STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
COMMERCIAL LICENSING DIVISION
1511 PONTIAC AVENUE
CRANSTON, RI 02920

RACING AND ATHLETICS REGULATION 9

RACING AND ATHLETICS CRIMINAL BACKGROUND INVESTIGATION

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Section 1. AUTHORITY

This Regulation ("Regulation") is promulgated pursuant to the authority granted to the Department of Business Regulation ("Department") by R.I. Gen. Laws §§ 41-1-1 (as amended July 1, 2010), 42-14-17, and 42-35-1 *et seq.*

Section 2. PURPOSE

The purpose of this Regulation is to establish criteria to be used in determining whether an application for a license or permit or an application to renew a license or permit filed with the Racing and Athletics Section of the Department should be approved based on information obtained pursuant to a criminal records check conducted pursuant to R.I. Gen. Laws § 41-1-1.

Section 3. SEVERABILITY

If any provision of this Regulation or the application thereof to any Person or circumstance is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Regulation are severable.

Section 4. DEFINITIONS

Unless otherwise provided by this Regulation or unless context clearly requires otherwise, capitalized terms used in this Regulation shall have the same meaning as the terms defined in Title 41 of the Rhode Island General Laws.

A. "Arrest" means any detaining, holding or taking into custody by any police or other law enforcement authorities based on probable cause that a person has committed a crime.

B. "Charge" means any indictment, complaint, information, summons, or other notice of the alleged commission of a crime.

C. "Criminal History Record Information" or "CHRI" means information received by the Department, Rhode Island State Police, and/or Rhode Island Department of Attorney General from the Federal Bureau of Investigation ("FBI").

D. "Director" means the Director of the Department or his or her designee.

E. "Offense" means conviction for any felony, misdemeanor, Alford plea, a plea of nolo contendere and/or a civil offense on a CHRI which is relevant to the type of license or permit sought. Juvenile offenses will not be considered unless the juvenile has been charged as an adult.

F. "Racing and Athletics Section" means the section of the Department authorized to issue permits and licenses to Twin River and Newport Grand and its employees, vendors and their employees.

Section 5. CRITERIA TO BE USED IN DETERMINING WHETHER BASED ON A CHRI, APPLICATION FOR A LICENSE OR PERMIT OR RENEWAL THEREOF WILL BE APPROVED

A. Types of CHRI That May Warrant Denial of Application for License or Permit or Renewal of a License or Permit

1. Convictions of Offenses that occurred within the last twenty (20) years; and

2. Arrests and/or Charges that occurred within the last ten (10) years.

B. Aggravating factors related to the CHRI to be considered by the Department in connection with an application for a license or permit or a renewal thereof include, but are not limited to:

1. Relevance and seriousness of the applicant's CHRI record to the type of license or permit sought;

2. Number of Arrests, Charges, and/or Offenses on the applicant's CHRI that are relevant to the type of license or permit sought;

3. Pattern of similar Arrests, Charges, and/or Offenses on the applicant's CHRI that are relevant to the type of license or permit sought;

4. Evidence of significant harm to a victim(s) or community as reflected in the investigation of the applicant's CHRI;

5. Applicant's refusal, delay, or inadequate explanation of facts and circumstances of information reflected on CHRI or obtained during the investigation of information on the CHRI;

6. Applicant's refusal to acknowledge responsibility for Arrest and/or Charge and/or Offense;

7. Applicant's lack of cooperation with the Department's investigation;

8. Applicant's submission of false or misleading statements or evidence to the Department; and,

9. Applicant's intimidation of or threats to witnesses or others involved with the Department's investigation.

C. Mitigating factors related to the CHRI which may be considered by the Department in connection with an application for a license or permit or a renewal thereof include, but are not limited to:

1. Relevance and seriousness of the applicant's CHRI record to type of license or permit sought;

2. Duration of time since the date of Arrest and/or Charge and/or Offense;

3. Lack of extensive relevant criminal history;

4. Lack of Arrests, Charges, or Offenses currently pending against licensee/applicant;

5. Lack of pattern of similar Offenses relevant to the license or permit sought;

6. Age of the applicant at time of Arrest, Charge, and/or Offense;

7. Documented evidence of the applicant's rehabilitation since Arrest, Charge, and/or Offense;

8. Applicant's cooperation with the Department's investigation;

9. No evidence of significant harm to a victim(s) or public as reflected in the investigation of applicant's CHRI;

10. Documented evidence that the applicant has timely made any required restitution;

11. Documented evidence of the applicant's understanding, acknowledgment, and remorse for Arrest, Charge, and/or Offense; and,

12. Documented explanation by the applicant regarding circumstances related to Arrest, Charge and/or Offense;

D. The Department will also evaluate the CHRI to determine if the Arrest, Charge and/or Offense is relevant to the type of license or permit sought by the applicant.

E. Upon review and evaluation and investigation of the CHRI, the Department may deny the application for license or renewal application, grant the application for license or renewal application without conditions, or grant the application for license or renewal application with conditions.

Section 6. EFFECTIVE DATE

This Regulation is effective on May 19, 2011.