total Thoroughbred exports advanced 13.2% in 2006, paced by a 19.9% increase in exports to the Pacific Rim.





THOROUGHBRED RACING AND BREEDING WORLDWIDE

 The following statistics demonstrate the broad distribution of racing and breeding worldwide. The U.S. is the world leader in terms of mares and registered foals, as well as races run, starters, starts and purses. The U.S. trails only Japan and Great Britain in the amount of money wagered on racing annually.

Thoroughbred Racing and Breeding Worldwide 2006

BETTIN G							
		PURSES	HANDLE		REG.		STARTER
COUNTRY	RACES	#	#	MARES	FOALS	STARTS	S
Algeria	560	1.35	21.74	235	183	6,921	
Argentina	6,737	31.83	151.45	12,542	7,269	52,936	
Austrelia	19,963	290.87	9,213.17	29,070	17,854	195,720	31,248
Austria	134	1.61		75	42	1,095	397
Bahrein	162	0.66		116	73	1,439	268
Brazil	4,742	14.68	128.96	4,071	3,079	36,014	6,114
Canada	5.281	112.94	527.55	3,531	2,600*	41,554	7,913
Chile	6,136	21.38	209.76	2,490	1,824	62,590	4,128
Colombia	768	0.64	4.02	238	130	4,504	430
Croatia		0.09	**************************************	59	16	243	93
Cyprus	1.002	9.87	118.09	804	387	9,809	1.444
Czech Republic	519	1.99	1.86	651	319		
Denmark	300	2.61		218	142	4,224	611
Ecuador	301	A A A A A A A A A A A A A A A A A A A		125	55	1,672	170
France	6.761	202.59	10,937.3	8.691	5.369	70,220	12,103
Germany	1.780	19.97	202.88	2,224	1.159	15.807	
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Great Britain	8,934	202.25	7	11,326	5,486	94,610	A PARTIE OF THE PARTIE OF THE PARTIE OF THE PARTIE OF THE PARTIES
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Hong Kong	726	and a real times and a real property of the state of the	8,179.02	O	О	9.083	CONTRACTOR
India	2,854	12.85	322.95	2,594	1.517	23,845	
Ireland	2,268		4,758.07	19,251	12,004	31,596	
Italy	5,822	90.05	3,821.69	3,304	2,259	48,206	8,054
Japan	17,939	719.13		10,272	7.632	190,416	24,755
Lebanon	304	0.74	8.37	0	0	2,080	345
Macau	785	27.49	364.44	o la	O	9.583	772
Madagascar	117	0.05	5.06	6	2	769	
Malaysia	723	9.41	268.97	74	65	8.102	1,206
Mauritius	240	2.45	105.03	0	0	1,996	
Mexico		6.12	***	622	416		巴斯尼西斯 电影 化氯化二甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基
Morocco	462	1.89	251.43	362	91	5,582	2 742
Netherlands	108	0.43	44.49	26	18	897	
New Zealand	2,987	28.21	824.58	8,286	4,522		
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Fotal	167,394	3,259.49	112,305.	195,304	118,462	1,529,343	243,40
Jruguay	1,034	430	14.79	2,925	1.712	9.646	1.72
Jnited States	51,668	937.47	, , 88 5	58,028	34,200*	421,380	66,73
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South Korea	1,670	133.19	5,407.24	1,936	1,028	18,506	2,866
South Africa	3,883	36.27		8.654	2.839	41.873	MININETES.
Slovakia	159	0.69	0.13	235	84	1.355	503
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Notes: In some cases, Betting Handle includes harness racing.

Wagering statistics include bookmaking in countries where such activities are legal.

Purses do not include owner premiums, breeder premiums or travel allowances.

US \$ conversions of the Euro at 1.00 Euro = US \$1.3175

