

**CHAPTER 7897**  
**MINNESOTA RACING COMMISSION**  
**PROHIBITED ACTS**

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**7897.0100 PROHIBITED ACTS.**

*[For text of subps 1 to 9, see M.R.]*

**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; or (c) written documentation that a licensee is in arrears in an amount in excess of \$2,000 but not to exceed \$5,000 for goods or services for a period of time not to exceed 45 days from the date the goods or services were first provided.

*[For text of subps 11 to 18, see M.R.]*

**Statutory Authority:** *MS s 240.23; 240.24*

**History:** *14, SR 332*

**7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.**

*[For text of subps 1 and 2, see M.R.]*

**Subp. 3. Appeal to commission.** A stewards' decision regarding a Class C licensee may be appealed to the commission by:

A. The licensee asking the commission to reverse the stewards' decision in whole or part or to lessen the sanction ordered by the stewards.

B. Appeals to the commission are not subject to the contested case procedures.

**Subp. 4. Review or complaint by director or motion of commission.** Nothing in this chapter precludes the commission from instituting proceedings to review a stewards' decision on its own motion or complaint of the director.

**Subp. 5. Stays of stewards' decisions.** An appeal of a stewards' decision will not automatically stay the decision. A party may request the director to stay the decision. The 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.** A licensee may appeal a decision of the stewards by filing with the director a written request for an appeal within three days after the stewards have orally advised the licensee of the decision. The written request shall contain the following information:

*[For text of items A to E, see M.R.]*

**Subp. 7. Deposit shall be required.** The appellant shall deposit with the com-

mission at the time of filing his or her written request for an appeal an amount equal to ten times the appellant's occupational license fee in part 7877.0120, subpart 1, but not to exceed \$250. The deposit 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 deposit 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.

**Subp. 8. Commission shall set date for hearing.** Within three days of receipt of a written request for an appeal and the deposit, the commission chair, director, or the deputy director shall set a date, time, and place for the hearing. The hearing must be held within eight days of the receipt of the request for the appeal and the deposit. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of the sanction or prolong a stay issued by the director.

**Subp. 9. Appeal by commission.** When the commission institutes an appeal on its own motion or at the request of the stewards or director, a notice of appeal shall be served personally or sent by mail to the licensee, addressed to his or her last known place of residence, at least ten days prior to the hearing of the appeal. This notice of appeal shall contain the following:

*[For text of items A to D, see M.R.]*

**Statutory Authority:** *MS s 240.23*

**History:** *14 SR 2008*

#### **7897.0160 COMPOSITION OF HEARING PANEL.**

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

**Subp. 2. Hearing panel's decision.** All decisions of the hearing panel must be made by majority vote. In the event the hearing panel is unable to arrive at a decision by a majority vote, the commission will consider the appeal based on the record before the hearing panel. The hearing panel shall issue its written decision within ten days, excluding Saturday, Sunday, and holidays, based on the record and must include the hearing panel's findings of fact and conclusions on all material issues. A copy of the hearing panel's decision shall be served upon all parties by first class mail. The decision of the hearing panel may not be appealed to the commission.

**Statutory Authority:** *MS s 240.23*

**History:** *14 SR 2008*

#### **7897.0170 CONDUCT OF APPEAL HEARING.**

*[For text of subps 1 to 6, see M.R.]*

**Subp. 7. Burden of proof.** The appellant must prove that the stewards' ruling is clearly erroneous or not supported by applicable law.

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

**Statutory Authority:** *MS s 240.23*

**History:** *14 SR 2008*