

# VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

## CHAPTER 356

*An Act to amend and reenact § 59.1-389 of the Code of Virginia, relating to the Virginia Racing Commission; consideration of application.*

[S 1073]

Approved March 24, 1999

**Be it enacted by the General Assembly of Virginia:**

**1. That § 59.1-389 of the Code of Virginia is amended and reenacted as follows:**

§ 59.1-389. Consideration of application.

A. The Commission shall promptly consider any application for a permit and issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the Commission shall issue a permit, which shall contain such information as the Commission deems appropriate. Such permit shall be valid for one year; however, the permit of a licensee's employee shall expire automatically when such permit holder leaves the employment of the licensee or at the end of one year, whichever occurs first. The licensee shall promptly notify the Commission when a permit holder leaves the employment of the licensee. The Commission shall establish criteria and procedures for permit renewal.

B. The Commission shall deny the application and refuse to issue the permit, which denial shall be final unless an appeal is taken under § 59.1-373, if it finds that the issuance of such permit to such applicant would not be in the interests of the people of the Commonwealth, or the horse racing industry of the Commonwealth, or would reflect on the honesty and integrity of the horse racing industry in the Commonwealth, or that the applicant:

1. Has knowingly made a false statement of a material fact in the application, or has deliberately failed to disclose any information requested by the Commission;

2. Is or has been found guilty of any corrupt or fraudulent practice or conduct in connection with horse racing in this or any other state;

3. Has knowingly failed to comply with the provisions of this chapter or the regulations of the Commission;

4. Has had a permit to engage in activity related to horse racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

5. Is unqualified to perform the duties required for the permit sought; ~~or~~.

~~6. C. The Commission shall deny the application and refuse to issue the permit if, within the five years immediately preceding the date of his application for the permit sought, the applicant has been convicted of a misdemeanor or felony crime involving the unlawful conduct or of wagering, fraudulent use of a credential, unlawful transmission of information, touting, bribery, or administration or possession of drugs or any felony considered by the Commission to be detrimental to horse racing in the Commonwealth; the denial shall be final unless an appeal is taken under § 59.1-373. Additionally, the Commission may deny the application and refuse to issue any permit, if the applicant has been convicted of any such crime committed prior to the five years immediately preceding the date of his application.~~

~~C. D.~~ The Commission may refuse to issue the permit if for any reason it feels the granting of such permit is not consistent with the provisions of this chapter or its responsibilities hereunder.