

Chapter Game 4

DUTIES AND RESPONSIBILITIES OF ASSOCIATIONS AND RACETRACK OPERATORS

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Note: Chapter RACE 4 was renumbered chapter WGC 4 and corrections made under s. 13.93 (2m) (b) 1. and 6., Stats., Register, March, 1995, No. 471.

Note: Chapter WGC 4 was renumbered chapter Game 4 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register November 2003 No. 575.

Game 4.01 Purpose. The purpose of this chapter is to identify the duties and responsibilities of associations and race-track operators regarding the operation of a race meeting. The duties and responsibilities here are in addition to those set forth elsewhere in the division's rules.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Game 4.02 Number of pari-mutuel races. For the purpose of pari-mutuel wagering all races are considered separate and distinct:

(1) Associations may request wagering on additional races. In acting on such requests, the division shall consider the effect of extra races on state revenue and on track and division employees, and the availability of greyhounds.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: r. (1), renum. (2) to be (1) Register November 2003 No. 575, eff. 12-1-03.

Game 4.03 Information/complaint window. Each association shall provide and clearly identify an information or complaint window where complaints may be made by members of the public. The association shall make available a current set of all division rules for public inspection during racing hours at every such window.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Game 4.04 Daily race programs. (1) REQUIRED INFORMATION FOR DAILY RACE PROGRAMS. The association shall cause all daily race programs to contain the following information:

(a) This race meet is conducted under that authority of a license issued by the Wisconsin division of gaming and pursuant to the rules and regulations adopted by the division.

(b) The Honorable _____, Governor.

(c) Wisconsin Division of Gaming, 2005 West Beltline Highway, Suite 201, P.O. Box 8979, Madison, WI 53708-8979, (608) 270-2555.

(d) Wisconsin department of administration secretary.

(e) Wisconsin division administrator.

(f) Names and titles of:

1. Track officers.
2. Track officials.
3. Wisconsin division of gaming officials.

(g) The address and telephone number of the track facility.

(h) A prominent notice that there is an information window where complaints may be made by the public and copies of the Division of Gaming's administrative rules viewed. Such notice shall specify the exact location of such windows.

(i) The location of facilities for handicapped patrons.

(j) The location of the division's office at the track facility.

(k) The location of photo finish pictures.

(L) The approximate payouts on different pari-mutuel odds.

(2) DAILY RACE PROGRAM TO SUPPLY PARI-MUTUEL INFORMATION FOR PATRONS. Each association shall include in the daily race program sufficient information to advise the public and new race-track patrons about the pari-mutuel system. This information shall include but not be limited to the following:

(a) Wagers are to be made by daily race program number.

(b) Tickets shall be retained until the stewards have declared the race official.

(c) Payouts are not permitted until the stewards have notified the pari-mutuel department of the official order of finish.

(d) The division has adopted detailed rules for occurrences such as dead heats or the failure of patrons to select the winning animals or combinations of finishing animals. Such rules are available for public inspection at the information windows and the office of the division located at the track.

(e) The period of time and procedures for uncashed tickets to be redeemed.

(f) The daily race program shall provide a page for the advertisement and dissemination of information regarding the race-track's adopt-a-greyhound program.

(g) The association shall make a good faith effort to ensure the accuracy of all information contained in the daily race program. All errors detected by the association after the printing of the daily race program has commenced shall be corrected by the association printing a corrected page for distribution with the daily race program, announcements of the error and correct information via a public address system, or both. The association shall obtain prior approval of the proposed daily race program from the division at least 15 days prior to the start of a new race meet or before formatting a new daily race program during the current race meet.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: am. Register November 2003 No. 575, eff. 12-1-03.

Game 4.05 Approval of contracts. (1) SCOPE. This section applies to any contract for goods and services or both entered into by any person licensed by the division pursuant to s. 562.05 (1) (a) or (b), Stats., and any other person.

(2) DIVISION APPROVAL. (a) Any contract in excess of \$10,000 per year for any goods or services or both shall be subject to approval by the division and submitted to the division for approval by the licensee. Such a contract shall not, as a matter of public policy, become effective and binding on the parties to the contract unless and until it has been approved by the division. Any contract not so approved shall be considered void as against public policy. Any person requesting division approval of a contract pursuant to this section shall provide the administrator a copy of the contract, which has been signed by all parties to the contract, within 15 days of execution.

(b) Any multiple contracts under \$10,000 per year which the division finds are for same or substantially similar goods or ser-

vices or both shall be deemed to be a contract requiring approval. Any multiple contracts deemed to be a contract requiring approval shall not be binding on the parties unless and until it has been approved by the division. Any contract or contracts not so approved shall be considered void as against public policy. If the division finds that the use of multiple contracts was to circumvent the requirements of this section, the parties thereto shall be subject to a forfeiture not to exceed \$10,000 or suspension or revocation of licensure or both.

(c) Any amendment, alteration, addition or deletion of the terms of a contract previously approved by the division shall also be approved by the division. Such amendment, addition, alteration or deletion shall not, as a matter of public policy, become effective and binding on the parties until approved by the division. Any amendment, alteration, addition or deletion not so approved shall be considered void as against public policy. Any person requesting division approval of an amendment, alteration, addition or deletion shall provide the administrator a copy of the same, which has been signed by all parties, within 15 days of execution.

(d) Upon a determination, after a hearing pursuant to ch. Game 3, that a person, without division approval, has entered into a contract or amendment thereto governed by this section, whether the contract or amendment is oral or written, or has attempted to circumvent the requirements of this section by behaving as if a contractual agreement existed although not reduced to writing or otherwise not meeting all legal requirements for formation of a binding contract, shall be subject to a forfeiture not to exceed \$10,000, and suspension or revocation of the license.

(3) **FILING WITH THE DIVISION.** Any contract for any goods or services or both not in excess of \$10,000 per year entered into by any person licensed by the division and any other person shall be filed with the division by the licensee within 15 days of the effective date of the agreement. Any amendment, alteration, addition or deletion thereto shall be filed with the division by the licensee within 15 days of the effective date of the amendment, alteration, addition or deletion. Any amendment, alteration, addition or deletion which makes the total value of any goods or services or both governed by the contract and amendment, alteration, addition or deletion to be in excess of \$10,000 per year shall require division approval of both the original contract and amendment, alteration, addition or deletion as provided in this section. Failure to so obtain division approval by the licensee shall subject the licensee to the disciplinary procedures which may include license suspension or revocation or imposition of a forfeiture.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: am. (2) (a) to (c) and (3) Register November 2003 No. 575, eff. 12-1-03.

Game 4.06 Security and first aid requirements.

(1) Security reports shall be filed with the division stewards by the association within 48 hours after the completion of each race performance.

(2) The association shall provide on site 24 hour security for the kennel compound during all times greyhounds are housed on the premises.

(3) The association shall provide a video monitoring system approved by the division which allows monitoring of the lockout kennel, the movement of the lead-outs and animals from the lockout kennel to the starting boxes, the final inspection of the greyhound's equipment during inclement weather, the activities at the starting boxes and any other areas deemed necessary by the division.

(4) Each association shall equip and maintain adequate first-aid facilities and have in attendance during all performances a physician, licensed nurse or an ambulance attendant licensed pursuant to s. 256.15, Stats. or emergency medical technician licensed pursuant to s. 146.35, Stats.

(5) The association shall completely enclose the kennel compound with a chain link fence at least 6 feet high with an 8 foot clear zone around the outside perimeter.

(6) The association shall maintain triage supplies and medications, for use only by the division veterinarian or designee who is a licensed veterinarian for the emergency treatment of seriously ill or injured greyhounds. These supplies and medications are to be stored in the division veterinarian's office.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (4), Register, July, 1990, No. 415, eff. 8-1-90; CR 03-070: am. (1), (2) and (6) Register November 2003 No. 575, eff. 12-1-03; correction in (4) made under s. 13.92 (4) (b) 7., Stats.

Game 4.07 Race track requirements.

(1) Any race track operator or association making any change pertaining to the racetrack itself, or the erection or demolition of any structure or the remodeling of any structure which is to be used as a part of the facilities for conducting a race meeting must first receive the approval of the division, if such change, erection, demolition or remodeling causes a change in value in excess of \$10,000.

(2) The association shall provide on the racetrack at least one curtain whose position has been approved by the division. The curtain shall be positioned so as not to distract or interfere with the greyhounds during the course of the race.

(3) The association shall provide an inside lure with an extendable arm. Every lure which is operated using electricity shall have an operational switch for the purpose of stopping the flow of electricity to lure located within 5 feet of the lure operator's control unit and at one location within 20 feet of the racetrack surface. The association shall ensure that all persons present on the racetrack surface are aware of the location of the power switch and how to utilize the power switch. Furthermore, the association shall ensure that all power switches are in the off position when persons are working within 30 inches of the lure rail.

(4) The association shall provide a watering system for the track which provides adequate volume and pressure to provide uniform watering of the track surface.

(5) The association shall provide appropriate parking places for all division employees.

(6) The association shall provide on all tracks, a photo-finish camera which shall be installed as an aid to the stewards. However, in all cases, the camera is merely an aid and the decision of the stewards shall be final. The type of equipment used is to be approved by the division. Each association shall keep on file for one year after the close of the meeting film strips of each race for reference or reproduction upon request of the division. The association shall post all photo finish race pictures in a conspicuous place after the race.

(7) The association shall provide that crates in the lockout kennel shall all be at floor level and constructed of stainless steel, or a comparable impermeable material approved by the division, meeting the following size specifications: 3 feet wide, 4 feet deep and 4 feet high. The number of crates per kennel shall be approved by the division.

(8) The association shall provide that crates located in each kennel shall be constructed of stainless steel or a comparable impermeable material approved by the division, meeting the following size specifications: 3 feet wide, 4 feet deep and 3 feet high. The number of crates per kennel shall be approved by the division.

(9) The division shall approve all individually executed kennel contracts prior to the commencement of racing. Any contract not so approved shall be void as against public policy, and the kennel shall not be eligible to participate at the race meet.

(10) All kennel contracts shall contain the following clauses:

(a) "Each kennel licensed by the division shall permit unrestricted access to said kennel by the division and its designated representatives."

(b) "Track management has discretionary power to place a kennel on probationary status by written notification at any time a kennel's win record places it in the lowest 3 kennel positions during each of the 3 preceding months. A kennel can remove itself from probation by placing above 3 or more kennels in number of wins for any month during the next 3 months. Otherwise, track

management has discretionary power to dismiss the kennel. The track must dismiss any kennel that has finished in the bottom 4 positions 2 out of the past 3 years and cannot re-book that kennel owner for 5 years. The Wisconsin gaming division may grant an exemption to this rule due to acts beyond the control of the parties which could not be avoided by the exercise of due diligence. Track management can dismiss a kennel for other causes only subject to appeal to the division."

(c) "The kennel owner shall enter into a clearly defined, written agreement with the owners of all greyhounds included in the kennel to ensure that in the event such a greyhound is to be removed from the racetrack, unless the greyhound's immediate destination is another racetrack, for racing purposes; or a breeding farm, for breeding purposes; or a greyhound pet placement program approved by _____ (name of the track) and the Wisconsin gaming division, the greyhound shall be returned to the registered owner of the greyhound. Prior to receiving any greyhound's registration paper from _____ (name of the track) and/or removing any greyhound included in the kennel from the racetrack, the kennel owner or its designated representative shall sign a release form provided by _____ (name of the track) specifically indicating: the destination of the greyhound; the method and date of transportation; and name of hauler."

(11) The association shall provide that each starting box and loading area behind the starting box is covered by an overhead structure with the sides of the structure enclosed with a chain link fence or other means approved by the division and at least one gate for entering and exiting.

(12) Any association whose race dates include performances in any of the months of November through March shall provide a heated racing surface, heated sprint path, and heated and fully enclosed starting box approved by the division.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (7), (8) and (10) (b), cr. (10) (c), (11) and (12), Register, July, 1990, No. 415, eff. 8-1-90; **CR 03-070: am. (3), (4), (9), (11) and (12) Register November 2003 No. 575, eff. 12-1-03.**

Game 4.08 Purse structure. (1) The association shall submit at least 45 days prior to the first day of race meet the proposed purse distribution formula for approval by the administrator.

(2) The association shall pay all purse payments directly to the owner of the greyhound or, if a greyhound is leased, the purse shall be paid directly to the lessor and lessee of the greyhound as agreed in the lease affidavit on file with the association.

(3) No deductions from purse payments due a greyhound owner or kennel owner shall occur unless the greyhound owner or kennel owner consents in writing to the deduction.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; **CR 03-070: am. (2), cr. (3) Register November 2003 No. 575, eff. 12-1-03.**

Game 4.09 Alternative use of facilities. No association or track operator shall use racetrack grounds or facilities for purposes other than authorized by these rules without first obtaining prior approval of the division.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Game 4.10 Fees. The association may, as determined by the division, be responsible for all reasonable costs incurred by the division payable to an outside agency, company, entity or individual other than division personnel, relative to tests of totalizator systems and all audits of any association or pari-mutuel book, record, document or other source of information.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; **CR 03-070: am. Register November 2003 No. 575, eff. 12-1-03.**

Game 4.11 Operator responsibility. The racetrack operator who has contracted with an association licensed pursuant to s. 562.05 (1) (b), Stats., may be penalized as if they were the association, for any failure by the association to fulfill an obliga-

tion imposed by, or an action in violation of, ch. 562, Stats., or division regulations. In making this determination the division shall consider whether the operator knew, or by exercise of due diligence should have known of the violation; the ability of the operator to independently take action to avoid the violation, or, by virtue of the contractual relationship with the association, enforce any performance by the association necessary to avoid the violation.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

Game 4.12 Inclement weather. An association shall obtain the approval of the stewards or administrator or designee prior to canceling any race due to inclement weather. The stewards shall order cancellation of the race performance or any portion thereof after consultation with the association management upon a determination that weather conditions pose a threat to the health of the greyhounds or personnel involved in the running of the race. Regulation fees are payable for all canceled race performances or portions thereof.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; **CR 03-070: am. Register November 2003 No. 575, eff. 12-1-03.**

Game 4.13 Financial audit. Audits shall be completed by the association and delivered to the division.

(1) Each association shall have an annual audit performed at the close of the calendar year. This audit is to be performed in accordance with generally accepted accounting principles by an independent certified public accountant registered by the state of Wisconsin. The resulting audit report is to be prepared in accordance with the American Institute of Certified Public Accountants (AICPA) industry audit guide. The report shall also contain the auditor's opinion regarding the financial statements taken as a whole, or an assertion to the effect that an opinion cannot be expressed. If the auditor expresses a qualified opinion, a disclaimer of opinion, or an adverse opinion, the reason therefore shall be stated.

(2) The latest audit report shall be filed with the division within 120 days of the end of the calendar year.

(3) A request for an extension of time to file an audit report shall be submitted in writing 7 days prior to the deadline for filing the audit report.

(4) A request for an extension of time to file an audit report shall only be granted when the auditor submits a signed statement verifying that the audit cannot be completed in the designated time due to circumstances beyond the control of the auditor and the association. The auditor's statement shall also detail the circumstances that form the basis for the request.

History: **CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.**

Game 4.14 Restricted areas. (1) The following areas on association grounds shall be considered restricted areas:

(a) Paddock, including lock-out kennel, division veterinarian's office, paddock parking lot and other areas in which competing greyhounds may be held between weigh-in and the conclusion of live racing.

(b) Urine sample collection & processing area.

(c) Kennel compound.

(d) Racetrack surface, including starting boxes, totalizator board and all areas in between the paddock and racing surface where competing greyhounds may be located during live racing.

(e) Totalizator office.

(f) Money room & vault.

(2) Unless specifically prohibited, on-duty emergency, law enforcement and division personnel or designees shall have unrestricted access to all restricted areas.

(3) Only persons licensed by the division shall be present in a restricted area unless escorted by a representative of the division or a licensee with access to the restricted area.

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(4) All licensees present in a restricted area shall be performing duties related to the individual's license and shall be wearing the identification badge issued by the division.

(5) No person shall possess any animal except a greyhound while in a restricted area.

(6) Access to the following areas shall be restricted by the association in the following manner:

(a) No person licensed pursuant to s. Game 13.05 (1) (e), (g), or (h) 2., shall be present in the kennel compound.

(b) On a day in which live greyhound racing is scheduled, no person licensed pursuant to s. Game 13.05 (1), shall be present in the urine sample collection area unless the person is escorted by a division employee.

(c) On a day in which live greyhound racing is scheduled, per-

sons not holding an occupational license issued by the division and persons licensed pursuant to s. Game 13.05 (1) (c), (e), (h) 1., 2., 3., or (i) shall not be present in the paddock or racetrack surface area from the conclusion of weigh-in until the last race.

(d) No person shall be present in the totalizator room unless the person possesses a license issued under s. Game 13.05 (1), and is designated by the totalizator company as having access or meets sub. (3).

(e) No person shall be present in the money room unless the person possesses a license issued under s. Game 13.05 (1), and is designated by the association as having access or meets sub. (3).

(7) Any licensee observing a violation of s. Game 4.14, shall immediately report the observation to the association security office and division.

History: CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.