

**7865.0230 FINES AND OTHER SANCTIONS.**

Subpart 1. **Imposition of civil fine by board.** The board may impose a civil fine upon any licensee for violation of the following:

- A. any provision of Minnesota Statutes, sections 349.11 to 349.23;
- B. any provision of Minnesota Statutes, chapter 297E;
- C. any rule adopted by the board; or
- D. any order issued by the board.

The civil fine may not exceed any amount authorized in Minnesota Statutes, chapter 349. In determining the amount of the fine to be imposed, the board must consider the factors in part 7865.0210, subpart 2, item I.

Subp. 2. [Repealed, 35 SR 1276; 35 SR 1528]

Subp. 3. **Imposition of proposed fine by director; payment or appeal of fine by licensee required.** This subpart applies to a proposed fine issued by the director.

A. The director may issue to any licensee a proposed fine, determined according to the factors in part 7865.0210, subpart 2, item I, on a citation form prescribed by the board.

B. Within 30 calendar days of receiving the citation, the licensee must:

- (1) pay the proposed fine; or
- (2) appeal the proposed fine to the board. If the licensee decides to appeal the proposed fine, the provisions of subpart 4 apply.

C. If the licensee fails to pay or appeal the proposed fine within 30 calendar days, the licensee may be subject to further disciplinary action by the board.

Subp. 4. **Appeal from licensee of proposed fine by director.** The following apply to an appeal from a licensee of a proposed fine issued by the director under subpart 3.

A. An appeal must contain the licensee's name, the date the citation was issued, the amount of the proposed fine, and the reasons why the proposed fine should not be paid.

B. Upon receipt of an appeal, the director must review any new information provided by the licensee and determine whether the proposed fine should be rescinded or revised, or the appeal should be referred to the compliance review group. If the director determines that the proposed fine should not be rescinded or revised, the appeal must be referred to the compliance review group for a hearing. Within ten days of the receipt of an appeal, the compliance review group must schedule a hearing.

C. The licensee may be represented by counsel and present documents and other evidence to support its position.

D. Within ten days of the hearing date, the compliance review group must issue an order recommending to the board whether a civil fine should be imposed. If the compliance review group determines that a civil fine should be imposed, the order must contain a recommendation for the amount of the fine.

E. The board must act on the recommendation at its next regularly scheduled meeting.

F. Within ten days of acting on the matter, the board must issue an order including findings of fact and conclusions of law. The order is a final agency decision.

Subp. 5. **Payment of fine from gambling gross receipts prohibited.** A licensed organization may not use gambling gross receipts to pay a fine imposed by the board or director and must pay a fine from a nongambling source of funds.

Subp. 6. **Consequences of failure to correct violations.** Failure to correct the violation for which the fine was imposed is grounds for the suspension or revocation of a license.

**Statutory Authority:** *MS s 14.055; 349.12; 349.151; 349.154; 349.155; 349.16; 349.162; 349.163; 349.1635; 349.165; 349.166; 349.167; 349.169; 349.17; 349.1711; 349.1721; 349.173; 349.19; 349.191; 349.211*

**History:** *31 SR 1239; 35 SR 1276; 35 SR 1528*

**Published Electronically:** *April 7, 2011*