

WSR 21-03-021

PERMANENT RULES

HORSE RACING COMMISSION

[Filed January 8, 2021, 2:27 p.m., effective February 8, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Clarifies language to support the commissioner's authority to review and approve the application for an individual previously denied or revoked.

Citation of Rules Affected by this Order: Amending WAC 260-36-120 Denial, suspension revocation—Grounds.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 20-23-067 on November 16, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 8, 2021.

Douglas L. Moore
Executive Secretary

OTS-2626.1

AMENDATORY SECTION (Amending WSR 12-23-015, filed 11/9/12, effective 12/10/12)

WAC 260-36-120 Denial, suspension, and revocation—Grounds. (1)

The commission, executive secretary, or board of stewards may refuse to issue or may deny a license to an applicant, may modify or place conditions upon a license, may suspend or revoke a license issued, may order disciplinary measures, or may ban a person from all facilities under the commission's jurisdiction, if the applicant licensee, or other person:

- (a) Has been convicted of any felony or gross misdemeanor crime;
- (b) Is subject of current prosecution of any felony crime;
- (c) Has any felony conviction under appeal;
- (d) Has pending criminal charges;
- (e) Has failed to meet the minimum qualifications required for the license for which they are applying;
- (f) Has failed to disclose or states falsely any information required in the application;
- (g) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

(h) Has a proceeding pending to determine whether the applicant or licensee has violated the rules of racing in this state or other racing jurisdiction;

(i) Has been or is currently excluded from a racetrack at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction;

(j) Has had a license denied by any racing jurisdiction;

(k) Is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or who may interfere or has interfered with the orderly conduct of a race meeting;

(l) Demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;

(m) Has violated any of the alcohol or substance abuse provisions outlined in chapter 260-34 WAC;

(n) Has violated any of the provisions of chapter 67.16 RCW;

(o) Has violated any provisions of Title 260 WAC;

(p) Has association with persons of known disreputable character;

(q) Has not established the necessary skills or expertise to be qualified for a license as required by WAC 260-36-060; or

(r) Has committed any act with the outcome or intent of defrauding the industrial insurance benefits provided under the horse industry account.

(2) The (~~commission,~~) executive secretary or board of stewards must deny the application for license or suspend or revoke an existing license if the applicant or licensee:

(a) Is certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order;

(b) Has any outstanding arrest warrants; or

(c) Is currently suspended or revoked in Washington by a commission order, or by another recognized racing jurisdiction.

(3) A license suspension or revocation will be reported in writing to the applicant or licensee and electronically to the Association of Racing Commissioners International, Inc.

[Statutory Authority: RCW 67.16.020. WSR 12-23-015, § 260-36-120, filed 11/9/12, effective 12/10/12; WSR 12-03-077, § 260-36-120, filed 1/13/12, effective 2/13/12. Statutory Authority: RCW 67.17.020. WSR 10-07-048, § 260-36-120, filed 3/11/10, effective 4/11/10. Statutory Authority: RCW 67.16.020. WSR 07-01-052, § 260-36-120, filed 12/14/06, effective 1/14/07. Statutory Authority: RCW 67.16.020 and 67.16.040. WSR 06-05-039, § 260-36-120, filed 2/9/06, effective 3/12/06; WSR 05-05-047, § 260-36-120, filed 2/14/05, effective 3/17/05. Statutory Authority: RCW 67.16.020. WSR 04-07-075, § 260-36-120, filed 3/15/04, effective 4/15/04. Rules of racing, § 347, filed 4/21/61; sub. (2) added as rule § 347(a), filed 1/21/64.]