

OFFICE OF THE SECRETARY OF STATE

TOBIAS READ

SECRETARY OF STATE

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DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 462
OREGON RACING COMMISSION

FILED

04/29/2025 4:41 PM

ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends 462-120-0055 to define the requirements for the renewal of background checks.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/18/2025 8:00 AM

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.

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Filed By:

Karen Parkman

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/15/2025

TIME: 11:30 AM - 12:00 PM

OFFICER: Quinn Berry

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

SPECIAL INSTRUCTIONS:

Passcode: Cx9TF9jL

NEED FOR THE RULE(S)

Defines the requirements for the renewal of background checks.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Agency meeting minutes stored electronically with the agency.

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

No affect

FISCAL AND ECONOMIC IMPACT:

No fiscal

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 and are not affected.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 462-120-0055

RULE SUMMARY: Amends 462-120-0055 to Define the requirements for the renewal of background checks.

CHANGES TO RULE:

462-120-0055

State and Nationwide Criminal Records Checks; Fitness Determinations ¶

(1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees in order to determine if they have a history of criminal behavior such that they are not fit to be granted or renewed a license that is issued by the commission.¶

(2) Fingerprints ~~may~~ bare required of applicants ~~on a case-by-case basis~~ during intial licensing and at the third renewal (or every six years thereafter, whichever occurs first) ~~form the initial license~~ in order to complete a national criminal background investigation. In the case of a corporation or partnership, fingerprints ~~may~~ will be required from the authorized agent and any other individual shareholder or owner the commission or its designated representative may deem appropriate. Case-by-case exceptions may be granted for applicants who have submitted fingerprints for an Oregon Racing Commission License within the last six years. Additional exceptions will be made for out of country residents. Applicants residing outside the United States must provide official documentation verifying a background check was conducted in their jurisdiction of residence. This background check must be provided on official letterhead from a recognized law enforcement agency or equivalent authority.¶

(a) These fingerprints will be provided on prescribed forms made available to the commission. Fingerprints may be obtained by designated commission staff, a law enforcement office, or at a private service acceptable by the commission. The commission will submit fingerprints to the Oregon Department of State Police to conduct a national criminal records check. Following the submission, all fingerprint cards ~~that commission staff obtained~~ will be destroyed by the Oregon Racing Commission. All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative. The costs of the criminal record check, including a nationwide fingerprint-based criminal records check, shall be the responsibility of the commission.¶

(b) The board of stewards on behalf of the commission shall determine whether an applicant or licensee is fit to be granted a license based on criminal records background check, racing license history, financial records, any false statements made by the applicant or licensee regarding his/her background, any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as part of an investigation. If a licensee is determined to be unfit, the applicant may not be granted a license. The applicant may be granted the ability to conduct business in his occupational category on a temporary basis until such time as the background investigation is complete.¶

(c) In order to conduct the Oregon and national criminal records check and fitness determination, the commission may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.¶

(d) The commission may consider any conviction of any violation of the law for which the court could impose a punishment. When making a fitness determination based on criminal record, the commission shall consider:¶

(A) The nature of the crime;¶

(B) The facts that support the conviction or pending indictment or that indicate the making of the false statement;¶

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and¶

(D) Intervening circumstances relevant to the responsibilities and circumstances of the license, intervening circumstances include but are not limited to:¶

(i) The passage of time since the commission of the crime;¶

(ii) The age of the applicant or licensee at the time of the crime;¶

(iii) The likelihood of a repetition of offenses or of the commission of another crime;¶

(iv) The subsequent commission of another relevant crime;¶

(v) Whether the conviction was set aside and the legal effect of setting aside the conviction.¶

(E) If the applicant discontinues the application process or fails to cooperate with the criminal records check process, the application is considered incomplete.¶

(3) Failure to renew your license will result in the expiration of your current license. Therefore an applicant will be treated as a "new applicant" and will have to submit a new set of fingerprints for a criminal background check, this includes if you had already submitted fingerprints that fall into the category describe in section 2 of this rule. You will also be subjected to the additional wait time for the fingerprints to process before being approved for a license.¶

(4) It is the responsibility of the applicant to answer all required information correctly and true to the best of their knowledge and to respond to all inquiries requested by the Commission.

Statutory/Other Authority: ORS 462.270(3)

Statutes/Other Implemented: ORS 462.020