



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Horse Racing Commission

Permanent Rule Only

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: Gives the board of stewards the authority to grant licenses to applicants with certain felony convictions.

Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 260-36-120 Denial, suspension, and revocation -- Grounds
 Suspended:

Statutory authority for adoption: RCW 67.16.020

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 11-23-121 on November 21, 2011.
 Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: January 13, 2012

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: January 13, 2012

TIME: 2:11 PM

WSR 12-03-077

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	<u>1</u>	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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.