

Chapter Game 19

SCHEDULE OF SUSPENSIONS, REVOCATIONS AND FORFEITURES

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Note: Chapter RACE 19 was renumbered chapter WGC 19 and corrections made under s. 13.93 (2m) (b) 1. and 6., Stats., Register, March, 1995, No. 471.

Note: Chapter WGC 19 was renumbered chapter Game 19 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 19.01 Purpose. This chapter sets forth the factors and schedule of penalties to be utilized by the stewards and the division in assessing a penalty for a violation of ch. 562, Stats., or the division's rules.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

Game 19.02 Scope. This chapter shall apply to all violations of ch. 562, Stats., or the division's regulations for which either a listing of factors to be considered or a specification of penalties is not contained elsewhere in ch. 562, Stats., or the division's rules.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

Game 19.03 Factors in aggravation and mitigation. In assessing a penalty the following factors shall be considered:

- (1) The age and experience of the violator;
- (2) The number of previous rule violations for the same or related offense;
- (3) The total number of racing rule or statute violations assessed against the violator;
- (4) Actions taken by the violator to avoid the violations;
- (5) The extent of the violator's direct involvement in the violation;
- (6) The effect of the violation on innocent third parties;
- (7) The extent the violator would profit from the misconduct;
- (8) The effect on revenue to units of government, or other state interests including, but not limited to, the public's perception of the integrity of racing and wagering thereon;
- (9) Whether the violator acted negligently, willfully or recklessly; and
- (10) Any other factor which is material and relevant to the case.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.

Game 19.04 Range of penalties. (1) The following classes of violations shall subject the violator to the penalties set forth below:

(a) Any violation which affects, or could reasonably be expected to affect, the outcome of a race shall be subject to a maximum forfeiture of \$10,000, lifetime suspension or revocation of licensure or any combination;

(b) Any violation which affects, or could reasonably be expected to affect, the outcome of a race shall be subject to a maxi-

imum forfeiture of \$10,000, lifetime suspension or revocation of licensure or any combination;

(c) Any violation which affects, or could reasonably be expected to affect, the health, safety or welfare of any licensee or member of the public shall be subject to a maximum forfeiture of \$10,000, lifetime suspension or revocation of licensure or any combination;

(d) Any violation which affects, or could reasonably be expected to affect, the health, safety or welfare of a racing animal shall be subject to a maximum forfeiture of \$5,000, suspension of licensure not to exceed 10 years, or revocation of licensure or any combination;

(e) Any violation which decreases the ability, or could reasonably be expected to decrease the ability, of the division to exercise its regulatory functions shall be subject to a maximum forfeiture of \$10,000, or suspension of licensure not to exceed 5 years or revocation of licensure or any combination;

(f) Any violation which affects, or could reasonably be expected to affect, the functioning and operation of a race meeting shall be subject to a maximum forfeiture of \$1,000, licensure suspension not to exceed 5 years or revocation of licensure or any combination;

(g) Any violation by an occupational licensee which is not previously categorized shall be subject to a maximum forfeiture of \$1,000, licensure suspension not to exceed one year or revocation or any combination.

(h) Any violation for which the division determines the assessment of the maximum penalty provided in par. (d), (e), (f) or (g) would be insufficient to adequately address the misconduct shall be subject to a maximum forfeiture of \$10,000, lifetime suspension or revocation of licensure or any combination, upon a specific finding by the division, including the reasons why the imposition of a harsher penalty is warranted.

(i) Any violation by a licensee of s. Game 16.03 (1) or 16.04 shall be subject to a minimum forfeiture equal to the amount of money wagered and won when committing the violation.

(j) Any violation by a licensee of s. Game 14.03 or 14.04 shall be subject to a minimum penalty which includes a requirement to return all purse monies won by the greyhound owner and kennel owner to the association. Furthermore, the association shall be ordered to redistribute the purse monies received to the greyhound owners and kennel owners who would have been entitled to increased purse money if the greyhounds which raced in violation of s. Game 14.03 or 14.04 would have been disqualified.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; CR 03-070: cr. (1) (i) and (j) Register November 2003 No. 575, eff. 12-1-03.