

# **ILLINOIS RACING BOARD**

## **Environment and Business Regulations/Executive Agency**

**FY14 Headcount: 18**

<http://www2.illinois.gov/irb/Pages/default.aspx>

### **Summary of Agency Operations**

The Illinois Racing Board (IRB) is responsible for the enforcement of the Illinois Horse Racing Act, which governs horse racing in the state. The board currently regulates racing at three thoroughbred tracks and two standard-bred (harness) tracks. IRB licenses and regulates off-track betting locations and advance deposit wagering. The board is also responsible for the audit and verification of all racing revenues and receipts.

### **Internal Hiring**

**Agency positions subject to restrictions based on criminal history, by statute, regulation**  
Board member

#### **Statutory restrictions applicable to internal hiring**

**Horse Racing Act [230 ILCS 5/6(b)]** 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.

**Restriction type:** Mandatory

**Restriction duration:** No time limit

#### **System of personnel administration**

**Personnel Code [20 ILCS 415]**

**Title 80, Ill Admin Code, Section 302.130 Removal of names from eligible list**

See section IV. of the Final Report for the enumerated criminal history restrictions in the Personnel Code related to being qualified for open competitive examinations and subsequent appointment.

#### **Criminal history record check procedures**

##### **1) Self-disclosure on application**

Yes, Board appointees are vetted by the Governor's Office, per agency's report to the Task Force

##### **2) Background check review procedure**

Criminal history record checks conducted by the Governor's Office for Board appointees

#### **Exemption, waiver, or review mechanisms**

None referenced in agency's report to the Task Force

## Illinois Racing Board

### Number of job applicants who were subject to a criminal history records check in 2010-2011

The number of Board member applicants not reported to the Task Force

### Occupational Licensing, Certification, Regulation

#### **Occupational licenses issued by agency that are subject to criminal history restrictions**

Owner, Jockey, Trainer, Driver, Inter-track employee, Apprentice Jockey, Owner/Assistant Trainer, Jockey Agent, Racing Official, Business Agent, Totalizer 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

#### **Statutory/regulatory restrictions applicable to occupational licensing**

**Horse Racing Act [230 ILCS 5/15)c]** The Board may in its discretion refuse an occupation license to any person:

- (1) **who has been convicted of a crime (see below for definition);**
- (2) who is unqualified to perform the duties required of such applicant;
- (3) who fails to disclose or states falsely any information called for in the application

**Restriction type:** Discretionary

**Restriction duration:** Within 4 years prior to filing first-time application

#### **Title 11 Ill Admin Code, Chapter I, Part 502**

##### **Section 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, ch. 95½, 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.

#### **Title 11 Ill Admin Code, Chapter I, Part 502**

##### **Section 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.

## Illinois Racing Board

**Restriction type:** Mandatory

**Restriction duration:** Until all terms of court-ordered disposition have been met

### **Criminal history record check procedures for occupational licenses**

**1) Self-disclosure on application**

Yes, on Board-approved license application

**2) Background check review procedure**

Fingerprint-based criminal history check with State Police and FBI [230 ILCS 5/15e]

**3) In-house review process**

Board reviews the application and makes a discretionary decision. **Special attention is paid to crimes of dishonesty, fraud, deceit, violence or related to horse racing.** Per agency's report to the Task Force, there is usually a finding that the applicant violated IRB Rule 502.90 (false answers to questions or omissions). The applicant is asked to explain, given a chance to amend their application, and may be assessed a civil penalty.

### **Exemption, waiver, or review mechanisms for occupational licenses**

**Administrative rule: Title 11 Ill Admin Code, Chapter I, Part 502**

**Section 502.60 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.**

### **Evidence of rehabilitation**

**Administrative rule**

**Title 11 Ill Admin Code, Chapter I, Part 502.72**

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

- 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.

**Number of license applicants who were subject to a criminal history records check in 2010-2011**

1, 089

1 was disqualified; none sought waiver

## Illinois Racing Board

### **Employment Contracting**

#### **Contracting restrictions based on criminal history, by statute or regulation**

##### **Illinois Procurement Code [30 ILCS 500/]**

- 30 ILCS 500/50-2 (Continuing disclosure; false certification)
- 30 ILCS 500/50-5 (Bribery)
- 30 ILCS 500/50-5 (c) (Conduct on behalf of business)
- 30 ILCS 500/50-10 (Felons)
- 30 ILCS 500/50-10.5 (Prohibited bidders and contractors)

See section IV. of this report for a discussion of criminal history-based restrictions on contracting with the State in the Illinois Procurement Code.

### **Summary of Employment Restrictions from Agency Report**

No person shall be a member of the Illinois Racing Board (IRB) who has been convicted or is under indictment of a felony under the laws of Illinois or any other state, or the US. (230 ILCS 5/6(b)).

All applicants must submit two sets of fingerprints for FBI criminal background check. The Board may refuse an occupational license to any person who has been convicted of a crime (includes felonies and misdemeanors). If a new applicant has been convicted within four years of filing a first-time application, the Board will review the nature of the crime as well as letters of reference from the applicant to determine applicant's eligibility for a license. (230 ILCS 5/15(c)).

No license shall be granted to any person while on conditional discharge, parole, probation or supervision for a crime relating to horse racing, gambling, drugs, firearms, violence, or dishonesty (forgery, deceptive practices, or theft) unless the Board finds that the applicant has complied with the conditions and terms of his court-ordered disposition. (Rule 502.76)

The Board may issue an occupational license without submission of fingerprints if an applicant has been licensed in another recognized jurisdiction after submitting fingerprints for FBI criminal background check.

In 2011, 1,089 applicants underwent criminal background checks. One was disqualified and none sought waiver.