

11 VAC 10-20-240. Transfer or acquisition of interest in owner's, owner-operator's or operator's license.

A. Generally. A licensee already holding a limited or unlimited owner's, owner-operator's or operator's license may apply to the commission to transfer its race meet or meetings to that of another horse racing facility already licensed by the commission.

B. Requirements for transfer of racing days. The licensee shall apply to the commission in writing requesting the transfer of its racing days to that of another licensee stating:

1. The reason for the transfer;
2. Why the transfer will provide for the promotion, sustenance, and growth of horse racing and breeding, in a manner consistent with the health, safety, and welfare of the Commonwealth of Virginia;
3. Why the transfer will maintain horse racing in the Commonwealth of the highest quality, and free of any corrupt, incompetent, dishonest, or unprincipled practices and maintain complete honesty and integrity;
4. Why the transfer will not adversely affect the operation of any other horse racing facility licensed by the commission;
5. That the transfer has been expressly consented to by the licensee to which the transfer is to be made;

6. That all licensees agree to be bound by the regulations and requirements placed upon it by the commission before the application for the transfer was submitted; and

7. That all licensees to whom racing days are to be transferred, have paid all and any applicable license fees for the conduct of horse racing, with pari-mutuel wagering privileges, at the particular facility or place for holding races on which the racing is to be conducted.

C. Consideration by commission. The commission will take into account the statement submitted by the licensee and any other testimony or documentation that it deems material before approving or denying the request for transfer of a ~~license~~ race meet or meetings. The commission shall act on the application within 60 days of receipt.

D. Acquiring an interest in a licensee. Any person desiring to become a partner, member or principal stockholder of any licensee, or to acquire actual control of a licensee, whether direct or indirect, individually or in concert with others, shall apply to the commission for approval ~~of acquiring an interest in the license~~.

1. The commission may demand such information of the applicant as it finds necessary to consider and act on the application. ~~The applicant shall meet all of the requirements~~ The application shall include all applicable disclosures required ~~imposed~~ by the commission for licensure as owners or operators, as

specified in 11VAC10-20-20 through 11VAC10-20-180 of this chapter. ~~2. The commission shall consider such application forthwith and shall approve or deny the application within 60 days of receipt. The Commission shall deny an any application if in its judgment the and if the commission finds that acquisition would be detrimental to the public interest, or to the honesty, and integrity, and reputation of or racing. ~~of its reputation, the application shall be denied. 3. The commission shall act on the application within 60 days of receipt.~~~~

2. The commission shall ~~consider the~~ approve an application to become a partner, member or principal stockholder that if the application meets the criteria set forth in the Act and subdivision 1 of this subsection D.

3. The commission shall approve an application to acquire actual control of a licensee only if it finds that the applicant meets the criteria set forth in the Act, the criteria set forth in subdivision 1 of this subsection D for a partner, member or principal stockholder, and the criteria set forth in this subdivision 3.

a. If an applicant proposes to acquire actual control of a licensee, such person shall submit to the commission:

i. The applicant's proposal for the future operation of any existing or planned racetrack, or satellite facility owned or operated by the licensee;

ii. Such additional information as the applicant desires; and

iii. Such information as may be required by the commission to assure the commission that the licensee, under the actual control of such person, will have the experience, expertise, financial responsibility and commitment to comply with:

(a) The provisions of the Act;

(b) Commission regulations and orders;

(c) The requirements for the continued operation of the licensee pursuant to the terms and conditions in effect on the date of the application of all licenses held by the licensee;

(d) Any existing contract with a recognized majority horsemen's group; and

(e) Any proposal submitted to the commission by such person.

b. Any such acquisition of control without prior approval of the commission shall be voidable by the commission and, in such instance, the commission may revoke any license it has issued to such licensee, order compliance with this subsection D, or take such other action as may be appropriate within the authority of the commission.

