



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 08, 2021

TIME: 2:27 PM

WSR 21-03-021

Agency: Washington Horse Racing Commission

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: Clarifies language to support the commissioners authority to review and approve the application for an individual previously denied or revoked.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 260-36-120 Denial, suspension revocation - Grounds)

Suspended:

Statutory authority for adoption: 67.16.020

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

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

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:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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	Repealed	___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	Repealed	___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	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___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	___

Date Adopted: January 8, 2021

Name: Douglas L Moore

Title: Executive Secretary

Signature:



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.