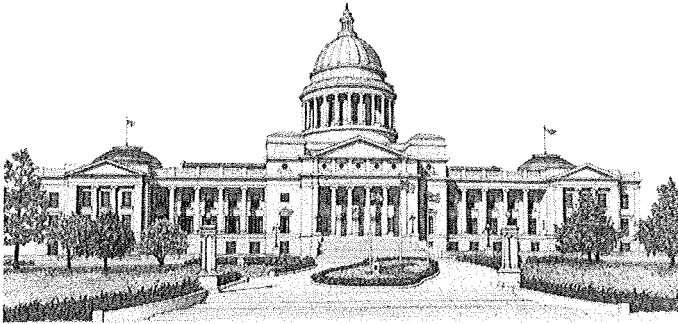


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Racing Commission

Department Department of Finance and Administration

Contact Byron Freeland (attorney) E-mail bfreeland@mwlaw.com Phone 501-688-8810

Statutory Authority for Promulgating Rules Amendment 100 to Arkansas Constitution

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Date

☐ Emergency (ACA 25-15-204)

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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Byron Freeland

bfreeland@mwlaw.com

03-01-19

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Byron Freeland
Signature

501-688-8810

bfreeland@mwlaw.com

Phone Number

E-mail Address

Attorney for Arkansas Racing Commission

Title

03-01-19

Date

RULE 25 EXCLUSIONS

25.01 Exclusions – Inimicals, Cheats, Career Criminals – Definitions

25.02 Maintenance and Distribution of List

25.03 Criteria for Exclusion

25.04 Procedure for Entry of Names

25.05 Duty of Licensee Regarding Excluded Persons

25.06 Removal from the Exclusion List

25.01 Exclusions – Inimicals, Cheats, Career Criminals - Definitions

The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

1. “Candidate” means any person whose name is included on the exclusion list.
2. “Career or professional offender” means any person, whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing methods that constitute violations of the laws of the State of Arkansas.
3. “Cheat” means any person whose act or acts in any jurisdiction would constitute any criminal offense relating to gaming play.
4. “Excluded Person” means any person who has been placed upon the List of Excluded Persons by order of the Commission and is required to be ejected from a gaming facility.
5. “Inimical” means adverse, unfriendly or hostile to the integrity of gaming.
6. “List of Excluded Persons” means a list of names of persons who are required to be excluded or ejected from the Licensee’s premises.
7. “Occupational manner or context” means the systematic planning, administration, management or execution of an activity for financial gain.

25.02 Maintenance and Distribution of List

1. The Commission shall maintain a list of persons to be excluded from a Licensee’s premises.
2. The list shall be distributed to every Licensee in the State of Arkansas on at least a quarterly basis via E-Mail or U.S. Postal Service. Each Licensee shall acknowledge receipt thereof by notifying the Commission via E-Mail or correspondence.
3. The following information and data shall be provided for each excluded person:
 - (a) The full name and aliases of the person to be excluded;
 - (b) A description of the person’s physical appearance, including height, weight, type build, color of hair and eyes and other physical characteristics which might assist in the identification of the person;
 - (c) Date of birth
 - (d) The effective date of the order of exclusion; and

- (e) A photograph, if obtainable and the date of the photo or a photo taken by the Licensee's surveillance department.

25.03 Criteria for Exclusion

1. The exclusion list may include any person who meets the following criteria:

- (a) A career or professional offender whose presence in a Licensee's premises would be contrary to the interests of the State of Arkansas.
- (b) An associate of a career offender or professional offender whose association is such that his or her presence in a Licensee's premises would be inimical to the interest of the State of Arkansas.
- (c) Any person whose presence in a Licensee's premises would be inimical to the interest of the State of Arkansas, but not limited to:
 - (1) Cheats;
 - (2) Persons whose privileges for an Employee License have been revoked;
 - (3) Persons who pose a threat to the safety of patrons or employees of the Licensee; and
 - (4) Persons with a documented history of conduct involving undue disruption of a Licensee's operations.

25.04 Procedure for Entry of Names

The Racing Commission shall, on its own initiative, or upon referral by the Licensee, investigate or review any individual who would appear to be an appropriate candidate for placement on the exclusion list. An agent or other representative of the Racing Commission may conduct the investigation and place any candidate for exclusion on the list and notify that person. The Commission administrator or designee shall, within 30 days of placement thereon, affirm the decision of the Racing Commission representative to place an individual on the exclusion list, or the person's name shall be removed from the list.

25.05 Duty of Licensee Regarding Excluded Persons

1. A Licensee shall exclude or eject any person that has been placed on the exclusion list.
2. If an excluded person enters, attempts to enter, or is in a Licensee premises and is recognized by the Licensee personnel, the Licensee personnel shall immediately notify the Racing Commission.
3. It shall be a continuing duty of Licensee to inform the Racing Commission of the names of persons it believes are appropriate candidates for placement on the exclusion list.
4. Each Licensee shall have the right to exclude undesirable individuals from its premises, and without limiting the generality of the forgoing, each Licensee may have the person whose name appears on the exclusion list removed from the Licensee's premises or may press trespass charges against the individual.
5. Any excluded person who has engaged in gaming activity at a Licensee's premises prior to detection and whose gaming has resulted in a win by the excluded patron, shall forfeit all winnings immediately upon detection of the excluded person by the Licensee or Racing Commission. A Licensee shall not reimburse the excluded person for any losses incurred while the excluded person engaged in gaming activity.

25.06 Removal from the Exclusion List

1. An excluded person may petition the Commission to remove his or her name from the exclusion list.

2. The petition for removal shall state with specificity the grounds believed by the petitioner to constitute good cause for the removal from the list.

3. The Racing Commission or designee may decide the petition on the basis of the documents submitted or grant the petitioner a hearing. A hearing shall be granted only upon a finding that there is new evidence which is material and necessary, or that circumstances have changed since the placement of the excluded person on the list. All exclusion decisions may be appealed to the Racing Commission.

End – Rule 25