

CALIFORNIA HORSE RACING BOARD
NOTIFICATION OF MODIFICATION TO THE TEXT OF THE
PROPOSED ADDITION OF
RULE 1489.2. CRITERIA TO EVALUATE REHABILITATION OF A PERSON
WHEN CONSIDERING DENIAL, SUSPENSION OR REVOCATION OF AN
OCCUPATIONAL LICENSE

Pursuant to the requirements of Government Code Section 11346.8(c) and Section 44 of Title 1 of the California Code of Regulations, the California Horse Racing Board (CHRB or Board) is providing notice of changes that have been made to the text of the proposed addition of Rule 1489.2, Criteria to Evaluate Rehabilitation of a Person When Considering Denial, Suspension or Revocation of an Occupational License.

The proposal to add Rule 1489.2 was originally noticed to the public on September 18, 2015. The proposed amendment was the subject of a public hearing on November 19, 2015. These changes are in response to recommendations made by the Office of Administrative Law (OAL) subsequent to that hearing.

The addition of Rule 1489.2, Criteria to Evaluate Rehabilitation of a Person When Considering Denial, Suspension or Revocation of an Occupational License, is intended to align the Board with the requirements of Business and Professions Code section 482 by implementing criteria for evaluating the rehabilitation of applicants and licensees who have committed certain acts, offenses, or crimes which would otherwise permit the denial, suspension, or revocation of their CHRB license. Subsequent to the Board's November 19, 2015 public hearing, Board staff discussed the proposed regulation with OAL. Upon review of the text of the regulation, OAL recommended that that the Board make the changes reflected in the attached text.

A copy of the full text of the regulation with the proposed changes indicated is attached for your review. Additions to the originally proposed language appear in *italic double underlined text* and deletions are shown in ~~double-strikeout~~.

Any interested person may submit a written statement relating to the modified language during the public comment period from **May 25, 2016, to June 9, 2016**. The written comment period will close at **5:00 p.m. on June 9, 2016**. Submit written comments to:

Phil Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825

All written comments received by the CHRB by **5:00 p.m. June 9, 2016**, which pertain to the indicated changes, will be reviewed and responded to by the Board's staff as part of the completion of the rulemaking file. Please limit your comments to the modifications to the text, which appear either in *italic double underline* or in ~~double-strikeout~~.

Questions concerning the proposed amendment may be addressed to Phil Laird at (916) 263-6025, or at pjlaird@chr.ca.gov, or at the address above. If Phil Laird is not available, questions concerning the proposed amendment may be directed to Andrea Ogden at (916) 263-6033.

CALIFORNIA HORSE RACING BOARD

May 25, 2016

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
PROPOSED ADDITION OF
RULE 1489.2. CRITERIA TO EVALUATE REHABILITATION OF A PERSON WHEN
CONSIDERING DENIAL, SUSPENSION OR REVOCATION OF AN OCCUPATIONAL
LICENSE

1489.2. ~~Rehabilitation~~ Criteria to ~~for~~ Evaluation ~~of~~ Rehabilitation of a Person When Considering Denial, Suspension ~~ed~~ or Revocation ~~ed~~ of an Occupational License

(a) When considering the denial of a license under Business and Professions Code section 480, or the suspension or revocation of licensure under Business and Professions Code section 490, on the grounds that the person has committed an act or been convicted of a crime, the California Horse Racing Board will evaluate the rehabilitation of such person and his or her eligibility for licensure, and ~~may~~ shall consider the following criteria:

~~(a)~~(1) The nature and severity of the act(s) and/or offense(s), including its relation to horse racing or pari-mutuel wagering and the protection of the public.

~~(b)~~(2) The total criminal record, including evidence of any act(s) and/or offense(s) committed subsequent to the act(s) or offense(s) under consideration as grounds for denial, suspension or revocation which also could be considered grounds for denial, suspension, or revocation under Business and Professions Code sections 480 or 490.

~~(c)~~(3) The time that has elapsed since commission of the act(s) or offense(s).

~~(d)~~(4) The extent to which the person seeking licensure or the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the person or licensee.

~~(5)~~ The credibility of the person seeking licensure or the licensee, and his or her acceptance of responsibility and remorse for the conduct.

~~(6)~~ Evidence, if any, of rehabilitation submitted by the person seeking licensure or by the licensee. If the evidence of rehabilitation consists of written statements by third parties in support of the person seeking licensure or the licensee, the written statements ~~should~~ shall include a description of their relationship to the person or licensee, a description of the length of time their relationship has existed, a description of the rehabilitative efforts of the person seeking licensure or the licensee and should contain the following sentence at the end: “I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.” The written statement should be signed by the third party making the statement and dated.

Authority: Sections 482 and 19440,
Business and Professions Code.

Reference: Sections 480, 490, 19460 and 19461,
Business and Professions Code.