

OFFICE OF THE SECRETARY OF STATE

SHEMIA FAGAN

SECRETARY OF STATE

CHERYL MYERS

DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

STEPHANIE CLARK

DIRECTOR

800 SUMMER STREET NE

SALEM, OR 97310

503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

03/06/2023 10:46 AM

ARCHIVES DIVISION

SECRETARY OF STATE

FILING CAPTION: Amendment updates address, fax and email for license application submissions.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/20/2023 12:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

CONTACT: Karen Parkman
503-853-5927
karen.parkman@orc.oregon.gov

PO Box 366
Gresham, OR 97030

Filed By:
Karen Parkman
Rules Coordinator

NEED FOR THE RULE(S)

The agency is transitioning to fully remote and has changed where applications and other correspondence will be sent. -
Change of address.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Electronically stored. They can be requested from the agency.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No affect.

FISCAL AND ECONOMIC IMPACT:

No impact

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost to comply.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

Agency is moving - Change of address is required in rule.

AMEND: 462-120-0050

RULE SUMMARY: The amendment updates the address , fax, and email of the Oregon Racing Commission.

CHANGES TO RULE:

462-120-0050

License Application Procedures; Requirements for Corporations and Partnerships; Stable/Assumed Name ¶

(1) License applications shall be made on forms furnished by the commission. An application is not complete until the application form has been filled out completely and signed by the applicant, the proper fee has been paid, and the applicant has submitted all documentation and information reasonably requested by the board of stewards or the commission. An oral interview may be required in a particular case. All licensees are required to maintain current information regarding themselves on file with the Oregon Racing Commission, including but not limited to their current address, telephone number and any information regarding rulings, arrests or convictions. The commission will send all forms of written communications, including notices, to the address the licensee has on file with the commission. Every person making application for a license to hold a race meet shall file the application with the Oregon Racing Commission in accordance with ORS 462.050.The application for license should be addressed and mailed to the Oregon Racing Commission, P.O. Box 366, Gresham OR 97030; or faxed to (971) 673-0213; or emailed to orc.info@orc.oregon.gov. All applications, which will be due thirty days prior to the scheduled commission meeting at which the application is to be presented, should include:¶

(a) The applicant's legal name;¶

(A) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its designated representative, directors and officers must be provided; and¶

(B) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its designated representative must be provided.¶

(C) If the shareholder of a corporate licensee, or a partner of a partnership licensee, is a corporation, the designated representative of that corporation shall provide to the commission the names, addresses and birth dates of that corporation's shareholders promptly upon request by the stewards or the executive director of the commission.¶

(b) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product at the time the application is made;¶

(c) Financial information from the applicant that demonstrates whether the applicant has the financial resources to operate the race meet;¶

(d) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the race meet's operation during the license period;¶

(e) The number of days that the applicant is planning to offer live racing during the fiscal year in which they are seeking to be licensed;¶

(f) A list of all race meet personnel containing the name, position and job location;¶

(g) A chart illustrating the organizational structure, including reporting lines;¶

(h) A list of all host contracts for exporting of signal on file at the time of application;¶

(i) A check representing \$100 per racing day payable to the Oregon Racing Commission;¶

(j) Documentation supporting current Public liability insurance;¶

(k) Documentation supporting current Jockey Insurance;¶

(l) Documentation supporting a current Bond that shows the Oregon Racing Commission as beneficiary equal to the amount of all moneys that escheat under 462.110(2);¶

(m) Documentation that the applicant and/or parent company are registered to do business in the state of Oregon;¶

(n) As part of the application for licensure as a race meet, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:¶

(A) The manner in which the proposed simulcasting and wagering system will operate;¶

(B) The take-out rates for wagering during the licensing period;¶

(C) Programs for responsible wagering;¶

(D) Physical security controls for the Tote Room;¶

(E) An agreement between the Oregon Horsemen's Benevolent Protective Association (OHBPA) and the state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission;¶

(F) A complete listing of all names, operators and addresses of Off-track Betting (OTB) locations; and (G) Narrative acknowledging tax liabilities as set forth in Chapter 462.¶

(2) The application must show the true name of the applicant, and must also disclose any other name used by the applicant during the past 10 years. An application for an owner's license must identify the true names of all other persons who have any ownership interest, leasehold interest, or other investment in any of the applicant's racing animal(s) which will be racing in Oregon. All applicants should be aware that Oregon law prohibits any person from conducting business in Oregon under an assumed name or under any name other than the real and true name of each person conducting the business or having an interest therein, unless the assumed name is registered with the Office of the Secretary of State. Refer to ORS 648.010(1).¶

(3) Licensing fees. The application fee for licensure or for the renewal of licensure shall be \$20 per year for the first category, with a sum not to exceed an additional \$10 per year for any and all additional categories. In no case shall the total fees paid exceed \$30 per year, regardless of the number of categories held. The period of licensure shall be three years in duration, with any subsequent additional licenses to expire on the same date as the original license. The fees that accompany license applications are non-refundable.¶

(4) Dual licenses may be denied if, in the opinion of the stewards or commission, there is a conflict of interest in holding more than one license.¶

(a) When an applicant applies for a license in more than one occupation, the stewards or the commission shall consider whether the holding of such multiple licensing creates a conflict of interest (such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration). If such appearance is created, the multiple license may be denied.¶

(b) The following dual licenses shall be prohibited:¶

(A) A person licensed as a jockey shall not be licensed in any other capacity unless approved by the board of stewards.¶

(B) A person licensed as an owner shall not be licensed as a jockey agent or racing official.¶

(C) A person licensed as a race track owner or operator or as a racing official shall not be licensed in another capacity during the race meeting which the person owns or operates or at which that person is serving as a racing official unless approved by the board of stewards or as provided in OAR 462-140-0050(6).¶

(D) Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.¶

(c) A holder of a groom's license may be a hot walker. A trainer or an assistant trainer may also perform the duties of a groom or hot walker. An owner may also groom or hot walk only the horse(s) he/she owns. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he/she is licensed. Thus, for example:¶

(A) A pony person may not exercise horses if not licensed as an exercise rider.¶

(B) A groom may not perform the duties of a trainer if not licensed as a trainer.¶

(C) A trainer may not pony or exercise a horse if not licensed as a pony person or an exercise person. (D) An outrider may not perform duties of a pony person except as needed in the performance of their duties as an outrider.¶

(5) All corporations, limited partnerships, partnerships and other entities (except natural persons) which apply for licenses shall attach to the application as applicable:¶

(a) A document, signed by the president and secretary of the corporation, listing the true name and address of all officers, directors, shareholders, general partners, limited partners, and other persons having a legal or beneficial interest in the horse, stable or other business sought to be licensed, and identifying the nature and amount of each person's interest; and¶

(b) For corporations, a copy of the certificate of incorporation, an affidavit signed by the president indicating whether any officer, director, or stockholder has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any officer, director, or stockholder; or¶

(c) For partnerships, a copy of the written partnership agreement, an affidavit signed by a general partner indicating whether any partner has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any partner. Persons who do not have a written partnership agreement may not be licensed under the partnership name; instead, each person must be individually licensed under his/her own name; and¶

(d) For claiming purposes, all corporations must have an authorized agent, who may be a corporate officer, and all

partnerships and licensed stables must either designate an authorized agent to sign claim forms (who may be one of the partners) or else all partners must sign the claim form.¶

(6) All licensees, in accepting a license, or any person introducing an animal onto the confines of any racecourse, or licensed training track, are considered to have granted permission to Oregon Racing Commission veterinarians, investigators, and members of the board of stewards, to enter upon those premises for the purpose of inspection to determine if those premises are suitable for the housing of animals, and to determine the health, safety and physical conditions of any animals contained therein.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.020