

CHAPTER 13
OCCUPATIONAL AND VENDOR LICENSING

[This chapter is intended to incorporate all the licensing rules from 491—Chapters 7, 9, 10 and 22 into one chapter]

[Prior to 11/19/86, Racing Commission[693]]

[Prior to 11/18/87, Racing and Gaming Division[195]]

[491—Chapters 20 to 25, relating to Games of Skill, Chance, Raffles and Bingo, transferred to 481—Chapters 100 to 105, 6/14/89 IAB]

491—13.1(99D,99F) Definitions.

“*Association*” means a nonprofit corporation or qualified sponsoring organization defined in Iowa Code sections 99D.8 and 99F.1 and authorized by the commission to conduct pari-mutuel wagering or gaming operations and holding a license issued by the commission.

“*Authorized agent*” means a person licensed by the commission as an agent for an owner or principal by virtue of a notarized appointment. The agent shall be designated on a form approved by the commission, filed by the owner or principal with the commission, authorizing the agent to handle matters pertaining to racing and stabling, including authorization to claim and to withdraw money from the horsemen’s bookkeeper.

“*Board*” means either the board of stewards or gaming board, as appointed by the administrator, whichever is appropriate. The administrator may serve as a board of one.

“*Commission*” means the Iowa racing and gaming commission.

“*Jockey*” means a rider licensed to ride in races as a jockey.

“*Kennel name*” means any type of name other than the legal name or names of the owners.

“*Licensee*” means any person or entity holding a license from the commission to engage in racing, gaming or related regulated activity.

“*Owner*” means a person or entity that holds any title, right or interest, whole or partial, in a racing animal or gaming operation.

“*Rules*” means the rules promulgated by the commission to regulate the racing and gaming industries.

“*Stable name*” means a name used by an owner or lessee and registered with the commission.

“*Year*” means a calendar year.

491—13.2(99D,99F) Occupational licensing.

13.2(1) All persons participating in any capacity in a race meeting or with an excursion gambling boat are required to be properly licensed by the commission. License applicants may be required to furnish to the commission a set of fingerprints and may be required to be reprinted or rephotographed periodically as the commission may require.

a. An application for a license shall be made on a form prescribed by the commission, and all licensees are obligated to know the provisions of the rules of the commission and the statutes of the Iowa Code governing racing and gaming in the state of Iowa. In compliance with Iowa Code sections 99D.8A and 99F.6, each applicant must complete and sign an application on the form prescribed and published by the commission. The application shall state the full name, social security number, residence, date of birth, and other personal identifying information of the applicant that the commission deems necessary. The application shall include whether the applicant has any of the following:

- (1) A record of conviction of a felony;
- (2) An addiction to alcohol or a controlled substance;
- (3) A history of mental illness or repeated acts of violence.

An applicant may also be required to complete a division of criminal investigation background form based upon their occupation.

b. License fees. A fee set by the commission shall be assessed to each applicant applying for a license. Once a license is issued, there is no refund.

c. The commission shall charge the applicant a fee set by the Federal Bureau of Investigation and by the department of public safety, division of criminal investigation and bureau of identification, to cover the cost associated with the search and classification of fingerprints. This fee is in addition to any other license fee charged by the commission.

d. A person who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

e. Participation in racing and gaming in the state of Iowa is a privilege, and not a right. The burden of proving qualifications to receive any license is on the applicant at all times. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action, as well as any financial loss which may result from action with respect to an application. All licenses are subject to compliance with the rules of the commission and Iowa Code chapters 99D and 99F. Acceptance of a license shall be construed as consent and agreement to the rules, and failure to comply shall be grounds for fine, suspension or revocation of this license.

f. All licenses are temporary until completion of necessary background investigation including, but not limited to, fingerprint processing through the division of criminal investigation and the FBI, and research and review of records on file with the Association of Racing Commissioners International, courts, law enforcement agencies and the commission. Any licensed person who allows another person use of the license badge for the purpose of transferring any of the benefits may be suspended, fined or have the license revoked, or both. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee.

g. Recommendation by administrator's designee (horse only). A license may not be issued to applicants who have not previously been licensed in the following categories except upon prior recommendation by the administrator's designee: trainers, assistant trainers, jockeys, apprentice jockeys, exercise persons and other occupations the commission may designate. The administrator's designee may, for the purpose of determining a recommendation under this subrule, add to their membership a representative of the association, or the horsemen, or the jockeys.

h. Duty to disclose and cooperate. It shall be the affirmative responsibility and continuing duty of each applicant to provide all information, documentation, and assurances pertaining to qualifications required or requested by the commission or commission representative and to cooperate with the commission or commission representative in the performance of their duties. Any refusal by any person to comply with a request for information from the commission or commission representative shall be a basis for fine, suspension, denial, revocation or disqualification. No license shall be granted to any applicant who fails to provide information, documentation and assurances required by or requested by the commission or commission representative or who fails to reveal any fact material to qualification.

13.2(2) Association board members. All association board members shall undergo a background investigation and be licensed immediately upon appointment.

13.2(3) Multiple license restrictions.

a. A person may work outside the person's license occupation except in the following situations:

(1) Working outside this occupation conflicts with the internal controls of the association or boat operator.

(2) The person working out of occupation is not licensed and backgrounded in equal or higher class.

(3) There is a conflict of interest or duties as determined by the administrator's designee.

b. In horse racing only.

- (1) A person licensed as a jockey, veterinarian, or farrier may not be licensed in another capacity.
- (2) A person may not be licensed as an owner and a jockey agent.
- (3) No racing official may serve or act in another capacity at a race meeting at which that person is licensed as an official except if there is no conflict of interest or duties as determined by the administrator's designee.

13.2(4) Applications endorsed by associations and operators. The commission may not issue any license to any association or boat operator employee or to any vendor or vendor employee unless the application includes the prior endorsement of an authorized representative of the employer, from a list submitted to the commission office.

13.2(5) Temporary license.

a. A temporary license may be issued at the discretion of the administrator.

b. Temporary horse owner emergency license certificates.

(1) A temporary owner's license certificate may be issued at the discretion of the administrator's designee.

(2) Upon submission of reasons why a temporary license certificate should be issued, the administrator's designee may use discretion in granting the certificate. Any certificate issued will be valid only for a maximum of 15 calendar days from the date of notice sent by the commission.

(3) Failure to obtain a permanent license within the designated time may result in the automatic revocation for the license eligibility and may result in a fine or suspension for the licensee that has failed to comply.

(4) Purses shall not be paid to the owner of any racing animal holding a temporary emergency license certificate pursuant to the provisions of this subrule. Payments shall be permitted only after the individual has obtained a permanent license.

(5) The owner and trainer of a horse must be licensed at least one hour before post time of the race in which the horse is entered. In the case of absentee owners, the trainer must submit a properly executed temporary application on behalf of the absentee owner(s) at least one hour before post time of the race in which the horse is entered. Failure on the part of owners to fully comply with the 15-day requirement will result in fine, suspension, or both.

13.2(6) Workers' compensation. Every kennel owner, horse owner or trainer, who hires anybody as an employee, must carry workers' compensation insurance covering all employees in accordance with Iowa law.

491—13.3(99D,99F) Waiver of privilege. An applicant may claim a privilege afforded by the Constitution of the United States or of the state of Iowa in refusing to answer questions of the commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial.

491—13.4(99D) Disclosure of ownership of racing animals. All entities of ownership, i.e., individual, lessee, lessor, general partnership, limited partnership or corporation, and all trainers are responsible for making full and accurate disclosure of the ownership of all racing animals registered or entered for racing. Disclosure shall identify in writing all individuals or entities who, directly or indirectly, through a contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise hold any interest in and to the racing animal, and those individuals or entities who by virtue of any form of interest might exercise control over the racing animal or can benefit from the racing of the animal. The degree and type of ownership held by each individual person shall be designated. Disclosure shall be made when registering each racing animal with the racing secretary upon arrival on association grounds, or at time of license application or entry, whichever event occurs first, and shall be revised immediately upon any subsequent change in ownership. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership for or rights in and to a racing animal, shall be attached to the registration certificate for the racing animal and filed with the racing secretary, who shall be responsible for the care and security of the papers while the racing animals are located on association grounds. Disclosure is made for the benefit of the public, and all documents pertaining to the ownership or lease of a racing animal filed with the racing secretary shall be available for public inspection.

491—13.5(99D,99F) License acceptance. Acceptance of a license from the commission by any licensee is deemed a consent to search and inspect by the commission or DCI representative pursuant to this rule and to the seizure of any prohibited medication, drugs, paraphernalia or devices.

13.5(1) Misuse of license. No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission. The commission shall exercise the power to regulate the conduct of all persons holding licenses or who are participating in racing or gaming by the use or exercise of any rights, powers, privileges, or prerogatives of a license.

13.5(2) Knowledge of rules. Every licensee, in order to maintain qualifications for any license held, shall be held responsible for knowledge of the rules of the commission and Iowa statutes pertaining to racing and gaming. A viewing copy of the aforementioned rules and statutes is available in the commission offices at racetrack and riverboat locations.

13.5(3) Occupational license.

a. Employees are required to wear their occupational licenses at all times while on duty, or in a restricted area, unless it is determined by the administrator's designee to be impractical.

b. A licensee is prohibited from defacing, altering, or modifying an occupational license.

491—13.6(99D,99F) Denials. The administrator's designee shall deny an applicant a license or, if already issued, a license shall be subject to fine, suspension, revocation, or other disciplinary measures if the applicant:

13.6(1) Owns, operates or has an interest in any bookmaking or other illegal enterprise, or who is connected with or associated with any illegal enterprise within the past five years. If the association with the illegal enterprise was more than five years prior to the application, a license may be issued only if the administrator's designee determines that sufficient evidence of rehabilitation exists.

13.6(2) Is not 18 years of age except that persons under 18 years of age may be employed on licensed premises in stable, kennel or paddock areas, parking lots, kitchens and in maintenance and administrative offices, but never be employed near areas where alcohol is served or gaming or wagering is conducted.

13.6(3) Is unqualified, by experience or otherwise, to perform the duties required.

13.6(4) Has not demonstrated financial responsibility or has failed to meet any monetary obligation in connection with racing or gaming.

a. Issuance or passing of bad checks. No person shall write, issue, make, or present any check in payment for any of the following: license fee, nomination fee, entry fee, starting fee, or purse payment when that person knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which it is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account.

b. Judgments. Whenever a licensed owner or trainer or any of the licensed employees or any other person licensed to engage in racing shall suffer a final judgment entered against that person in any court of competent jurisdiction within the United States, when that judgment is based wholly upon an indebtedness incurred by that person for supplies, equipment or services furnished in connection with racing, then the stewards shall advise the licensee that a hearing will be scheduled at which time that licensee will be required to show cause as to why the license should not be suspended.

c. Timely payment. Should an owner fail to make timely payment of any jockey fee, nomination fee, entry fee, starting fee or any other reasonable charge normally payable to the racing association, the association shall notify the stewards who shall in turn give notice to the owner that a hearing will be held where the owner will be required to show cause why the license should not be suspended for failure to make the required payments.

13.6(5) Whose conduct in Iowa or elsewhere has been dishonest, objectionable, obnoxious, undesirable, or detrimental to or reflects negatively on the best interests of racing and gaming.

13.6(6) Rescinded IAB 2/11/98, effective 3/18/98.

13.6(7) Is not of good repute and moral character as defined in 491—subrule 5.7(4) or 491—subrule 20.15(4).

13.6(8) Does not qualify under the following screening policy:

a. Use of alias. A license shall be denied if alias was used in connection with a fraud within the last five years.

b. Conviction of a felony or drug-related offense. If conviction occurred within the last five years, the license shall be denied. If the conviction did not occur within the last five years, a license will not be issued unless the administrator's designee determines that sufficient evidence of rehabilitation exists.

c. The conviction of a serious or aggravated misdemeanor or the equivalent. A license will not be issued unless the administrator's designee determines that sufficient evidence of rehabilitation exists.

d. Conviction of simple misdemeanors or alcohol-related offenses. A license may be issued if the administrator's designee determines that sufficient evidence of rehabilitation exists. In making that determination the number of violations shall be considered.

e. Existence of pending charges. A license shall be temporarily denied or suspended until the outcome is known of any pending charges if conviction of those charges would disqualify the applicant upon conviction.

f. A license shall be denied if the applicant has a current addiction to alcohol or controlled substance; has a history of mental illness, without sufficient evidence of rehabilitation; or has a history of repeated acts of violence, without sufficient evidence of rehabilitation.

g. A license shall be denied if the applicant has had two rulings related to attempts to affect a race result or odds (i.e., electrical devices, serious positives) in a lifetime or one ruling within the last three years. A license may be issued if one ruling has occurred outside of three years if sufficient evidence of rehabilitation exists. A license may be denied if a lengthy record of rulings from other jurisdictions exists.

h. If the applicant falsifies the application and would be ineligible for licensure in “a” to “g” above, the license shall be denied and evidence shall be forwarded to the county attorney for prosecution under Iowa Code sections 99D.8A(4) and 99F.6(6). In the case of other falsifications, a license may be issued and the applicant shall be subject to a fine.

i. A license may be denied if the applicant has been guilty of multiple offenses. The administrator’s designee shall use judgment in making such a determination.

j. Outstanding obligations. A license may be temporarily denied or a probationary license may be issued until outstanding, overdue court-ordered obligations are satisfied. These include, but are not limited to, criminal or civil fines, state or federal taxes, or conditions imposed upon a person by a court of law, where the applicant has failed to meet those conditions in a timely manner.

k. The provisions of “a” to “j” above may be waived with written approval from the administrator after receipt of a written request for waiver with justification from the administrator’s designee.

13.6(9) Is ineligible to participate in racing or gaming in another state whose regulatory agency is recognized by and reciprocates in the actions of this state and would not be in the best interest of racing or gaming to license in Iowa.

13.6(10) Has been denied patron privileges by order of this commission and not reinstated.

491—13.7(99D,99F) Duration of license. A license issued by the commission is valid until the end of the calendar year in which it was issued. A license may be renewed 60 days prior to the next calendar year.

491—13.8(99D,99F) Applicability of rules—exceptions. Rules pertaining to and rulings against licensees shall apply in like force to the spouse and members of the immediate family or households of the licensee, unless there is a showing on the part of an affected spouse, or affected member of the immediate family or household of the licensee, and the administrator’s designee so finds, that the continuation of participation in racing or gaming by the affected person will in no way circumvent the intent of the rule, or affect the ruling, by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or person ineligible to participate in a particular activity.

491—13.9(99D,99F) Unlicensed employees. The employment on any licensed premises of any unlicensed person by a boat operator, association, owner, trainer, or other licensee is prohibited. The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without notifying the commission’s office at the racetrack or riverboat location may be cause for suspension or fine or both. Upon discharge of any licensed employee by any licensed employer for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact in writing to the commission including the name and occupation of the discharged licensee.

491—13.10(99D,99F) Fraudulent and corrupt practices—grounds for denial, suspension, or revocation of a license. In addition to the criteria in rule 491—13.6(99D,99F), a licensee shall be subject to denial, fine, suspension, revocation or other disciplinary measures on any of the following grounds:

13.10(1) Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person licensed by the commission to violate these rules or the laws of the state related to racing or gaming.

13.10(2) Failing as a licensee to report any bribe or solicitation as in 13.10(1) above.

13.10(3) Soliciting by any licensee, except the association, of bets by the public.

13.10(4) Improperly influencing or attempting to improperly influence the results of a race or combining with any person or conspiring to combine with any person to improperly influence or attempt to improperly influence the results of a race, or failure to report knowledge of same immediately to the commission designee.

13.10(5) The giving under oath of any false statement or the refusing to testify after proper notice to the commission about any matter regulated by the commission, except in the exercise of a lawful legal privilege.

13.10(6) Failure to comply with any order or ruling of the commission, stewards, or a racing or gaming official pertaining to a racing or gaming matter.

13.10(7) Use of profane, abusive, or insulting language to, or interference with, commissioners, the commission staff or racing or gaming officials, while they are discharging their duties.

13.10(8) Illegal sale, possession, receipt or use of a controlled substance; intoxication; use of profanity; fighting or any conduct of a disorderly nature on association grounds.

13.10(9) Employment or harboring of unlicensed persons required by these rules to be licensed.

13.10(10) Discontinuance of or ineligibility for activity for which the license was issued.

13.10(11) Failure to disclose the true ownership or interest in any racing animal or entering or starting a racing animal known or believed to be ineligible or disqualified.

13.10(12) Possession, on association grounds without written permission from the commission or stewards, of:

a. Firearms.

b. An electrical device (“buzzer,” “battery,” or “machine”), or other appliance which could be used to alter the speed of a racing animal in a race or a workout. See also Iowa Code subsection 99D.24(6).

13.10(13) Possessing any equipment for hypodermic injection, any substance for hypodermic administration, or any container designed to hold an injectable substance, and any narcotics or medications, or drugs, or substances which could be used to alter the speed of racing animals, by anyone other than a veterinarian licensed by the commission. Notwithstanding the provisions of this subrule, any person may have in possession within a racetrack enclosure any chemical or biological substance for the person’s own treatment, provided that, if the chemical substance is prohibited from being dispensed by any federal law or law of this state without a prescription, the person is in possession of documentary evidence that a valid prescription has been issued to the person. Notwithstanding the provisions of this subrule, any person may have in possession within any racetrack enclosure any hypodermic syringe or needle for the purpose of self-administering to the person a chemical or biological substance, provided that the person has notified the state stewards of the following:

a. The possession of the device,

b. The size of the device, and

c. The chemical substance to be administered, and has obtained written permission for possession and use from the steward.

13.10(14) Subjecting a racing animal to cruel and inhumane treatment by failing to supply it with adequate food, water, medical treatment, exercise, bedding, sanitation, or shelter, or by neglect or intentional act cause a racing animal to suffer unnecessary pain.

13.10(15) Conviction of a crime in any state or jurisdiction. Consideration shall be given to the seriousness of the crime (felony, serious misdemeanor, misdemeanor, etc.), the date of the conviction and the nature of the crime.

13.10(16) The license of the applicant has been suspended or revoked in another state or racing or gaming jurisdiction whose regulatory agency is recognized by and reciprocates in the actions of this state.

13.10(17) Violation of any rule of the commission, or aiding or abetting any person in the violation of any such rule.

13.10(18) Offering or receiving money or other benefit for withdrawing a racing animal from a race.

13.10(19) Making a wager for a jockey by any person except the owner or trainer of the horse ridden by the jockey.

13.10(20) An owner or trainer making a wager for a jockey on a horse other than that ridden by the jockey. This shall not be construed to include bets on another horse in combination with the horse ridden by the jockey in multiple wagering bets.

13.10(21) Offering or giving a jockey money or other benefit concerning a race, except by the owner or trainer of the horse to be ridden.

13.10(22) Possessing any electrical or mechanical device designed to increase or decrease the speed of a horse during a race, other than an ordinary riding whip.

13.10(23) Disorderly or offensive conduct that breaches the public peace or use of profane, obscene or indecent language so as to be heard by another or other prohibited conduct to any representative of the commission, or interference with commissioners, the commission staff or racing or gaming officials, while they are discharging their duties.

13.10(24) Theft of any nature on the grounds of a licensed racetrack enclosure or excursion boat facility.

491—13.11(99D,99F) Alcohol and drug testing rule.

13.11(1) *Alcohol prohibition/preliminary breath test.* Licensees, including track officials, whose duties require them to be in a restricted area and employees, while on duty, of any entity associated with the conduct of racing or gaming shall not have present within their systems an amount of alcohol of .05 percent or more. A restricted area is a designated area for sample collection, or a paddock, racetrack, or other area where officials carry out the duties of their positions.

Acting with reasonable cause, an administrator's designee may direct the above licensees to submit to a preliminary breath test. A licensee shall, when so directed, submit to examination.

If the results show a reading of .05 percent alcohol content or more, the licensee shall not be permitted to continue duties for that day. For a second violation, the licensee shall not be permitted to continue duties for that day and then be subject to fine or suspension by the board or commission. For a subsequent violation the licensee may be subject to procedures following positive chemical analysis (below).

If the results show a reading of .10 percent alcohol content or more, the licensee is subject to fine or suspension by the board. For a subsequent violation the licensee may be subject to procedures following positive chemical analysis (below).

13.11(2) *Drug prohibition/body fluid test.* Licensees, including track officials, whose duties require them to be in a restricted area as defined in subrule 13.11(1) or employees, while on duty, of any entity associated with the conduct of racing or gaming shall not have present within their systems any controlled substance as listed in Schedules I to V of the U.S. Code Title 21 (Food and Drug Section 812), Iowa Code chapter 124 or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. Acting with reasonable cause, an administrator's designee may direct the above licensees to deliver a specimen of urine or subject themselves to the taking of a blood sample or other body fluids at a collection site approved by the commission. In these cases the administrator's designee may prohibit the licensee from participating in racing or gaming until the licensee evidences a negative test result. Sufficient sample should be collected to ensure a quantity for a split sample when possible. A licensee who refuses to provide the samples herein described shall be in violation of these rules and shall be subject to disciplinary action by the board or commission. All confirmed positive test costs and any related expenses shall be paid for by the licensee. Negative tests shall be at the expense of the commission.

13.11(3) *Procedures following positive chemical analysis.*

a. After professional evaluation, if the licensee's condition proves nonaddictive and not detrimental to the best interest of racing or gaming, and the licensee can produce a negative test result and agrees to further testing at the discretion of the administrator's designee to ensure unimpairment, the licensee may be allowed to participate in racing or gaming.

b. After professional evaluation, should the licensee's condition prove addictive or detrimental to the best interest of racing or gaming, the licensee shall not be allowed to participate in racing or gaming until the licensee can produce a negative test result and show documented proof of successful completion of a certified alcohol/drug rehabilitation program approved by the administrator. The licensee must also agree to further testing at the discretion of the administrator or designee to ensure unimpairment.

c. For a second violation, a licensee shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the administrator and to apply for reinstatement only at the discretion of the administrator.

491—13.12(99D,99F,252J) Failure to pay child support. Failure to pay child support shall result in license revocation, suspension, denial or nonrenewal.

13.12(1) The notice required by Iowa Code section 252J.8 shall be served upon the applicant or licensee by restricted certified mail, return receipt requested, or personal service in accordance with R.C.P. 56.1. Alternatively, the licensee or applicant may accept service personally or through authorized counsel.

13.12(2) The effective date of revocation or suspension of a license, or denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the licensee or applicant.

13.12(3) It is the responsibility of the administrator or commission representative to issue the notice required by Iowa Code section 252J.8.

13.12(4) Licensees and license applicants shall keep the agency informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the agency copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

13.12(5) All agency fees for applications, license renewal or reinstatement must be paid by licensees or applicants before a license will be issued, renewed or reinstated after the agency has denied the issuance or renewal of a license, or has suspended or revoked a license pursuant to Iowa Code chapter 252J.

13.12(6) In the event a licensee or applicant timely files a district court action following service of an agency notice pursuant to Iowa Code sections 252J.8 and 252J.9, the agency shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the agency to proceed. For purposes of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a license, the agency shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

491—13.13(99D,99F,261) Issuance or renewal of a certificate of registration—denial. The administrator or commission representative shall deny the issuance or renewal of a license upon receipt of a certificate of noncompliance from the college student aid commission according to the procedures set forth in 1998 Iowa Acts, chapter 1081, sections 1 to 7. In addition to the procedures contained in those sections, the following shall apply.

13.13(1) The notice required by 1998 Iowa Acts, chapter 1081, section 6, shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with the Iowa Rules of Civil Procedure. Alternatively, the applicant or registrant may accept service personally or through authorized counsel.

13.13(2) The effective date of the revocation or suspension of a license, or denial of the issuance or renewal of a license, as specified in the notice required by 1998 Iowa Acts, chapter 1081, section 6, shall be 60 days following service of the notice upon the licensee or applicant.

13.13(3) It is the responsibility of the administrator or commission representative to issue the notice required by 1998 Iowa Acts, chapter 1081, section 6.

13.13(4) Licensees and license applicants shall keep the agency informed of all court actions and all college student aid commission actions taken under or in connection with 1998 Iowa Acts, chapter 1081, and shall provide the agency copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to 1998 Iowa Acts, chapter 1081, section 7, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the college student aid commission.

13.13(5) All commission fees for applications, license renewal or reinstatement must be paid by licensees or applicants before a license will be issued, renewed or reinstated after the agency has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to 1998 Iowa Acts, chapter 1081.

13.13(6) In the event a licensee or applicant timely files a district court action following service of a notice pursuant to 1998 Iowa Acts, chapter 1081, sections 6 and 7, the commission representative shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission representative to proceed. For purposes of determining the effective date of revocation or suspension, or denial of the issuance or renewal of a license, the commission representative shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

13.13(7) The commission representative shall notify the licensee or license applicant in writing through regular first-class mail, or such other means as the commission representative deems appropriate in the circumstances, within ten days of the effective date of the denial of the license, and shall similarly notify the licensee or applicant when the license is issued or renewed following the commission representative's receipt of a withdrawal of the certificate of noncompliance.

491—13.14(99D,99F) Labor organization registration required. Each labor organization, union or affiliate representing or seeking to represent employees licensed by the commission and employed by a racetrack or licensed excursion boat operator shall register with the commission annually.

13.14(1) Registration exemption. The administrator may exempt any labor organization, union or affiliate from registration requirements when it is found that such labor organization, union or affiliate:

- a. Is not the certified bargaining representative of any employee licensed under this chapter or employed by a racetrack or licensed excursion boat operator; and
- b. Is neither involved nor seeking to be involved actively, directly, or substantially in the control or direction of the representation of any such employee.

Such exemption shall be subject to revocation upon disclosure of information which indicates that the affiliate does not meet or no longer meets the standards for exemption.

13.14(2) Registration statement. In order to register, a labor organization, union or affiliate shall file with the commission a "Labor Organization Registration Statement." This requirement shall be completed and approved by the administrator prior to the labor organization's becoming the certified bargaining representative for employees occupationally licensed to work for a racetrack or an excursion boat gambling entity.

Said statement shall be in the form prescribed by the commission and shall include, without limitation, the following:

- a. The names of all labor organizations affiliated with the registrant;
- b. Information as to whether the registrant is involved or seeking to be involved actively, directly, or substantially in the control or direction of the representation of any employee licensed by the commission and employed by a racetrack or licensed excursion boat operator;
- c. Information as to whether the registrant holds, directly or indirectly, any financial interest whatsoever in the racetrack or licensed excursion boat whose employees it represents;
- d. The names of any pension and welfare systems maintained by the registrant and all officers and agents of such systems;
- e. The names of all officers, agents, and principal employees of the registrant; and
- f. All written assurances, consents, waivers, and other documentation required of a registrant by the commission.

13.14(3) Registration renewal. A labor organization registration shall be effective for one year. Any such registration may be renewed upon filing of an updated "Labor Organization Registration Statement" no later than 120 days prior to the expiration of the current registration. The commission shall act upon such application for renewal no later than 30 days prior to the date of expiration of the current registration.

13.14(4) Continuing duty to disclose. Every registered labor organization shall be under a continuing duty to promptly disclose any change in the information contained in the "Labor Organization Registration Statement" or as otherwise requested by the commission.

13.14(5) Federal reports exception. Notwithstanding the reporting requirements imposed by this chapter and the rules of the commission, no labor organization, union affiliate or person shall be required to furnish any information which is included in a report filed by any labor organization, union, affiliate or person with the Secretary of Labor, pursuant to 29 U.S.C. Section 431 et seq. (Labor-Management Reporting and Disclosure Act) or 29 U.S.C. Section 1001 et seq. (Employee Retirement Income Security Act) if a copy of such report, or if the portion thereof containing such information, is furnished to the commission pursuant to the aforesaid federal provisions.

13.14(6) *Qualification of officers, agents, and principal employees.* Every officer, agent, and principal employee of a labor organization, union or affiliate required to register with the commission pursuant to this chapter and the rules of the commission shall be qualified in accordance with criteria contained in 491—13.6(99D,99F) and 491—13.10(99D,99F).

13.14(7) *Qualification procedure.*

a. In order to be qualified, every officer, agent and principal employee of a labor organization, union or affiliate required to register with the commission pursuant to the regulations of the commission shall file with the commission a “Labor Organization Individual Disclosure Form.” This form shall be completed, signed, and filed in accordance with the requirements of this chapter, provided, however, that such a form need not be filed by an officer of a national or international labor organization where that officer exercises no authority, discretion or influence over the operation of such labor organization with regard to any employment matter relating to employees licensed under the Act and employed by a racetrack, an excursion boat or boat operator; and further provided that any such officer of a national or international labor organization may be directed by the commission to file a “Labor Organization Individual Disclosure Form” or to provide any other information in the same manner and to the same extent as may be required of any other officer of a labor organization which is required to register under this chapter.

b. Each officer, agent or principal employee required to file a “Labor Organization Individual Disclosure Form” shall do so initially at the time the pertinent labor organization, union or affiliate applies or should apply for registration or at the time the individual is elected, appointed or hired, whichever is later.

c. Following an initial finding of qualification, each qualified individual who has filed an initial “Labor Organization Individual Disclosure Form” shall annually file with the commission a properly completed, updated “Labor Organization Individual Disclosure Form.”

13.14(8) *Waiver of disqualification criteria.* Notwithstanding the qualification requirements as to any such officer, agent or principal employee, the commission may waive any disqualification criteria upon a finding that the interests of justice so require.

13.14(9) *Interest in a racetrack, an excursion gambling boat or excursion gambling boat license prohibited.* Neither a labor organization, union or affiliate nor its officers, and agents not otherwise individually licensed under the Act and employed by a racetrack or an excursion gambling boat licensee may hold any financial interest whatsoever in the licensee whose employees they represent.

13.14(10) *Failure to comply—consequences.*

a. No labor organization, union or affiliate required to register with the commission shall receive any dues from or on behalf of or administer any pension, welfare funds from or on behalf of any licensed employee of a racetrack, an excursion boat or its agent:

(1) If the said labor organization, union, or affiliate shall fail to properly register with the commission or provide all information requested by the commission in accordance with the provisions of this chapter or the rules of the commission;

(2) If any officer, agent or principal employee of such labor organization, union or affiliate shall fail to qualify in accordance with the provisions of this chapter or the regulations of the commission;

(3) If the said labor organization, union, affiliate or any officer or agent thereof shall hold a prohibited interest in a racetrack, an excursion gambling boat or an excursion gambling boat licensee.

b. Nothing herein shall be construed to limit the right of the commission to impose any sanctions or take any action authorized by this chapter or Iowa Code chapters 99D and 99F.

491—13.15(99D,99F) Vendor's license. A vendor's license is required of any entity not licensed as a manufacturer or distributor which conducts operations on site providing goods or services at a licensed track or excursion boat.

491—13.16(99D,99F) Probationary license. The administrator's designee may grant a probationary license. Any licensee who by an overt act of commission or omission violates any of the rules of the commission while holding a probationary license shall be subject to fine, suspension or denial.

491—13.17(99D) Owners and trainers of racing animals.

13.17(1) Each owner must obtain a current owner's license from the commission to enter an animal in a purse race at an Iowa racetrack.

13.17(2) All owners and trainers of racing animals and their employees are subject to the laws of Iowa and the rules promulgated by the commission immediately upon acceptance and occupancy of accommodations from or approved by an association or upon making entry to run on its track. Owners, trainers, and their employees shall abide by laws and rules and accept the decision of the administrator's designee on any and all questions subject to their right of appeal to the commission.

13.17(3) Minor. An owner who is under the age of 18 must have a parent or guardian cosign any contractual agreements.

13.17(4) No person or entity may be licensed as an owner who is not the owner of record of a properly registered racing animal which is in the care of a licensed trainer.

13.17(5) Licensing of horse trainers. An applicant for a license as trainer or assistant trainer shall:

a. Be at least 18 years of age.

b. Be qualified, as determined by the administrator's designee, by reason of experience, background and knowledge of racing. A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission or administrator's designee, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or more of the following:

(1) A written examination;

(2) An interview or oral examination; and

(3) A demonstration of practical skills in a "barn test."

(4) Has complied with the provisions of the workers' compensation law and has secured compensation for employees in accordance with that law.

(5) Has a horse eligible to race and registered to race at the current race meeting.

c. Applicants not previously licensed as a trainer shall be required to pass a written/oral examination, demonstrate practical skills and submit at least two written statements as to the character and qualifications of the applicant.

13.17(6) Licensing of greyhound trainers. An applicant for a license as trainer or assistant trainer shall:

a. Be at least 18 years of age.

b. Be qualified, as determined by the administrator's designee, by reason of experience, background and knowledge of racing. A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission or administrator's designee, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or more of the following:

(1) A written examination;

(2) An interview or oral examination; and

(3) Has a greyhound eligible to race and registered to race at the current race meeting.

491—13.18(99D) Kennel name.

13.18(1) Contract kennels must obtain a license in the name appearing in the official program as “kennel,” which shall also be the name of the kennel booking contract entered into between contract kennel and track management.

13.18(2) A licensed owner wishing to race under a kennel name may do so by registering for the racing season with the commission and by paying the prescribed fee.

13.18(3) In applying to race under a kennel name the applicant must disclose the identities behind a kennel name and comply with partnership and corporation rules, if applicable.

13.18(4) Changes in identities involved in a kennel name must be reported immediately to and require approval from the commission.

13.18(5) A licensed kennel owner cannot be a party to more than one kennel name at the same facility.

13.18(6) A licensed owner who has registered under a kennel name may at any time abandon it, after having given written notice to the commission.

13.18(7) A kennel name may be changed at any time by registering a new kennel name and by paying the prescribed fee.

13.18(8) A licensed owner may not register as a kennel name one which the commission determines to be either misleading to the public or unbecoming to the sport.

13.18(9) All persons represented by a kennel name must be noted on the application form which appoints one person to act as the agent for the kennel name.

13.18(10) If a corporation is involved in the identity behind a kennel name, the applicant must comply with the licensing rules covering corporation.

491—13.19(99D) Stable names.

13.19(1) Authorization. Licensed owners and lessees may adopt stable farm, racing or corporation names, if registered with the commission.

13.19(2) Applications for a stable name. Applications must include the identity or identities of all persons interested in the ownership of the name. After registration by the commission, changes in identities of owners of the stable name must be reported immediately to and approved by the commission.

13.19(3) Trainer’s legal name only. A trainer who is a licensed owner or a part owner may use a stable name in the capacity of owner or part owner but a trainer may be licensed as a trainer only in the trainer’s legal name.

13.19(4) Canceling a stable name. Any person registered under a stable name may cancel the stable name by giving written notice to the commission. A stable name may be changed by registering the new name with the commission.

13.19(5) Prohibited names. No person may register a stable name which has already been registered by another person with any other racing authority, or which is the real name of another owner of race horses or which is the real or stable name of any prominent person who does not own race horses, or which is not plainly distinguishable from that of another registered stable name.

13.19(6) Neither sole owners nor partners, after adopting use of a stable name, may use their real names to reflect ownership that is reflected in the stable name.

491—13.20(99D) Leases (horse racing only).

13.20(1) *Prior approval by stewards.* No licensee shall lease a racing animal for the purpose of racing at tracks in this state without prior approval of the stewards.

13.20(2) *Licensing requirements.* Both lessor and lessee shall be licensed.

13.20(3) *Lease furnished to stewards.* Each licensee who leases a racing animal at any meeting must submit a copy of that lease to the stewards. The lease must contain at least all of the conditions of the lease arrangement and the names of all parties and racing animals related to the lease. The failure to submit accurate and complete information under this rule is a violation of these rules.

13.20(4) *Change of owner.* Both seller and purchaser, or their agents or representatives, of a racing animal which is sold after registered for racing with a racing association, shall immediately notify the stewards of the sale and transfer, and the stewards may require a declaration under oath or under penalty of perjury of the facts of the sale and transfer.

491—13.21(99D) Partnerships owning racing animals.

13.21(1) A partnership is defined as a formal or informal arrangement between two or more persons to own a racing animal. All partnerships, excluding husband and wife, must be registered with the commission on forms furnished by the commission; and, after paying the prescribed fee, the partnership may be issued a license allowing the partnership to participate at Iowa racetracks.

13.21(2) The managing partner(s) listed on the application and all parties owning 5 percent or more must be licensed as an owner before the partnership will be considered licensed by the commission.

a. The commission may request a partnership to have on file with the commission (copy attached to the registration certificate on file in racing secretary's office) an agreement whereby the managing partner(s) is designated to be responsible for each racing animal. This agreement must be notarized and must be signed by all partners.

b. It will be the responsibility of the managing partner(s) to make sure that all parties are eligible for licensure. The commission will deny, suspend, or revoke the license of any partnership in which a member is either qualified or limited by rights or interests held or controlled by any individual or entity which would be ineligible to be licensed as an owner or to participate in racing.

c. Any owner who is a member of a partnership must list all racing animals in which an interest is owned either in whole or in part.

d. All parties to a partnership shall be jointly and severally liable for all stakes, forfeits and other obligations.

e. An authorized agent may be appointed to represent the partnership in all matters and be responsible for all stakes, forfeits, power of entry, scratches, signing of claim slips, and other obligations in lieu of the managing partner(s).

13.21(3) The share or any part of the share of a part owner of any racing animal cannot be assigned without the written consent of the other partner(s); and approved by the stewards and filed with the racing secretary. Any alteration in a partnership structure or percentages must be reported promptly in writing, notarized, signed by all members of the partnership, and filed with the commission.

13.21(4) The commission or the stewards may review the ownership of each racing animal entered to race and ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission or stewards may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a racing animal and may call for adequate evidence of ownership at any time. The commission or stewards may declare ineligible to race any animal, the ownership or control of which is in question.

491—13.22(99D) Corporations owning racing animals.

13.22(1) All corporations must be duly licensed by the commission. The corporation must submit a complete list of stockholders and the number of shares owned by each stockholder owning a beneficial interest of 5 percent or more.

For purposes of all licensing rules, beneficial interest includes all direct and indirect forms of ownership or control, voting power, or investment power, held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

13.22(2) Corporate changes. Any and all changes in either the corporation structure or the respective interest of stockholders as described above must be notarized and promptly filed with the stewards.

13.22(3) The corporate name under which the corporation does business in Iowa shall be considered a kennel name for purposes of these rules.

13.22(4) Authorized agent. A corporation, in lieu of the executive officer, must appoint a racing manager or an authorized agent for the purposes of entry, scratches and the signing of claim slips among other obligations.

13.22(5) License eligibility. The commission may deny, suspend or revoke the license of a corporation in which a beneficial interest includes or involves any person or entity which would be, or is, ineligible in any respect, such as through character, moral fitness or any other criteria employed by this commission, to be licensed as an owner or to participate in racing, regardless of the percentage of ownership interest involved.

13.22(6) Beneficial interest. Any stockholder holding a beneficial interest of 5 percent or more of a corporation must, in addition to being licensed, list any interest owned in all racing animals in which any beneficial interest is owned.

13.22(7) Nonlicensed stockholders. The corporation stockholders owning less than 5 percent of the stock of a corporation need not be licensed; however, a list of these stockholders may be requested by the commission. The list shall include names, percentages owned, addresses, social security numbers and dates of birth. These stockholders need not be licensed and will not have access to the backstretch, to the paddock area, or to the winner's circle other than as guests of association or designated licensees (491—paragraph 10.3(11)“b”) and may be required to submit additional information as requested by the commission, which may include a release for confidential information and submission of fingerprint cards; and the commission may assess costs, as required for criminal history checks. This information shall be supplied to the commission within 30 days of date of the request.

13.22(8) The corporation must pay a prescribed fee to the commission.

491—13.23(99D) Authorized agents for owner entities of racing animals.

13.23(1) All persons represented by a kennel name, stable name, corporation, partnership or single person entity must sign an authorized agent's application which appoints one person, if different than principal, to act as the agent for the kennel name, stable name, corporation, partnership, or single person entity respectively.

13.23(2) The application for a license as an authorized agent must be signed by the principal and clearly set forth the powers of the agent, including whether the agent is empowered to collect money from the track licensee. Applications must be notarized and a copy filed with the track bookkeeper.

13.23(3) Changes in an agent's powers or revocation of an agent's authority must be in writing, notarized and filed with the commission and the track bookkeeper.

13.23(4) The authorized agent must pay a prescribed fee to the commission.

491—13.24(99D) Practicing veterinarians. Every veterinarian practicing on association premises must be licensed by the state veterinary regulatory authority and licensed by the commission.

491—13.25(99D) Jockeys.

13.25(1) Eligibility.

a. No person under 18 years of age shall be licensed by the commission as a jockey, except persons who have been licensed by this commission prior to January 1, 1995.

b. A jockey shall pass a physical examination given within the previous 12 months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

c. An applicant shall show competence by prior licensing, demonstration of riding ability or temporary participating in races. An applicant may participate in a race or races, with the stewards' prior approval for each race, not to exceed five races.

d. A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding.

e. A person whose weight exceeds 125 pounds at the time of application shall not be licensed as a jockey.

f. A person who has never ridden in a race at a recognized meeting shall not be granted a license as jockey or apprentice jockey.

13.25(2) Apprentice jockeys.

a. The conditions of an apprentice jockey license do not apply to quarter-horse racing. A jockey's performances in quarter-horse racing do not apply to the conditions of an apprentice jockey license.

b. An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

c. An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued. A copy of the certificate shall be filed with the stewards.

d. An apprentice jockey may claim the following weight allowance in all overnight races except stakes and handicaps: ten-pound allowances beginning with the first mount and continuing until the apprentice has ridden five winners; a seven-pound allowance until the apprentice has ridden an additional 25 winners; and, if an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of the apprentice's fifth winner, the apprentice jockey shall have an allowance of five pounds until one year from the date of the fifth winning mount. If after one year from the date of the fifth winning mount the apprentice jockey has not ridden 40 winners, the applicable weight allowance shall continue for one more year from the date of the fifth winning mount, or until the fortieth winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted under this paragraph "d." A contracted apprentice may claim an allowance of three pounds for an additional one year when riding horses owned or trained by the original contract employer.

The commission may extend the weight allowance of an apprentice jockey when, in the discretion of the commission, an apprentice jockey is unable to continue riding due to physical disablement or illness, military service, attendance in an institution of secondary or higher education, restriction on racing or any other valid reason. In order to qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration. The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this paragraph "d." An apprentice may petition one of the jurisdictions in which the apprentice is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

e. The conditions set forth in subrule 13.22(1) shall also apply.

13.25(3) *Foreign jockeys.* Upon making application for license in this jurisdiction, jockeys from a foreign country shall declare that they are holders of valid licenses in their country and currently not under suspension, bound by these rules and the laws of this state. To facilitate this process, the jockeys shall present a declaration sheet in a language recognized in this jurisdiction to the commission.

491—13.26(99D) Jockey agents.

13.26(1) *Eligibility.* An applicant for a license as a jockey agent shall:

- a.* Provide written proof of agency with at least one jockey licensed by the commission;
- b.* Demonstrate to the stewards that they have a contract for agency with at least one jockey who has been licensed by the commission; and
- c.* Be qualified, as determined by the administrator's designee by reason of experience, background and knowledge. A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or both of the following:
 - (1) A written examination or
 - (2) An interview or oral examination.
- d.* Applicants not previously licensed as a jockey agent shall be required to pass a written and oral examination.

13.26(2) *Limit on contracts.* A jockey agent may serve as agent for no more than two jockeys and one apprentice jockey.

491—13.27(99D) Driver.

13.27(1) *Eligibility.* In considering eligibility for a driver's license, the board of stewards shall consider:

- a.* Whether the applicant has obtained the required U.S.T.A. license, that type of the driver. All drivers hold a U.S.T.A. license.
- b.* Evidence of ability to drive in a race and driving experience.
- c.* Age of applicant (must be at least 18 years of age).
- d.* Evidence of physical and mental ability.
- e.* Results of a written examination to determine qualifications to drive and knowledge of racing and gaming commission rules.
- f.* Record of rule violations.

13.27(2) *Reserved.*

These rules are intended to implement Iowa Code chapters 99D, 99F and 252J.

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