



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Horse Racing Commission

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 11-17-148 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) WAC 260-36-120 Denial, suspension, revocation -- grounds

Hearing location(s):
Auburn City Council Chambers
25 W. Main
Auburn, WA 98002

Date: January 13, 2012 Time: 9:30 a.m.

Date of intended adoption: January 13, 2012
(Note: This is NOT the effective date)

Submit written comments to:
Name: Douglas L Moore
Address: 6326 Martin Way, Suite 209
Olympia, WA 98516-5578
e-mail dmoore@whrc.state.wa.us
fax (360)459-6461 by January 10, 2012

Assistance for persons with disabilities: Contact
Patty Sorby by January 10, 2012
TTY (360) 459-6462 or () _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Allows the board of stewards the ability to approve applicants with felony convictions a conditional license.

Reasons supporting proposal: To decrease unnecessary hearings before the commission,

Statutory authority for adoption: RCW 67.16.020

Statute being implemented:

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
11/21/2011

NAME (type or print)
Douglas L Moore

SIGNATURE

TITLE
Deputy Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 21, 2011

TIME: 10:38 AM

WSR 11-23-121

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Douglas L Moore	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462
Implementation.... Robert J Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462
Enforcement..... Robert J Lopez	6326 Martin Way, Suite 209 Olympia, WA 98516-5578	(360) 459-6462

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared. Not applicable

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Not applicable

AMENDATORY SECTION (Amending WSR 10-07-048, filed 3/11/10, effective 4/11/10)

WAC 260-36-120 Denial, suspension, and revocation--Grounds.

(1) The commission (~~(or its designee)~~), 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 (~~(violating any law regarding gambling or a controlled substance)~~) any felony or gross misdemeanor crime;

(b) Is subject of current prosecution of any felony crime;

(c) Has any felony conviction under appeal;

~~((b))~~ (d) Has pending criminal charges;

~~((c))~~ (e) Has failed to meet the minimum qualifications required for the license for which they are applying;

~~((d))~~ (f) Has failed to disclose or states falsely any information required in the application;

~~((e))~~ (g) Has been found in violation of statutes or rules governing racing in this state or other jurisdictions;

~~((f))~~ (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;

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

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

~~((i))~~ (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;

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

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

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

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

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

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

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

~~((a) Has been convicted of any felony crime against a person. "Crime against a person" means a conviction for any offense enumerated in chapters 9A.32, 9A.36, 9A.40, 9A.42, and 9A.44 RCW, or an offense which would constitute an offense enumerated in those chapters if committed in Washington state;~~

~~(b) Has been convicted of any felony drug crime involving the possession or use of any drug as defined in chapter 69.41 RCW or any controlled substance as defined in chapter 69.50 RCW within the past three years;~~

~~(c) Has been convicted of any other felony drug crime as defined in chapter 69.41 RCW or felony crime involving a controlled substance as defined in chapter 69.50 RCW, or a felony drug crime which would constitute an offense enumerated in those chapters if committed in Washington state;~~

~~(d) Has been convicted of any other felony crime within the past ten years. Other felony crime includes any felony conviction not listed in (a), (b), and (c) of this subsection. This also includes an offense committed in another jurisdiction, which would constitute a felony if committed in Washington state;~~

~~(e) Has five or more convictions for gross misdemeanors within the last three years, as classified by the laws of the state of Washington or the laws of the jurisdiction in which the conviction occurred;~~

~~(f) Is subject to current prosecution for any felony crime;~~

~~(g) Has any felony conviction under appeal;~~

~~(h) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction;~~

~~(i)) (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; (~~or~~~~

~~(j)) (b) Has any outstanding arrest warrants(~~;~~~~

~~(3) In considering a challenge of a decision denying or revoking a license pursuant to subsection (2) of this section, the commission may only reverse the denial or revocation on a showing by the appellant of mitigating information and that the best interests of horse racing would not be compromised by granting or reinstating a license.~~

~~(4)) ; or~~

(c) Is currently suspended or revoked in Washington 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.