

Chapter RACE 13

LICENSING

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Subchapter I — Procedures

RACE 13.01 Scope and purpose. This chapter governs occupational licenses granted by the board. This chapter establishes licensure as a prerequisite for participation in greyhound racing in the state of Wisconsin. Licensure is granted only by the board subject to compliance with the rules of the board and the Wisconsin statutes. Acceptance of a license shall be construed as consent and agreement to the rules. Failure to comply with any law relating to racing may be grounds for immediate revocation of this license. Licenses pursuant to s. 562.05 (1) (a) and (b), Stats., are governed by ch. RACE 5.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.02 Submission of application. (1) Any person desiring an occupation license shall apply on forms provided by the board. If additional information is requested for the purpose of determining an applicant's eligibility or qualifications, the board shall notify the applicant that he or she shall provide such supplemental information.

(2) Applications shall be obtained from the license office at any race track regulated by the board or from the board's central administrative office.

(3) Applications shall be filed in the licensing office at the race track where the applicant wishes to participate in a race meeting.

Note: The forms may be obtained at the board's central office at 150 E. Gilman, Room 1000, Madison, Wisconsin 53703.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.03 Complete application. An application shall not be considered until the application form has been filled out and executed com-

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pletely, all information requested by the board has been supplied and the appropriate license fee has been paid.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.04 Duration and extent of occupation licenses. (1) Each occupation license shall expire at midnight on December 31st of each year.

(2) An occupation license issued at one race meeting during the calendar year shall be valid at any other race meeting regulated by the board that year provided that the holder has not been suspended by the board or any other racing jurisdiction.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.05 Race fees. (1) ASSOCIATION LICENSES:

(a) General Manager/Assistant General Manager	\$100.00
(b) Practicing Veterinarian	\$100.00
(c) Concession Owner	\$100.00
(d) Totalizator Operator	\$ 50.00
(e) Association Steward	\$ 50.00
(f) Chartwriter	\$ 50.00
(g) Clerk of Scales	\$ 50.00
(h) Director of Racing	\$ 50.00
(i) Film Patrol	\$ 50.00
(j) Lure Operator	\$ 50.00
(k) Mutuel Manager	\$ 50.00
(l) Photo Finish/Timer	\$ 50.00
(m) Paddock Judge	\$ 50.00
(n) Racing Secretary	\$ 50.00
(o) Totalizator Employe	\$ 25.00
(p) Track Superintendent	\$ 50.00
(q) Announcer	\$ 50.00
(r) Assistant Racing Secretary	\$ 20.00
(s) Concession Employe	\$ 20.00
(t) Kennel Master	\$ 20.00
(u) Lead-Out	\$ 20.00
(v) Mutuel Employe	\$ 20.00
(w) Security	\$ 20.00
(x) Tip Sheet Employe	\$ 20.00
(y) Director of Security	\$ 50.00

(2) DOG OWNER LICENSES:

(a) Owner	\$ 40.00
(b) Authorized Agent	\$ 25.00
(c) Partnership	\$ 25.00
(d) Corporation	\$ 25.00

(3) KENNEL LICENSES:

(a) Kennel Owner	\$750.00
(b) Kennel Operator	\$ 80.00
(c) Kennel Name	\$ 50.00
(d) Trainer	\$ 50.00
(e) Owner/Trainer	\$ 50.00
(f) Assistant Trainer	\$ 20.00
(g) Kennel Helper	\$ 20.00

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| (4) DUPLICATE LICENSES: | \$ 20.00 | <i>emely</i>
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| (5) ALL OTHER OCCUPATIONAL LICENSES: | \$ 20.00 | |

(7) Persons applying for more than one license shall pay the prescribed fee and fill out the forms for each license to be obtained.

(8) All applications for occupation licenses shall submit 2 sets of classifiable fingerprints every 3 years as provided in s. RACE 13.09 (2) and shall pay a fee to be determined by the board to process the fingerprints.

(9) All application fees shall be non-refundable.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; cr. (1) (y), Register, July, 1990, No. 415, eff. 8-1-90.

RACE 13.06 License to participate. No person shall participate in a race meeting unless such person has been granted a license. A suspension or revocation of an occupation license, by the board or any other racing jurisdiction, shall apply equally to, and shall make the person subject to such suspension or revocation ineligible for, any, category of occupation license.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. Register, July, 1990, No. 415, eff. 8-1-90.

RACE 13.07 Denial of license. If the stewards recommend to the board that a license application be denied, they shall issue a ruling. No person whom the stewards have recommended be denied shall receive a license until granted by the board. If the applicant does not exhaust administrative remedies by requesting a hearing within the time specified in s. RACE 3.03, the stewards' ruling shall become a final decision of the board and the applicant shall be ineligible to re-apply for a license for the balance of the calendar year from the date of the stewards' ruling. The denial of a license by the board to any applicant will continue in effect until such time as the board approves a subsequent application for a license.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Subchapter II — Standards Applicable to All Occupation Licensees

RACE 13.08 Persons prohibited from licensure. No person to whom any of the following applies shall be granted a license by the board:

(1) The person is in default on any payment required under this ch. 562, Stats., or under any rule promulgated by the board or under any law of any other state related to pari-mutuel wagering or racing;

(2) The person has been convicted of a felony within 20 years preceding the date of application in a state or federal court for which that person has not been pardoned and restored to full civil rights, or has been charged with the violation of a state or federal law which is a felony if that charge has not been dismissed or settled in any other way;

(3) The person is or has been connected with or engaged in any business which is prohibited under the laws of this or another state or of the United States;

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(4) The person has been convicted of fraud or misrepresentation in connection with racing or animal breeding;

(5) The person has been convicted of a violation of any law of this or another state or of the United States related to racing, pari-mutuel betting or any other form of gambling which is a serious violation;

(6) The person has knowingly violated a rule or order of the board or any provision of this chapter or of ch. 27,182, 562 or 945, Stats.;

(7) The person has been convicted of a violation of any law of this or another state or of the United States related to the humane treatment of animals, including any rule promulgated by the board;

(8) The person, if applying for, or holding, licensure pursuant to s. 562.05 (1) (a), Stats., has accepted public money to construct or operate a racetrack in Wisconsin;

(9) The person is the holder of a racing occupation license which is currently under suspension by another racing jurisdiction, or whose license has been denied by another racing jurisdiction and the person has not been licensed by that jurisdiction subsequent to denial.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.09 General requirements. (1) An applicant, other than a business entity, for an occupation license shall be at least 16 years of age.

(2) An applicant for an occupation license shall furnish with the license application 2 sets of classifiable fingerprints on the law enforcement agency cards provided by the board or department of justice:

(a) When applying for a license; or

(b) When requested by the stewards in the course of an investigation or inquiry.

(3) Each applicant shall fulfill this fingerprint requirement at either the licensing office of each racetrack or at a law enforcement agency.

(4) For the following entities the individuals specified must meet the fingerprint requirements:

(a) A partnership, each partner of the partnership;

(b) An association, each officer and director of the association;

(c) A corporation, each officer or director of the corporation and each owner, directly or indirectly, of any equity security or other ownership interest in the corporation. In the case of owners of publicly held securities of a publicly traded corporation, this requirement only applies to a person who is a beneficial owner of 5% or more of the publicly held securities.

(5) An applicant for an occupation license in all categories, except that of a greyhound owner, shall be a United States citizen, a permanent resident alien, or be the holder of a temporary or permanent work permit, pursuant to 20 CFR ss. 655 and 656.

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(6) In addition to the foregoing requirements, applicants shall meet the specific standards for eligibility.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.10 Unqualified to perform the duties. The board may refuse a license application or suspend or revoke a license previously granted if the applicant:

- (1) Fails to meet the specific criteria set forth in this chapter; or
- (2) Has an apparent or actual conflict of interest as set forth in this chapter.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.11 Falsifying answers or omitting facts. (1) The board may deny a license application or suspend or revoke a license already granted if the applicant:

- (a) Gives false answers to questions during the course of a steward's inquiry; or
- (b) Gives false answers in a hearing by the board; or
- (c) Withholds or misstates information in his application.

(2) Applicants shall read the application carefully and take care in providing their social security numbers and dates of birth. If the applicant has a question about the application, the applicant may seek assistance from the board's licensing personnel or the stewards. However, the applicant shall be solely responsible for the truth and correctness of all information furnished in the application.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.12 Probationary nature of licenses. (1) All licenses granted by the board shall be subject to suspension or revocation due to: violations of the rules of the board or another racing jurisdiction; suspension or revocation by another jurisdiction; violation of ch. 562, Stats.; any reason which would have supported denial of a license, and for good cause.

(2) An applicant who receives a license shall be admonished by board personnel at the time the license is granted that severe sanctions such as license revocation or suspension shall be imposed if the holder of such a license violates the act or the rules of the board.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Subchapter III — Particular Occupational Requirements

RACE 13.13 Ownership by business entities. (1) **PARTNERSHIPS.** All partnerships and the name and address of every person having any interest in an animal and the relative proportions of such interests shall be filed with the racing secretary and stewards. All the partners and each of them shall be jointly and severally liable for all stakes and forfeits. All partners of a general or limited partnership shall be licensed as owners. These licensure requirements shall apply to all partnerships owning any interest in an animal. Failure to meet these requirements shall render the animal ineligible for entry.

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(2) **CORPORATIONS.** All corporations having an interest in an animal shall file with the racing secretary and stewards at the time of filing application for an owner's license, a statement setting forth the names and addresses of all officers, directors and stockholders of said corporation, together with the amount of the respective holdings of each stockholder. The said statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal attached. All officers, directors and owners, directly or indirectly, of any equity or other ownership interest, or beneficial owners of 5% or more of the publicly held securities of a publicly traded corporation, shall be licensed as owners. These licensure requirements shall apply to all corporations owning any interest in an animal. Failure to meet these requirements shall render the animal ineligible for entry.

(3) The applications under this section shall be accompanied by an affidavit which states that the applicant, any partner, officer, director or beneficial owner of 5% or more of any class of stock of a corporation, and any person with a present or future, direct or indirect financial or management interest in the application, to the best of the applicant's knowledge, meets the qualifications of s. RACE 13.07.

(4) Any changes in the partners, officers, directors, owners of 5% or more of any class of stock, or persons with a present or future, direct or indirect financial or management interest in a person licensed pursuant to this section shall promptly be filed with the stewards. All parties requiring licensure because of such change shall obtain a license. Failure to obtain a license shall render the animal ineligible for entry.

(5) **KENNEL NAMES.** (a) A licensed owner wishing to race under a kennel name shall register the name for the racing season with the board and pay the prescribed fee.

(b) A trainer who is also a licensed owner or part owner may use a kennel name as owner or part owner. However, no trainer shall be licensed as a trainer other than in his or her legal name.

(c) In applying to race under a kennel name the applicant shall disclose all ownership interests behind the kennel name.

(d) Changes in any ownership interests involved in a kennel name shall be reported immediately to, and approval obtained from, the stewards.

(e) A licensed owner shall not be a party to more than one kennel name at the same time, nor shall the owner use a real name for racing purposes so long as the owner has a registered kennel name.

(f) A licensed owner who has registered under a kennel name may at any time abandon it after having given written notice to the board.

(g) A kennel name may be changed at any time by registering a new kennel name and by paying the prescribed fee.

(h) A licensed owner shall not register a kennel name which is already registered by any other owner.

(i) A licensed owner shall not register as a kennel name one which the board determines to be misleading to the public or unbecoming to the sport. No kennel name shall be registered with the board if it is being used for advertising purposes.

(j) A kennel name shall be plainly distinguishable from that of another duly registered kennel name.

(k) All persons represented by a kennel name shall sign an authorized agent's application which appoints one person to act as the agent for the kennel name.

(l) The board reserves the right to refuse the privilege of registering a kennel name.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (2) and (3), Register, July, 1990, No. 415, eff. 8-1-90.

RACE 13.14 Owners. (1) An applicant for an owner's license shall own in whole or in part, or lease an animal eligible to race at the race meeting where the applicant seeks to participate. In cases of a leased animal, both lessor and lessee shall be considered as owners for purposes of licensure. The animal shall be under the care of a trainer licensed by the board.

(2) If younger than 18 years of age, an applicant for an owner's license shall submit an affidavit from a parent or legal guardian stating that the parent or legal guardian shall assume legal responsibility for the applicant's financial, contractual, or other obligations relating to the applicant's participation in racing if the license is granted. A parent or legal guardian submitting such an affidavit shall also meet the requirements of sub. (3).

(3) An applicant for an owner's license shall be capable of meeting the financial obligations incurred in the ownership, stabling, racing, training, and care of a racing animal.

(4) Owners licenses are personal in nature and expire upon the death of the licensee and are then void and without effect as a pre-requisite for the entry of a racing animal. When the decedent was the sole owner the only mechanism by which the deceased owner's racing animal(s) may be entered before the property rights in those racing animal(s) have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letters of administration issued by a court of competent jurisdiction, the person named in the letter shall be licensed as an authorized agent of the estate of the decedent and allowed to enter racing animal(s) formerly owned by the decedent, subject to the provisions of ch. 860, Stats.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (1), Register, July, 1990, No. 415, eff. 8-1-90.

RACE 13.15 Kennel owners, trainers and assistant trainers. (1) An applicant for a license as a trainer or an assistant trainer shall be at least 18 years of age and have been licensed as a trainer or assistant trainer by the board or another racing jurisdiction. Any person applying for a license as a trainer or assistant trainer for the first time in Wisconsin shall submit to examination by the stewards unless previously licensed in one of these capacities in another racing jurisdiction for at least 2 years immediately preceding the application.

(2) An applicant for a trainer's license shall have at least one racing animal to train which is eligible to race.

(3) An applicant for an assistant trainer's license shall be employed by a licensed trainer.

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(4) An applicant for a kennel owner's license shall:

(a) Be capable of meeting the financial obligations incurred in the racing, training, and care of the racing animal in his care; and

(b) Provide proof of having complied with sub. (5).

(c) Obtain a license for each racetrack at which the kennel owner has a contract to own and operate a kennel.

(5) An applicant for a kennel owner's license, who is otherwise not subject to the provisions of the workers' compensation statute (ch. 102, Stats.), shall elect to be so bound pursuant to s. 102.05, Stats., and no kennel owner licensed in Wisconsin shall effect a withdrawal from these requirements. At the time of submitting an application for a license, the applicant shall attach to the application evidence of insurance as required by ss. 102.28 (2) (a) and 102.31, Stats., or a written order of exemption pursuant to s. 102.28 (2) (b), Stats. Where an applicant has no employes, and contemplates none, the applicant shall attach an affidavit to this effect with the kennel owner application upon a form to be supplied by the board. If a kennel owner subsequently does become an employer, the applicant shall comply with this section and supply to the board the applicable evidence of compliance.

Note: These forms may be obtained either at the racetrack or the board's central office at 150 E. Gilman, Madison, Wisconsin 53703.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (2) (intro.), and (a), (3) and (4), Register, July, 1990, No. 415, eff. 8-1-90.

RACE 13.16 Authorized agent. (1) Each authorized agent shall obtain a license from the board.

(2) The application for a license as an authorized agent shall be accompanied by a written instrument signed and notarized by the principal which shall clearly set forth the powers of the agent, including whether the agent is empowered to collect money for the licensee. A copy shall be filed with the stewards.

(3) Any changes in the power, including revocation of authority, delegated by the principal to the authorized agent must be in writing, notarized and filed with the stewards before becoming effective.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Subchapter IV — Parties to a Contract

RACE 13.17 License required. Persons entering into management, consultant, concession or other contracts to provide goods or services or both to a person licensed pursuant to s. 562.05 (1) (a), (b) and (c), Stats., must also be licensed by the board. Such contracts are also subject to the provisions of ch. RACE 4. Any contract entered into between a person licensed pursuant to s. 562.05 (1) (a), (b) and (c), Stats., and a non-licensed person(s) shall be considered void as against public policy.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.18 Penalties. No person, licensed pursuant to s. 562.05 (1) (a), (b) or (c), Stats., shall enter into any contract with a non-licensed person, whether the contract is oral or written, or attempt to circumvent the requirements of this section by such actions as, but not limited to, behaving as if a contractual agreement existed although not reduced to Register, July, 1990, No. 415

writing or otherwise not meeting all legal requirements for formation of a binding contract. The licensee shall be subject to a forfeiture not to exceed \$10,000 or suspension or revocation, or any combination, for violation of this section.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Subchapter V — Conflicts

RACE 13.19 General conflict provisions. When an applicant applies for a license in more than one category, the board shall consider whether the holding of such multiple licensing creates the appearance of a conflict of interest such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration. If such appearance is created, both licenses may be suspended or denied.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.20 Dual licensing. The following kinds of dual licenses shall be prohibited:

(1) A person licensed as a veterinarian or totalizator employe shall not be licensed in any other capacity;

(2) A person licensed as a racing official shall not be licensed as anything other than a racing official at the meeting at which that person is serving as a racing official;

(3) No board employe shall be licensed in any other capacity;

(4) All requests for dual licensing must be approved by the stewards.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.21 Husbands and wives. Suspension, denials or revocations against either a husband or a wife shall apply equally to the licensee's spouse unless the board finds that the continued participation in racing by the affected spouse will not circumvent the intent of the rule or ruling by permitting one spouse to serve in essence as a substitute for a person ineligible to participate in a particular activity. In making such a decision, the stewards and board shall consider but not be limited to the following: the length of involvement in racing of the affected parties, the economic interdependence of the parties, and the nature of the licenses. However, the spouse of a person suspended for 10 or fewer days shall not be suspended.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

RACE 13.22 Transfer of a racing animal. The transfer of a racing animal by a person whose license has been suspended, denied, or revoked to circumvent a rule or ruling shall constitute a violation of these rules, and the licenses of both parties to the transfer may be suspended, revoked or a forfeiture imposed. No transfers of racing animals from a suspended licensee to an immediate family member shall be allowed. Immediate family member means mother, father, spouse, son, daughter, stepchildren and spouses of immediate family members.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

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Subchapter VI — Prohibited Activities

RACE 13.23 Prohibited activities by licensees. Violation of the following shall be considered grounds for denial or suspension of an occupation license or imposition of a forfeiture or both:

(1) No licensed person shall allow another person use of the license badge for the purpose of transferring any of its benefits. No license is transferable and no duplicate license shall be issued except upon payment of a fee prescribed by the board.

(2) All licensees when present in a restricted area or in the employment of the association shall prominently display the badge issued by the board.

(3) No person shall offer, promise, give, accept or solicit a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race.

(4) No person shall cause or attempt to cause, or participate in any way in any attempt to cause the pre-arrangement of a race result.

(5) No person shall fail to report knowledge of the offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race.

(6) No person shall fail to report knowledge of the causing or attempting to cause or participation in any way in any attempt to cause the pre-arrangement of a race result.

(7) No person shall enter or permit a greyhound to be entered in a race if that person knows the greyhound was trained with any live lure or bait.

(8) The following shall govern live lure requirements:

(a) Before January 1, 1992, no person shall enter or permit a dog to be entered in a race if that person knows that the dog was trained in a state that does not prohibit the use of live lures or bait in a race or training for entry in a race.

(b) On and after January 1, 1992, no person shall enter or permit a dog to be entered in a race if that person knows that the dog was trained in a state that does not specifically prohibit the use of live lures or bait in a race or training for entry in a race.

(9) No person shall have been convicted of using a live lure or bait in the training of a greyhound.

(10) No person shall engage in cruelty to or neglect of a greyhound entrusted to a licensee's care.

(11) No person shall have been convicted of cruelty to or neglect of an animal.

(12) No person shall possess a battery, buzzer, electrical, mechanical or other device which could be used to alter the speed of a greyhound in a race or workout.

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(13) No person shall engage in; the illegal sale, possession, or receipt or use of a controlled substance or intoxicant; use of profanity; fighting or any conduct of a disorderly nature on association grounds.

(14) No person shall have been convicted of illegal possession of firearms. No person other than security guards licensed by the board and any other applicable licensing authority who are on duty, and on-duty police personnel, shall be in possession of firearms on the grounds of the racetrack enclosure.

(15) No person shall engage in any activity or practice which in the opinion of the board is detrimental to the best interests of racing in the state of Wisconsin.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (14), Register, July, 1990, No. 415, eff. 8-1-90.