

## **GREYHOUND LICENSING AND DUTIES OF LICENSEES - CHAPTER 15**

### ***ARCI-015-005 Purpose***

To describe the licensing procedures and the duties of licensees holding occupation licenses issued by the Commission. The Commission shall issue occupational licenses to each person employed or contracted to perform duties on association grounds during a race meeting.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

### ***ARCI-015-010 General***

- (1) Each licensee agrees to abide by and obey all rules and regulations of the Commission, policies and procedures of the association and statutes of this jurisdiction.
- (2) Upon payment of all required fees, an occupational license badge may be issued by the Commission to each individual licensed to perform duties on association grounds. The badge must contain:
  - (a) Commission name;
  - (b) licensee's full name;
  - (c) recent photograph of the licensee;
  - (d) category of license; and
  - (e) date of issue and the period for which the license is valid.
- (3) Unless otherwise permitted by the Commission, the license badge shall be displayed in a conspicuous manner on the licensee's clothing at all times while on association grounds.

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### ***ARCI-015-015 Licensees***

#### **A. Kennel Operators**

- (1) A licensed kennel operator shall register with the Commission and pay the prescribed fee to race under a licensed kennel name.
- (2) All persons represented by a kennel name are required to have greyhound owners' licenses.
- (3) The Commission may require all persons represented by a kennel name to sign an authorized agent's application which appoints one person to act as the agent for the kennel name. Otherwise, notification of the designated contract representative for the kennel name shall be made to the Commission.
- (4) All kennel operators must file with the Commission and the association a roster of his/her trainer, assistant trainers, authorized agent and any other employees. The kennel operator must immediately report any trainer changes to the judges and racing secretary. The new trainer(s) and/or any new employees shall then sign the owner's filed roster.

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- (5) A trainer, who is also a licensed greyhound owner or part owner, may use a kennel name. However, no trainer may be licensed as trainer other than in his/her legal name.
- (6) If the kennel name represents a corporation:
  - (a) The corporation shall register to do business according to the laws of this jurisdiction;
  - (b) The corporation shall submit a complete list of stockholders and the number of shares owned by each stockholder whose ownership exceeds ten percent of the total number of shares issued by the corporation;
  - (c) The corporation shall notify the Commission if any change of stock ownership occurs which exceeds ten percent of the total number of shares issued by the corporation; and
  - (d) The corporate name under which the corporation does business in this jurisdiction shall be considered a kennel name for purposes of these rules.
- (7) A kennel name other than a corporate kennel may be changed at any time by registering a new kennel name and by paying the fee set forth in these rules.
- (8) A kennel name must be plainly distinguishable from any other kennel name licensed in this jurisdiction and any other kennel name registered with the National Greyhound Association.
- (9) A licensed owner shall not register any kennel name the Commission determines to be misleading to the public or unbecoming to the sport.
- (10) Unless otherwise permitted by the Commission, a licensed greyhound owner shall not be a party to more than one kennel name at the same time.
- (11) A licensed owner shall not register the real name of any other owner of greyhounds racing nor one which is the real or kennel name of any prominent person not owning greyhounds as his/her kennel name.
- (12) A kennel operator or trainer of record must account for the movement or removal of any greyhound for which official NGA registration certificate was submitted to the association. Such notification must adhere to one of the following criteria.
  - (a) The greyhound was moved to another racing facility. (specify track)
  - (b) The greyhound was placed with a recognized adoption agency or group. (specify agency and location)
  - (c) The greyhound was returned to his/her listed owner. (specify circumstances and location)
  - (d) A veterinary record that the greyhound is deceased. (Disclosure of the circumstances of the greyhound's death or notation that the greyhound was euthanized humanely due to serious medical condition or catastrophic injury.)Judges will regularly review the records and determine that the disposition is in compliance with the listed conditions.

**B. Greyhound Owner**

- (1) A greyhound owner's license is required of any person who is designated as an owner or lessee on the greyhound's National Greyhound Association registration

papers, and of every person who has a right to receive any share of a purse won by a greyhound in this jurisdiction except kennel operators and their employees who are licensed in this jurisdiction.

- (2) The spouse of an owner does not need to be licensed unless the spouse's name appears on the greyhound's National Greyhound Association registration papers.
- (3) If a person is suspended or ejected from the association grounds, every greyhound wholly or partly owned by such person may also be suspended or ejected for the duration of such suspension or ejection. Any entry received from any person, or of any greyhound that stands suspended or expelled shall be void unless otherwise approved by the Commission.

#### C. Emergency License (Greyhound Owner)

- (1) The Commission may issue an emergency license if an owner is unable to complete an application for an owner's license because of absence or illness. The licensed trainer desiring to enter a greyhound in a race may apply for an emergency owner's license on behalf of the absent owner.
- (2) The trainer applying for an emergency owner's license must submit a written statement with the license application specifying the reasons the owner is unable to complete the application.
- (3) The trainer applying for an emergency owner's license must submit at least the following information: the owner's full name, home and/or business address, telephone number and social security number. At the time of application, the appropriate licensing fee must be paid to the Commission. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.
- (4) Not later than the \_\_\_ day after the emergency owner's license is issued, the owner must submit a properly completed owner's application, fingerprint card and fingerprint fee, if applicable. Failure to provide the foregoing information is grounds for suspension of the emergency owner's license and other disciplinary action against the owner or trainer. In addition, if the required information is not submitted due to an act or omission on the part of the trainer, the trainer may also be subject to disciplinary action.

#### D. Trainers

- (1) A trainer's license is required of any person designated as the trainer of record for each licensed kennel operator.
- (2) The trainer shall be responsible for and be the absolute insurer of the condition of the greyhounds he/she enters, regardless of the acts of third parties. The trainers are presumed to know the rules of greyhound racing as adopted by the Commission.
- (3) Every trainer who does not have his/her greyhound at the weighing-in room promptly at the time appointed may have the greyhound scratched and may be subject to disciplinary action.
- (4) When a trainer is to be absent from his/her kennel for 24 hours or more, the kennel operator or trainer shall notify the judges of the licensed trainer or licensed assistant trainer who will assume complete responsibility for the greyhounds of the kennel.

#### E. Partnerships

- (1) Each of the partners or shareholders owning \_\_\_ percent partnership or shares is required to be licensed as a greyhound owner and the rules covering partnerships must be complied with.
- (2) All partnerships/corporations must be registered with the Commission. The name and address of every person having any interest in the partnership, the relative proportions of such interest and the terms of any sales with contingencies or arrangements must be signed by all parties or by their authorized agents and be filed with the racing secretary. All partners shall be jointly and severally liable for all stakes, forfeits and other debts of the partnership.
- (3) All statements of partnerships/corporations or sales with contingencies or arrangements shall be filed with the racing secretary and shall declare to whom winnings and/or profits are payable, the name used for the partnership/corporation and who is the authorized agent for the partnership/corporation.
- (4) Any changes in owners in the partnership/corporation must be immediately reported to the racing secretary. The new owner(s) shall obtain a license as required by the Commission.

#### F. Authorized Agents

- (1) Each authorized agent shall obtain a license from the Commission.
- (2) A written instrument signed by the kennel operator which clearly sets forth among the delegated powers whether or not the agent is empowered to collect money from the association shall accompany the license application.
- (3) If the written instrument is a power of attorney, it shall be filed permanently with the racing secretary. However, if the kennel operator properly delegates power on the application for a license, then the application shall be in duplicate with both copies signed and sworn to before a notary public or a Commission employee and one copy filed permanently with the racing secretary.
- (4) An authorized agent may appoint a sub-agent only when specifically authorized to do so by the written instrument signed by the owner. Written notice of the appointment must be filed immediately with the Commission and the racing secretary.
- (5) Any changes in the power delegated by the kennel operator to the authorized agent must be in writing, sworn to before a notary public or a Commission employee and filed with the Commission and the racing secretary.
- (6) A greyhound owner's revocation of an authorized agent's authority must be in writing, sworn to before a notary public or a Commission employee and filed with the Commission and the racing secretary.
- (7) The term of the authorized agent's license shall be determined by the Commission unless the agent's appointment is revoked by the greyhound owner or the greyhound owner's or authorized agent's license is revoked by the Commission.

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Amended Version 4.5 to 4.6 ARCI Board 7/31/09: modified language in Kennel Operator

**ARCI-015-020 Conduct of Licensees**

- (1) All licensees shall be deemed to be exercising the privileges of their license, and to be subject to the requirements of these rules, when engaged in activities that could affect the outcome of a race or diminish the conditions of safety or decorum required.
- (2) It shall be a violation to exercise the privileges granted by a license from this Commission if the licensee fails to abide by the requirements of "Greyhound Racing Prohibited Acts Chapter 16".

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**ARCI-015-025 Substance Abuse/Addiction**

- (1) All licensees shall be deemed to be exercising the privileges of their license, and to be subject to the requirements of these rules, when engaged in activities that could affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.
- (2) It shall be a violation to exercise the privileges granted by a license from this Commission if the licensee:
  - (a) Is engaged in the illegal sale or distribution of alcohol or a controlled substance;
  - (b) Possesses, without a valid prescription, a controlled substance;
  - (c) Is intoxicated or under the influence of alcohol or a controlled substance;
  - (d) Is addicted, having been determined to be so by a professional evaluation, to alcohol or other drugs and not engaged in an abstinence-based program of recovery acceptable to the Commission;
  - (e) Has in his/her possession within the enclosure any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance;
  - (f) Refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition; or
  - (g) Presently has drugs (controlled substances) or alcohol in his or her body. With regard to alcohol, the results of a breathalyzer test showing a reading of more than .05 percent of alcohol in the blood shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the drug in any quantity measured by the testing instrument establishes the presence of the drug for purposes of this paragraph.
- (3) At its discretion, the Commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.

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- (4) When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.
- (5) No notice need be given as to onset or cessation of random testing.
- (6) For licensees who are tested under the provisions in this chapter, and whose testing shows the presence of drugs (controlled substances) or alcohol, any field screening test results shall be confirmed by a laboratory acceptable to the Commission which shall include Gas Chromatography/ Mass Spectrometry (GC/MS) procedures.
- (7) When the sample quantity permits, each test sample shall be divided into portions so that one portion may be used for the confirmation procedure and another portion may be utilized by the licensee to obtain an independent analysis of the urine sample.
- (8) The Commission shall provide for a secure chain of custody for the sample to be made available to the licensee.
- (9) All costs for the transportation and testing for the sample portion made available for the licensee shall be the financial responsibility of the requesting person.
- (10) Payment shall be due from the requesting person within 30 days of receipt of notice of the costs.
- (11) A licensee penalized or restricted pursuant to this chapter shall retain rights of due process with respect to any determination of alleged violations which may adversely affect the right to hold a license.
- (12) If there has been a violation, under number 2 above, the following procedures will be followed:
- (13) The Commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other drugs or the Commission may act on the information at hand.
- (14) Actions in the case of first violators may include revocation of the license, suspension of the license for up to six months, placing the violator on probation for up to 90 days or ordering formal assessment and treatment.
- (15) Treatment or assessment, if ordered, must meet the conditions given in numbers 16-18 below.
- (16) The license of the person may be revoked or suspended for a period of up to one year or a professional assessment of the person may be ordered by the Commission.
- (17) If a professional assessment indicates presence of a problem of alcohol or other drug abuse that is not treatable within the reasonably foreseeable future (360 days) the license may be suspended for a period of up to one year.
- (18) If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the Commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the Commission.

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Required features of any program or practitioner acceptable to the Commission will be:

- (a) Accreditation or licensure by an appropriate government agency, if required by state statute;
  - (b) A minimum of one year follow-up of formal treatment; and
  - (c) A formal contract indicating the elements of the treatment and follow up program that will be completed by the licensee and, upon completion, certified to the Commission as completed. To effect the contract, the licensee will authorize release of information by the treating agency, hospital or individual.
- (19) For third-time violators, the violator's license may be revoked and the violator may be deemed ineligible for licensure for up to five years.
- (20) Although relapse (failure to maintain abstinence) is not inevitable, it is common for relapse to occur in recovery from alcoholism or other substance dependence. Therefore, a licensee who is engaged in a formal program of recovery, and is compliant with all provisions other than abstinence, will not be regarded automatically as having committed a new violation.
- (21) When a licensee is determined to have failed in maintaining abstinence, the licensee shall furnish to the Commission an assessment by the treating agency, hospital or individual practitioner indicating whether the licensee was compliant with the agreed upon program of recovery, and an opinion as to whether a "new violation" occurred.
- (22) The Commission will determine whether a new violation has occurred in each instance. If a new violation has occurred, the Commission will proceed under numbers 13-15 above or numbers 16-18 above. Otherwise, the licensee shall continue in the agreed upon program of recovery.

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