

7865.0240 STAYS OF IMPOSITION FOR SUSPENSION, REVOCATION, OR CIVIL FINE.

Subpart 1. **Entitlement.** A licensee subject to a board order for a suspension or revocation or a civil fine is entitled to a stay of imposition of that sanction upon filing an appeal to the Court of Appeals. A licensee is not entitled to a stay of imposition if the board determines that the potential or actual harm to the public and the integrity of lawful gambling resulting from the grant of such a stay would exceed the harm to the licensee from the denial of such a stay.

Subp. 2. **Procedure.** This subpart applies to requests for stays of impositions of sanctions:

A. A licensee seeking a stay according to subpart 1 must file a written request with the board. The request must contain:

(1) a copy of the licensee's appeal to the Court of Appeals and proof that the appeal has been filed with the Court of Appeals;

(2) a brief statement describing why the harm the licensee would suffer from the denial of a stay exceeds the potential or actual harm to the public and the integrity of lawful gambling that would result from the grant of a stay; and

(3) a copy of the order issued by the board imposing the sanction the licensee seeks to have stayed.

B. Any request for a stay complying with item A must be considered by the chair of the board according to subpart 1.

(1) The chair must respond to the applicant in writing within five days, excluding Saturdays, Sundays, and holidays, of the date the application is received by the board.

(2) The chair must grant or deny the stay and explain the reasons for the decision.

(3) The chair's decision represents the official board response to the request until the board is able to consider the request according to item C.

C. Any request for a stay must be considered by the board after initial consideration and response by the chair.

(1) If the chair has granted the licensee's request for the stay, the board must consider the request at its next regularly scheduled meeting.

(2) If the chair has denied the request, the chair must call a special board meeting to consider the licensee's request for a stay. The special meeting must be held no later than ten days after the chair has issued a written response to the request.

(3) When the board considers the request for a stay, it must grant or deny the stay according to subpart 1 and issue a written order containing its decision and the reasons for the decision within five days of the date it considers the request. The board's decision is considered a final agency action.

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

History: *31 SR 1239; 38 SR 1613*

Published Electronically: *June 24, 2014*