

7897.0130 SCHEDULE OF FINES.

Subpart 1. **Imposition of fines.** The commission may impose a civil fine upon any licensee for a violation of laws related to horse racing or the commission's rules after a determination of the severity of the violation. The stewards may impose a civil fine upon a Class C licensee.

Subp. 2. **Categories of violations.** The commission or stewards shall assign a violation to one of the following categories:

A. A "serious violation" is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of pari-mutuel horse racing, public welfare, health, or safety.

B. A "violation" is any failure, other than a serious violation, to comply with a law or rule.

Subp. 3. **Assignment of categories and determination of fine amount.** In assigning a particular violation to a category, and in determining the amount of the fine for any violation, the commission or stewards shall consider the following factors:

A. the potential or actual harm to persons, property, or the integrity of racing;

B. the culpability of the violator;

C. the frequency of the violator's failure to comply with law or rule; and

D. any other factors reasonably related to the health, safety, and welfare of participants in racing or the integrity of pari-mutuel racing in Minnesota, as long as the same factors are considered with regard to all similarly situated violators.

Subp. 4. **Serious violations.** Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm in violation of state law, setting or attempting to set a fire on the racetrack premises, a violation of part 7897.0110, and any violation involving a substance defined by the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances as a Class 1 foreign substance shall be deemed per se serious violations.

Subp. 5. **Amount of fines.**

A. The fine for a serious violation of law or rule shall be:

(1) at least \$1,000 and up to \$10,000 for a first serious violation;

(2) up to \$25,000 for a second serious violation; or

(3) up to \$50,000 for a third serious violation.

B. The fine for other violations shall not exceed \$999.

C. The commission may impose a fine in excess of \$5,000 but no more than \$200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

Subp. 6. Timetable for paying fines.

A. All fines imposed by the stewards or commission must be paid within 120 hours after receiving a written ruling imposing the fine.

B. Failure to pay the fine within the required time is grounds for suspension, an additional fine, and such other sanctions and restrictions as the commission, its designee, or the stewards reasonably deem necessary.

C. The commission shall designate one or more employees responsible for collecting fines and they shall notify the stewards and executive director of delinquent fines.

Statutory Authority: *MS s 240.03; 240.22; 240.23; 240.24*

History: *9 SR 2527; 11 SR 2201; 28 SR 1482; 41 SR 1322; 42 SR 1258; 46 SR 1210*

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