

Chapter WGC 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.

WGC 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 commission's rules.

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

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

(1) No association shall permit wagering on more than 13 races during the course of a single racing program unless prior permission is granted by the commission. This rule shall not apply during a racing meet of 7 or fewer days.

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

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

WGC 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 commission rules for public inspection during racing hours at every such window.

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

WGC 4.04 Racing programs. (1) REQUIRED INFORMATION FOR DAILY PROGRAMS. The association shall cause all daily racing programs to contain the following information:

(a) This race meeting is conducted under the authority of a license issued by the Wisconsin gaming commission and pursuant to the rules and regulations adopted by the commission;

(b) The Honorable _____, Governor;

(c) Wisconsin Gaming Commission, 150 E. Gilman, Madison, Wisconsin 53703, (608) 267-3291;

(d) Wisconsin gaming commission members and titles;

(e) Wisconsin gaming commission executive director;

(f) Names and titles of;

1. Track officers,

2. Track officials,

3. Wisconsin gaming commission 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. Such notice shall specify the exact location of such windows;

(i) The location of facilities for handicapped patrons;

(j) The location of the commission's office at the track facility;

(k) The location of photo finish pictures;

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

(2) PROGRAM TO SUPPLY PARI-MUTUEL INFORMATION FOR PATRONS. Each association shall include in the program sufficient information to advise the public and new 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 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 commission 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 commission located at the track;

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

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

(g) The association is responsible for the accuracy of all information contained in the program. The association shall obtain prior approval of the proposed program from the commission.

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

WGC 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 commission pursuant to s. 562.05 (1) (a) or (b), Stats., and any other person.

(2) COMMISSION APPROVAL. (a) Any contract in excess of \$10,000 for any goods or services or both shall be subject to approval by the commission and submitted to the commission 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 commission. Any contract not so approved shall be considered void as against public policy. Any person requesting commission approval of a contract pursuant to this section shall provide the director 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 which the commission finds are for same or substantially similar goods or services 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 commission. Any contract or contracts not so approved shall be considered void as against public policy. If the commission 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 commission shall also be approved by the commission. 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 commission. Any amendment, alteration, addition or deletion not so approved shall be considered void as against public policy. Any person requesting commission approval of an amendment, alteration, addition or deletion shall provide the director 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 commission 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 COMMISSION.** Any contract for any goods or services or both not in excess of \$10,000 entered into by any person licensed by the commission and any other person shall be filed with the commission by the licensee within 5 days of the effective date of the agreement. Any amendment, alteration, addition or deletion thereto shall be filed with the commission by the licensee within 5 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 shall require commission approval of both the original contract and amendment, alteration, addition or deletion as provided in this section. Failure to so obtain commission approval by the licensee shall subject the licensee to the disciplinary procedures specified in this section.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; correction in (2) (d) made under s. 13.93 (2m) (b) 7., Stats.

WGC 4.06 Security and first aid requirements.

(1) Security reports shall be filed with the commission by the association on a daily basis.

(2) The association shall provide on site 24 hour security for the kennel compound.

(3) The association shall provide a video monitoring system approved by the commission 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 commission.

(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. 146.50, 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 an intravenous kit with saline solution for the emergency treatment of greyhounds.

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

WGC 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 commission, 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 commission. 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.

(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. If a water track vehicle is used, it shall have a boom so the vehicle will travel along the outside edge of the track without disturbing the portion of the track on which the greyhounds run.

(5) The association shall provide appropriate parking places for all commission 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 commission. 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 commission. 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 commission, 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 commission.

(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 commission, 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 commission.

(9) The commission shall approve all 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 meeting.

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

(a) "Each kennel licensed by the commission shall permit unrestricted access to said kennel by the commission 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 commission 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 commission."

(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 commission, 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 open sides of the structure enclosed with a chain link fence 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 winterized spring path approved by the commission.

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.

WGC 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 director.

(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 agreement on file with the association.

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

WGC 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 commission.

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

WGC 4.10 Fees. The association shall be responsible for all reasonable costs incurred by the commission relative to tests of totalizator systems and all audits of any association or parimutuel book, record, document or other source of information.

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

WGC 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 obligation imposed by, or an action in violation of, ch. 562, Stats., or commission regulations. In making this determination the commission 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.

WGC 4.12 Inclement weather. An association shall obtain the approval of the stewards or director or designee prior to canceling any race due to inclement weather. The stewards shall order cancellation of the race program or any portion thereof upon a determination that weather conditions pose a threat to the health of the greyhounds or personnel involved in the running of the race.

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