

## Chapter Game 20

### CONCESSIONAIRES

Game 20.01	Purpose.
Game 20.02	Definitions.
Game 20.03	License required.
Game 20.04	License application.
Game 20.05	Time of filing.
Game 20.06	Application contents – substantial owners.

Game 20.07	Grounds for denial.
Game 20.08	Food service concessionaire.
Game 20.09	Change of owners, directors and officers.
Game 20.10	Financial statements.
Game 20.11	License deemed personal.

**Note:** Chapter RACE 20 was renumbered chapter WGC 20 and corrections made under s. 13.93 (2m) (b) 1. and 6., Stats., Register, March, 1995, No. 471.

**Note:** Chapter WGC 20 was renumbered chapter Game 20 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 20.01 Purpose.** This chapter applies to all persons who sell or provide food, beverages, programs, tip sheets, parking or any other goods or services to the public at any race track or, goods or services to licensees on the grounds of a race track.

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

**Game 20.02 Definitions. (1)** “Food service concessionaire” means any person who provides for sale to the general public or occupational licensees, prepared foodstuff including both food and beverages for human consumption.

**(2)** “Concessionaire” means any vendor selling a product other than food or beverages.

**(3)** “Substantial owner” means any person owning 5% or more interest in a food service concessionaire or concessionaire.

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

**Game 20.03 License required.** No food service concessionaire or concessionaire shall operate at any race track without a license duly issued by the division.

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

**Game 20.04 License application. (1)** An application for a license to operate as a food service concessionaire or concessionaire shall be made on forms furnished by the division.

**(2)** One original and 10 executed copies of the application shall be filed with the division for food service concessionaire licenses.

**(3)** An applicant for a license as a food service concessionaire shall submit with the application all relevant contracts including but not limited to contracts with suppliers, contracts with any and all racing associations, and instruments evidencing any indebtedness between the applicant and any and all racing associations.

**(4)** If circumstances change or events occur after the application is filed so that the application no longer presents the correct facts the applicant shall submit an amendment to the section of the application form so affected.

**(5)** The division shall require a fee for licenses to cover background investigations and general operations. The fee for the first year of operation shall be \$1,500 for food service concessionaires. Subsequent license fees for food service concessionaires shall be \$10.00 per performance granted to the track at which the licensee operates. All other concessionaires will be required to pay an annual \$ 75.00 license fee. Charitable organizations, community organizations, and promotional event organizers may be exempt from obtaining a concessionaire’s license. Any request for exemption must be made by the participating racetrack three days prior to the event. An entity is eligible for such an exemption only if it

will not operate as a concessionaire at more than 10 race days during a race meet.

**History:** Cr. Register, March, 1990, No. 411, eff. 4–1–90; am. (5), Register, July, 1990, No. 415, eff. 8–1–90; emerg. am. (5), eff. 11–1–94; am. (5), Register, May, 1995, No. 473, eff. 6–1–95; CR 03–070: am. (5) Register November 2003 No. 575, eff. 12–1–03.

**Game 20.05 Time of filing. (1)** Application for a license as a food service concessionaire shall be filed with the division at least 60 days prior to the opening of the racing meet at the race track at which the food service concession is to be operated.

**(2)** The division may for good cause waive the time limitation set forth in sub. (1).

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

**Game 20.06 Application contents – substantial owners.** Each applicant shall disclose all information required by the division.

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

**Game 20.07 Grounds for denial.** The division may refuse a license to any person pursuant s. Game 13.07.

**History:** Cr. Register, March, 1990, No. 411, eff. 4–1–90; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

**Game 20.08 Food service concessionaire.** Any person seeking a license shall, on or before the date of application, disclose on forms prescribed by the division, all officers, directors, owners and creditors of 5% or more of any interest in the applicant. The forms shall be submitted sworn to oath as prescribed in the form and shall be considered as part of the application for a license to operate as a food service concessionaire.

**Note:** A person extending credit for one year or more or extending credit in excess of \$10,000 for less than one year but more than 30 days shall be considered a creditor for the purposes of this rule.

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

**Game 20.09 Change of owners, directors and officers.** Within 15 days after election, appointment or acquisition of substantial ownership, the food service concessionaire shall disclose to the division in writing the identity of each new officer, director or substantial owner of the license.

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

**Game 20.10 Financial statements. (1)** At the end of each race meeting each food service concessionaire shall prepare and submit to the division a record of its operations at the track. The report shall include verified financial statements including:

- (a) Balance sheet; and
- (b) A statement of profit and loss showing the food service concessionaire’s combined operations for that year; and
- (c) The results of such operations for each specified racing meet at which the food service concessionaire conducted business during the year.

**(2)** Income and expense items shall be shown in such detail as required in accordance with generally accepted accounting principles. Such report shall be filed with the division within 120 days

after the end of each individual meet unless a written extension is received from the division.

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

**Game 20.11 License deemed personal.** Licenses to operate as a food service concessionaire and concessionaire are non-transferable and will terminate upon a substantial change of ownership unless the division has granted prior approval. The sale

or transfer of 25% or more of the ownership of a food service concessionaire or concessionaire shall be considered a substantial change of ownership. In acting upon a request for approval of a substantial change in ownership, the division shall consider the same factors as it considered in the initial grant of a license to a food service concessionaire or concessionaire.

**History:** Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. Register, July, 1990, No. 415, eff. 8-1-90.