

Chapter Game 11

POWERS AND DUTIES OF THE WISCONSIN DIVISION OF GAMING

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Note: Chapter RACE 11 was renumbered chapter WGC 11 and corrections made under s. 13.93 (2m) (b) 1. and 6., Stats., Register, March, 1995, No. 471.

Note: Chapter WGC 11 as it existed on November 30, 2003, was repealed and a new chapter Game 11 was created Register November 2003 No. 575, effective 12-1-03.

Game 11.01 Purpose. The purpose of this chapter is to govern the exercise of the division's powers and duties.

History: CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.

Game 11.02 Administration and operation. Any person desiring approval and opinion or other division action with respect to any matter within the jurisdiction of the division shall initially notify the administrator or designee of the nature of the request.

History: CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.

Game 11.03 Enforcement authority. (1) The division shall have unrestricted access to all areas of the racetrack including but not limited to: all buildings, structures, equipment and property located on the premises whether owned by, leased by, or leased to an association.

(2) The division shall have unrestricted access to all records and files, both paper and electronic, maintained by any licensee and related to activities occurring on association grounds, activities related to greyhound racing, breeding and training, or pari-mutuel wagering.

(3) The division may restrict the movement of greyhounds into and out of any racetrack in the state of Wisconsin upon a showing of cause.

(4) The division and its representatives may eject or exclude any licensee or unlicensed person from any facility or property under its jurisdiction whose conduct while present at the facility interferes with the orderly and proper conduct of greyhound racing or pari-mutuel wagering.

(a) Interfering conduct includes, but is not limited to, using profane language, making noises with the intent to stop a greyhound race, unauthorized presence in a restricted area, entering or attempting to enter a pari-mutuel facility without paying a posted admission fee, possession of a narcotic or drug which violates state or federal law, restricting or blocking the entrance or exit of a building or driveway, attempting to violate a statute, rule or order of the division or board of stewards related to greyhound racing and pari-mutuel wagering, striking or threatening another person or racing animal, discharging a firearm or illegal possession of a firearm, impeding division representatives or racing officials exercising authority or duty, or disrupting a stewards inquiry.

(b) The division and its representatives shall not exclude or eject a person for a period to exceed 48 hours unless the exclusion or ejection is based on a suspension or revocation of the person's occupational license.

(c) The division may call upon local law enforcement to assist in enforcement of this section.

History: CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.

Game 11.04 Board of stewards. (1) The board of stewards shall consist of 2 division stewards, one of which shall be a chief steward or presiding division steward, and one association steward employed by the association where the inquiry will be heard. In cases where the inquiry will be heard at a location other

than a racetrack, the association steward shall be employed by the association in closest proximity to where the alleged violation occurred. The chief steward or presiding division steward shall be the presiding officer.

(2) Upon a finding of reasonable cause, a steward shall issue a notice to the alleged violator(s) summoning the violator(s) to an inquiry. All notices of inquiries shall be in writing and include the following:

(a) Date, time and location of the inquiry.

(b) Alleged conduct constituting a violation.

(c) Administrative code section or statutory citation allegedly violated.

(3) The notice of an inquiry shall be served upon the alleged violator by a division representative or designee, or sent via certified United State Postal Service Mail or a manner of service approved by the division. One copy of the notice shall be filed with the association steward holding a seat on the board of stewards that will hear the matter.

(4) An inquiry shall be conducted within 3 working days after a steward has reasonable cause to believe that the alleged violation or conduct has occurred and no sooner than 24 hours after the notice has been served in person by a Division representative or 48 hours after the notice has been sent via certified U.S. mail or other division approved method for service.

(5) Any licensee who fails to appear at a board of stewards inquiry as summoned shall be deemed to have waived any right to appear and present testimony and evidence. A licensee may request a continuance in writing for cause not less than 12 hours prior to an inquiry except in cases of emergency. In cases of emergency, the licensee may request a continuance in writing for cause until the designated date and time for the inquiry. The presiding officer shall grant one continuance based on good cause except that the board of stewards may convene at the date, time and location of the inquiry and impose intermediate sanctions on the individual's license until such time as the inquiry is conducted and a decision rendered. Further requests for continuance may be granted at the presiding officer's discretion. The granting or denial of the continuance shall be communicated in writing to the requestor by the presiding officer.

(6) The presiding officer has complete authority to decide any process of the inquiry not delineated in this section.

(7) The presiding officer shall conduct the inquiry in the following manner:

(a) The presiding officer shall give an opening statement briefly describing the following:

1. How the inquiry will be conducted.

2. Alleged violation and conduct.

3. Names and titles of all members of the board of stewards.

4. Names and titles of all persons representing the division.

5. Name, address, date of birth and license number of alleged violator.

6. Names and titles of any persons representing the alleged violator.

7. Any evidence presently before the board of stewards.

(b) A representative of the division and each alleged violator shall be given the opportunity to present an opening statement.

(c) The board of stewards may call any witness including the alleged violator and question any person present at an inquiry.

(d) A representative of the division and each alleged violator shall be given the opportunity to call witnesses, cross examine witnesses, present evidence and make a closing statement.

(e) The board of stewards shall review all testimony and evidence presented and make its final decision in closed session. Decisions regarding culpability and penalties shall be made by a majority vote of the members of the board of stewards. Upon conclusion of the closed session, the board of stewards shall reconvene in open session. The presiding steward shall make a statement outlining the board of stewards' determination of guilt, any penalties imposed and right of appeal.

(f) All decisions rendered by the board of stewards are effective immediately and subject to appeal pursuant to ch. Game 3.

(8) The presiding officer shall preside at the inquiry and may issue orders and rulings to ensure the orderly conduct of the proceedings, including ruling on the admissibility of evidence, witnesses' participation and areas of examination.

(9) An alleged violator has the right to be represented by an attorney licensed to practice in the state of Wisconsin.

(10) No member of the board of stewards shall be examined by any party during an inquiry.

(11) A member of the board of stewards shall withdraw from participation in an inquiry and may be removed by the administrator if that member has a personal interest in the matter, a prejudice concerning a party or a representative of a party, or has personally investigated, prosecuted or advocated in connection with the mat-

ter before the board of stewards. This provision does not apply to an individual who during the course of their duties witnessed an alleged violation but did not conduct an investigation.

(12) Any party may appear as part of a stewards inquiry via telephone at the approval of the presiding officer.

(13) The board of stewards shall enter a written decision after each hearing. The decision shall state whether the violation occurred and, if so, shall briefly set forth the legal and factual basis for the finding. The decision shall also establish a penalty for any violation found. Any member of the board of stewards who dissents from the decision of the board of stewards shall submit a dissenting opinion in writing to the administrator.

(14) The presiding officer may eject or exclude any disruptive person from an inquiry.

(15) The following actions by a steward are not subject to the requirements of this section:

- (a) Scratching a greyhound from competing.
- (b) Ordering the refund of mutual tickets.
- (c) Determining orders of finish.
- (d) Canceling race performances or races.
- (e) Taking other actions not including the imposition of a forfeiture or suspension of an occupational license.

(16) Any member of the board of stewards who is unable to participate in part or all of the inquiry for any reason shall be excused. A replacement division steward shall be designated by the presiding officer. A replacement association steward shall be designated by the association.

History: CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.