

CHAPTER 7897
MINNESOTA RACING COMMISSION
PROHIBITED ACTS

7897 0100 PROHIBITED ACTS
 7897 0110 USE OF DRUGS AND ALCOHOL.
 7897 0115 FAILURE TO APPEAR
 7897 0120 DISCIPLINARY SANCTIONS
 7897 0130 SCHEDULE OF FINES

7897 0150 DISCIPLINARY AND APPEAL
 PROCEDURES
 7897 0190 DISCIPLINARY ACTION BY
 COMMISSION

7897.0100 PROHIBITED ACTS.

Subpart 1. **Scope.** The following activities are considered prohibited acts.

[For text of subs 2 to 5, see M.R. 1987]

Subp. 6. **Altercations.** No person shall provoke or engage in a physical altercation while on the grounds of an association.

[For text of subs 7 to 9, see M.R. 1987]

Subp. 10. **Financial responsibility.** No licensee shall willfully or deliberately refuse to pay any money when due for any service, supplies, or fees connected with his or her activities as a licensee, nor shall he or she falsely deny any such amount due or the validity of the claim therefor with the purpose of hindering or defrauding the person to whom the indebtedness is due. All financial responsibility complaints against a licensee shall be made in writing, signed by the complainant, and accompanied by (a) a judgment from a court of competent jurisdiction; or (b) a check, issued by the licensee or by a business entity owned or controlled by the licensee, which indicates on its face that the bank upon which the check is drawn has refused payment due to insufficient funds, alteration, forgery, or because the check was written on a closed or nonexistent account.

[For text of subs 11 to 18, see M.R. 1987]

Statutory Authority: *MS s 240.23; 240.24*

History: *12 SR 2393*

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, the licensee shall be subject to disciplinary action by the stewards and the commission.

[For text of subp 2, see M.R. 1987]

Statutory Authority: *MS s 240.23*

History: *11 SR 2201*

7897.0115 FAILURE TO APPEAR.

No licensee shall fail to appear in any court of competent jurisdiction on any criminal complaint, indictment, tab charge, citation, or bench warrant.

Statutory Authority: *MS s 240.23*

History: *11 SR 2201*

MINNESOTA RULES 1988

7897.0120 PROHIBITED ACTS

54

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Licenses.** Any licensee engaging in any prohibited act as provided in parts 7897.0100 to 7897.0115 is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7897.0130.

[For text of subps 2 and 3, see M.R. 1987]

Statutory Authority: *MS s 240.23*

History: *11 SR 2201*

7897.0130 SCHEDULE OF FINES.

[For text of subps 1 to 5, see M.R. 1987]

Subp. 6. **Timetable for paying fines.** All fines imposed by the stewards or commission must be paid within 72 hours of the date of the ruling imposing the fine. Failure to pay the fine within the required time is grounds for suspension.

Statutory Authority: *MS s 240.23*

History: *11 SR 2201*

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

[For text of subpart 1, see M.R. 1987]

Subp. 2. **Penalties imposed by stewards.** The stewards may suspend the license of the holder up to 90 days, and/or impose a fine of up to \$2,000 in accordance with the schedule of fines in part 7897.0120; or they may order any other appropriate disciplinary or corrective action.

[For text of subps 3 and 4, see M.R. 1987]

Subp. 5. **Stays of stewards' decisions.** An appeal of a stewards' decision will not automatically stay the decision. A party may request the executive director to stay the decision. The executive director may order a stay unless he or she determines that a stay would adversely affect the public welfare.

Subp. 6. **Procedure for appeal of decision of stewards.** Any affected party may appeal a decision of the stewards by filing with the executive director a written request for an appeal within three days, excluding Saturday, Sunday, and holidays, after the stewards have orally advised the affected party of the decision. The written request shall contain the following information:

[For text of subp 6, items A to E, see M.R. 1987]

Subp. 7. **Deposit shall be required.** The appellant shall deposit with the commission at the time of filing his or her written request for an appeal the sum of \$50. The sum will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the \$50 will be forfeited. In addition, if the commission determines that the appeal was commenced in bad faith for purposes of delay or was unreasonable and without substance or merit, the commission may impose a fine of not more than \$450.

[For text of subps 8 and 9, see M.R. 1987]

Statutory Authority: *MS s 240.23*

History: *11 SR 2201*

7897.0190 DISCIPLINARY ACTION BY COMMISSION.

Subpart 1. **Contested case hearings.** The commission may take the following disciplinary action only after a contested case hearing held in accordance with

MINNESOTA RULES 1988

PROHIBITED ACTS 7897.0190

55

the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

A. revoke a Class A, B, C, or D license;

B. suspend or fine a Class A, B, or D license; and

C. suspend a Class C license for more than 90 days, and/or fine a Class C license in an amount exceeding \$2,000.

[For text of subp 2, see M.R. 1987]

Statutory Authority: *MS s 240.23*

History: *11 SR 2201*