



## ILLINOIS RACING BOARD

(c) For each occupation subject to a criminal records-based restriction, the agency shall set forth the following:

### Sections 1 and 2

#### Occupational Licensees:

- Owner
- Trainer
- Driver
- Jockey
- Inter-track Employee
- Apprentice Jockey
- Owner/Assistant Trainer
- Jockey Agent
- Racing Official
- Business Agent
- Totalizator Employee
- Authorized Agent
- Apprentice Blacksmith
- Vendor
- Blacksmith
- Veterinarian
- Off Track Stabling Center
- Assistant Trainer
- Veterinarian Assistant
- Animal Health Tech
- Pony Person
- Exercise Person
- Foreman
- Vendor/Helper
- Hotwalker
- Groom
- Racetrack Employee

#### Illinois Horse Racing Act of 1975, 230 ILCS 5/15

**Section 15(c)**--"The Board may in its discretion refuse an occupation license to any person: (1) who has been convicted of a crime;"

**Section 15(e)**—requires applicants to submit their fingerprints for FBI criminal background check

**Section 15(f)**—fingerprint exception: The Board may, in its discretion, issue an occupation license without submission of fingerprints if an applicant has been duly

licensed in another recognized racing jurisdiction after submitting fingerprints that were subject to an FBI criminal history background check in that jurisdiction.

### **Illinois Horse Racing Act of 1975, 230 ILCS 5/15.3**

**Section 15.3**—requires an IRB employment application for those seeking employment as pari-mutuel clerk, parking attendant or security guard with a licensee, requiring disclosure of 1) felony offenses, and 2) misdemeanor offenses involving dishonesty, fraud, deception or moral turpitude. IRB “may” exclude applicants or declare them ineligible for employment if they have committed acts prohibited under Section 15.2 (wagering during course of employment, touting, bookmaking, theft or fraud) or if they have been previously excluded by the Board.

### **Illinois Racing Board Administrative Rules, Part 502 (11 Ill. Adm. Code 502)**

#### **502.60 Denial of a License for Criminal Conviction**

- a) Pursuant to Section 15(c) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1985, ch.8, par. 37-15(c)) (the Act), THE BOARD MAY, IN ITS DISCRETION, REFUSE TO GRANT AN OCCUPATION LICENSE TO ANY PERSON WHO HAS BEEN CONVICTED OF A CRIME.
- b) For purposes of this Section, a crime includes both felonies and misdemeanors, except for minor traffic offenses, such as parking or speeding tickets. Driving under the influence, as defined in Section 11-501 of the Illinois Rules of the Road (Ill. Rev. Stat. 1985, ch952, par. 11-501) is also a crime.
- c) A criminal conviction exists when a plea of guilty, finding of guilty, or a plea of nolo contendere was entered.
- d) Upon a request for a hearing pursuant to 11 Ill. Adm. Code 204 from the stewards’ recommendation in accordance with Section 502.50, the Board will review the nature of the crime(s), especially crimes of dishonesty, fraud, deceit or violence, when the crimes were committed and the applicant’s subsequent employment history.

#### **502.72 First-time Applicant Who Has Been Convicted of a Crime**

- a) Provisions of this Section shall apply only to applicants who have never previously applied for a license and who have been convicted of a crime within a period of four years prior to the date of filing a first-time application for a license with the Board.
- b) Applicants who have been convicted of a crime shall attach with the application the following:
  - 1) A certified copy of the judgment of the conviction; and
  - 2) at least two letters of reference from persons, none of whom are relatives, who have known the applicant for more than four years and who have personal knowledge of the applicant’s character and his reputation for honesty and integrity.
- c) An applicant shall not construe compliance with the provisions of this section to mean that he is automatically entitled to a license.

#### **502.76 Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision**

No license shall be granted to any person while on conditional discharge, parole, probation or supervision for any crime relating to horse racing, gambling, drugs, use of firearms, acts of violence, or crimes involving dishonesty such as forgery,

deceptive practices, or theft, unless the Board finds that the applicant has complied with the conditions and terms of his court-ordered disposition.

#### **502.115(b) Standards Required of All Applicants**

An Applicant for an occupation license shall furnish with his license application two sets of classifiable fingerprints on the law enforcement agency cards provided by the Board:

- 1) When applying for a license; or
- 2) When requested by the stewards in the course of an investigation or inquiry; and
- 3) Pursuant to Section 15(c) of the Act, each applicant may fulfill his fingerprint requirement at either the licensing office of each racetrack or, with prior approval of the state stewards, at a law enforcement agency.

#### **Illinois Racing Board Administrative Rules Part 1409 (11 Ill. Adm. Code 1409)**

**Section 1409.120 and 1409.130**—require partners and corporate shareholders to provide Social Security Numbers, fingerprints or other materials required for an applicant for an owner's license.

**Section 1409.138**—waiver rule—“Any of the above requirements may be waived by the Board.”

#### **Concessionaires:**

Substantial Owners

#### **Illinois Racing Board Administrative Rules, Part 402 (11 Ill. Adm. Code 402)**

##### **Section 402.60(a)(1)—Applicant Contents, Substantial Owners**

Each applicant for an occupation license as a concessionaire shall state whether any individuals in corporation: 1) have been convicted of a crime;

##### **Section 402.70(a)—Grounds for Denial**

“The Board may, in its discretion, refuse an occupation license to any person seeking to operate as a concessionaire: (a) who has been convicted of a crime;”

#### **Inter-track Wagering Facilities (OTB's):**

Inter-track Wagering Facilities Employees

#### **Illinois Racing Board Administrative Rules, Part 435 (11 Ill. Adm. Code 435)**

**Sections 435.110 and 435.120**—require inter-track wagering facility employees and concessionaires to obtain an occupation license from the Illinois Racing Board. Provides that licensing is governed by Rule Parts 502 and 402.

#### **Organization Licensees:**

#### **Illinois Horse Racing Act of 1975**

**Section 19(a)(3)**--No organization license may be granted to conduct a horse racing meeting: 3) to any person who has been convicted of the violation of any law of U.S. or any State law which provided as its penalty imprisonment; to any person against whom there is a pending Federal or State criminal charge; but

this does not make any person ineligible if the Board determines on a case-by-case basis that the granting of the organization license would not be detrimental to the interests of horse racing and of the public.

**Section 24(a)**—"The Board shall not give approval of an organizational licensee application to any person who has been convicted of or is under indictment for a crime of moral turpitude or has violated any provision of the racing law of this State or any rules of the Board."

### **Racing Officials:**

#### **Illinois Racing Board Administrative Rules, Part 422 (11 Ill. Adm. Code 422)**

##### **Section 422.20—Approval of New Officials**

An application for approval for new racing official must include SSN and a completed FBI fingerprint card

##### **Section 422.30—Standards for Approval and Disapproval of Officials**

Board's approval or disapproval of the racing officials selected by the organization licensee shall be based on the standards and guidelines set forth in Sec. 15(c) of the Act.

### **IRB Employees:**

None

### **Board Members:**

10 Commissioners and 1 Chairman

#### **Illinois Horse Racing Act, 230 ILCS 5/6(b)**

**Section 6(b)**—provides that no person shall be a member of the Board who has been convicted of, or is under indictment for, a felony under the laws of Illinois or any other state, or the U.S.

Board member appointees are vetted by the Governor's Office, which conducts a criminal background check.

## **Section 3**

### **A) Rule 502.76 Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision**

Restricts the issuance of license to any person while on conditional discharge, parole, probation or supervision for any crime relating to horse racing, gambling, drugs, use of firearms, acts of violence, or crimes involving dishonesty such as forgery, deceptive practices, or theft, unless the Board finds that the applicant has complied with the conditions and terms of his court-ordered disposition.

**B) Illinois Horse Racing Act of 1975**

**Section 15(c)**--“The Board may in its discretion refuse an occupation license to any person: (1) who has been convicted of a crime;”

**Section 15.3**—requires an IRB employment application for those seeking employment as pari-mutuel clerk, parking attendant or security guard with a licensee, requiring disclosure of 1) felony offenses, and 2) misdemeanor offenses involving dishonesty, fraud, deception or moral turpitude. IRB “may” exclude applicants or declare them ineligible for employment if they have committed acts prohibited under Section 15.2 (wagering during course of employment, touting, bookmaking, theft or fraud) or if they have been previously excluded by the Board.

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**Illinois Racing Board Administrative Rules**

**Rule 502.60 Denial of a License for Criminal Conviction**

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**Rule 402.70(a)—Grounds for Denial**

“The Board may, in its discretion, refuse an occupation license to any person seeking to operate as a concessionaire: (a) who has been convicted of a crime;”

**Rule 422.30—Standards for Approval and Disapproval of Officials**

Board's approval or disapproval of the racing officials selected by the organization licensee shall be based on the standards and guidelines set forth in Sec. 15(c) of the Act.

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## **Section 4**

The Agency asks each applicant to provide criminal history information on each licensing application. Furthermore, each applicant's fingerprints are submitted and run through an FBI database.

## **Section 5**

After a criminal background check has come up positive, there usually is a finding that the applicant violated IRB Rule 502.90 (false answer to questions or omissions). The applicant is questioned either telephonically or in person and given the opportunity to explain the omission. The applicant may be allowed to amend his application and a civil penalty may be imposed.

The criteria to disqualify someone are found in IRB Rule 502.60(d).

The stewards review with the applicant the nature of the crime. Special attention to crimes of dishonesty, fraud, deceit, violence or any crime that by allowing the individual to participate can call into question the honesty and integrity of the sport.

## **Section 6**

Section 502.60 became effective January 1, 1988.

## **Section 7**

### **Rule 502.60(d) Denial of a License for Criminal Conviction**

- d) Upon a request for a hearing pursuant to 11 Ill. Adm. Code 204 from the stewards' recommendation in accordance with Section 502.50, the Board will review the nature of the crime(s), especially crimes of dishonesty, fraud, deceit or violence, when the crimes were committed and the applicant's subsequent employment history.

**Illinois Horse Racing Act of 1975, 230 ILCS 5/46**

**Section 46**—“All final decisions of the Board hereunder shall be subject to judicial review pursuant to the Administrative Review Law [735 ILCS 5/3-101, et seq.]”

**Section 8**

None