

7897.0150 DISCIPLINARY PROCEDURES.

Subpart 1. **Stewards' meetings.** Whenever the stewards have reasonable cause to believe that a Class C licensee has committed an act or engaged in conduct in violation of statute or rules of the commission or which in the opinion of the stewards otherwise adversely affects the integrity of horse racing, the following procedures will apply:

A. The licensee shall be immediately subject to such intermediate conditions, limitations, and restrictions as the stewards decide necessary to protect the public safety, health, and welfare and to ensure the integrity of racing.

B. Within three days of the matter coming to the attention of the stewards, the licensee shall be summoned to a meeting of the stewards called for the purpose of investigating suspected or alleged misconduct by the licensee at which all stewards or their appointed deputies shall be present; however, the licensee may request a continuance and such continuance need not necessarily stay any intermediate sanction.

C. The summons given to the licensee shall be in writing and give adequate notice of the date, time, place, and purpose of the stewards' meeting, and shall specify by number the statutes or rules allegedly violated.

D. Every person called to testify before the stewards at such meeting is entitled to have counsel or an observer of the person's choosing present at the meeting; however, such counsel or observer may only participate under such conditions or in such manner as the stewards direct.

E. If a licensee, after receiving adequate notice of a stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the stewards.

F. No special announcement of the meeting or of the alleged infraction of rules shall be made until after the stewards' meeting, when the stewards shall transmit a signed written decision to the commission and to the licensee containing the stewards' findings and the penalty imposed.

G. In the event the stewards are unable to arrive at a decision by a majority vote, the matter will automatically be referred to the commission and treated as an appeal.

Subp. 2. **Penalties imposed by stewards.** The stewards may suspend a license up to 90 days or impose a fine of up to \$5,000 in accordance with the schedule of fines in part 7897.0130 or both; in addition, they may order any other appropriate disciplinary or corrective action. The stewards may also make recommendations to the commission for penalties in excess of their authority.

Subp. 3. [Repealed, 42 SR 1258]

Subp. 4. [Renumbered 7897.0155 subp 2]

Subp. 5. [Repealed, 42 SR 1258]

Subp. 6. [Repealed, 42 SR 1258]

Subp. 7. [Renumbered 7897.0155 subp 5]

Subp. 8. [Repealed, 42 SR 1258]

Subp. 9. [Renumbered 7897.0155 subp 7]

Subp. 10. **Penalties imposed by stewards or commission for medication violations.**

A. Upon a finding of a violation of chapter 7890, the stewards or commission shall consider the classification and penalty category of the substance at the time of the violation as referenced in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties, as well as any existing mitigating or aggravating factors, and shall impose penalties and disciplinary measures consistent with the recommendations contained therein except as limited by part 7897.0130, subpart 5.

B. Mitigating or aggravating factors must be shown by a preponderance of evidence that the circumstances were actually present in the instant case. Mere speculation that the circumstances might have been present is not sufficient proof.

C. For purposes of this subpart, mitigating factors are conditions or circumstances that do not excuse or justify wrongful conduct, but are considered out of fairness in deciding to reduce a penalty.

D. For purposes of this subpart, aggravating factors are conditions or circumstances that permit a harsher penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule.

Statutory Authority: *MSs 240.03; 240.08; 240.10; 240.13; 240.15; 240.16; 240.19; 240.22; 240.23; 240.24*

History: *9 SR 2527; 11 SR 2201; 14 SR 2008; 24 SR 1568; 34 SR 1135; 41 SR 1322; 42 SR 1258*

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