

## COMMISSION - CHAPTER 2

### **ARCI-002-005 Purpose**

- (1) The \_\_\_\_\_ Racing Commission, created by the Act, \_\_\_\_ Civil Statutes, Article \_\_\_\_, is charged with implementing, administering and enforcing the Act. It is the intent of the Commission that the rules of the Commission be interpreted in the best interests of the public and the jurisdiction.
- (2) Through these rules, the Commission intends to encourage agriculture, the \_\_\_\_\_ breeding industry, the \_\_\_\_\_ training industry, tourism and employment opportunities in this jurisdiction related to \_\_\_\_\_ racing and to control and regulate pari-mutuel wagering in connection with that \_\_\_\_\_ racing. *(Adapt as necessary to conform with statute.)*

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

### **ARCI-002-010 General Authority**

- (1) The Commission shall regulate each race meeting and the persons who participate in each race meeting.
- (2) Pursuant to the authority granted in the Act the Commission may delegate to the executive director and the stewards/judges all powers and duties necessary to fully implement the purposes of the Act.

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

### **ARCI-002-015 Membership and Meetings**

- (1) The Commission consists of \_\_\_\_ members appointed as prescribed by statute. *(Insert appropriate language describing the makeup of the Commission.)*
- (2) *(Insert appropriate language describing the procedure for designating or electing Commission officers.)*
- (3) The Commission shall meet at the call of the chair or a majority of the members, or as otherwise provided by statute. Notice of the meetings must be given and the meetings must be conducted in accordance with the Open Meetings Act, \_\_\_\_ Civil Statutes, Article \_\_\_\_.
- (4) A majority of the Commission constitutes a quorum. When a quorum is present, a motion before the Commission is carried by an affirmative vote of the majority of the Commissioners present at the meeting.
- (5) Except as otherwise provided by the Act, the Commission rules and orders are subject to the Administrative Procedures Act, \_\_\_\_ Civil Statutes, Article \_\_\_\_.
- (6) A Commission member may not act in the name of the Commission on any matter without a majority vote of a quorum of the Commission.

### **ARCI-002-020 Annual Report**

The Commission shall submit an annual report as prescribed by statute.

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

### **ARCI-002-025 Employees**

- (1) The Commission shall employ an executive director who shall employ other employees necessary to implement, administer and enforce the Act.

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- (2) The executive director shall maintain the records of the Commission and shall perform other duties as required by the Commission. Except as otherwise provided by a rule of the Commission, if a rule of the Commission places a duty on the executive director, the executive director may delegate that duty to another employee of the Commission. The Commission and the executive director may not employ or continue to employ a person:
  - (3) who owns a financial interest in an association in this jurisdiction;
  - (4) who accepts remuneration from an association in this jurisdiction;
  - (5) who is an owner, lessor or lessee of a contestant that is entered in a race in this jurisdiction; or
  - (6) who accepts or is entitled to a part of the purse or purse supplement to be paid on a contestant in a race held in this jurisdiction.
- (7) Commission employees shall not wager in any pari-mutuel pool at any facility or through any pari-mutuel system subject to the jurisdiction of this Commission.

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**ARCI-002-030      Power Of Entry**

- (1) A member or employee of the Commission, a steward/judge , a peace officer or a designee of such a person may enter any area on association grounds or other place of business of an association at any time to enforce or administer the Act or Commission rules.
- (2) An association or an officer, employee or agent of an association may not hinder a person who is conducting an investigation under or attempting to enforce or administer the Act or Commission rules.

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**ARCI-002-035      Subpoenas**

- (1) A member of the Commission, the executive director, the stewards/judges, the presiding officer of a Commission proceeding or other person authorized to perform duties under the Act may require by subpoena the attendance of witnesses and the reproduction of books, records, papers, correspondence and other documents.
- (2) A member of the Commission, the executive director, a presiding officer of a Commission proceeding or other person authorized by the Commission may administer an oath or affirmation to a witness appearing before the Commission or a person authorized by the Commission.
- (3) Each party is responsible for proper service of any subpoenas it requests and for the payment of witness fees and expenses as provided by this jurisdiction's civil procedures statute.

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**ARCI-002-040      Ejection/Exclusion**

- (1) The stewards/judges, executive director or Commission may order an individual ejected or excluded from all or part of any premises under the regulatory jurisdiction of the Commission if the stewards/judges, executive director or Commission determine that:
  - (2) the individual may be ejected or excluded under Sec. \_\_\_ of the Act; and
  - (3) the individual's presence on association grounds is inconsistent with maintaining the honesty and integrity of racing.

- (4) If an exclusion is ordered, the excluded individual is entitled to a hearing before the stewards/judges or Commission. A hearing on an exclusion shall be conducted in the same manner as other hearings conducted by the stewards/judges or Commission.

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**ARCI-002-045      *Records***

- (1) Except as otherwise provided by the Act, Commission records are subject to the \_\_\_ Open Records Act, \_\_\_ Civil Statutes, Article \_\_\_.
- (2) Except as otherwise authorized by statute, all original records of the Commission shall be maintained in the main offices of the Commission. No person may remove an original record from the offices of the Commission without the approval of the executive director.
- (3) To inspect Commission records, a person must make a written request to the executive director on a form prescribed by the Commission and must pay all costs including preparing or copying the record and postage, if applicable. The Commission shall determine the costs involved in preparing and copying Commission records as provided by statute.

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**ARCI-002-050      *Allocation Of Race Dates And Permits***

- (1) The Commission shall allocate race dates and permits to each association in accordance with the Act and these rules. An association shall apply to the Commission not later than \_\_\_ of each year for race dates to be conducted in the next calendar year. Applications shall not be received or amended after this date except by approval of a majority of the Commission. The application must contain the information required by statute and the Commission. After the request is filed, the Commission may require the association to submit additional information.
- (2) The burden of proof is on the association to demonstrate that the allocation of the race dates will be in the public interest and will achieve the purposes of the Act.
- (3) In allocating race dates under this section, the Commission may consider the following factors: (Insert the appropriate criteria for race date allocation.)
- (4) The association shall be obligated to conduct pari-mutuel racing, except in the case of emergencies, on each race date allocated. Any change in race dates must be approved by the Commission. In the case of emergencies the stewards/judges may authorize cancellation of all or a portion of any race day.

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