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FILE NO. S-1235

SPORTS AND GAMING:
Transfer of Location
of Racing Meets After
the Allotment of Racing
Dates

Lucy Reum
Acting Chairman
Illinois Racing Board
Room 1000, State of Illinois Building
160 North LaSalle Street
Chicago, Illinois 60601

Dear Mrs. Reum:

I have your letter relating to the destruction of the public facilities at the Washington Park Race Track. An organization license has not been issued to the applicant, but the applicant has already been allotted dates for the conduct of harness race meetings at Washington Park. You inquire whether the Illinois Racing Board has authority to issue an organization license permitting the applicant

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to conduct race meetings on the allotted dates at an alternate location. For the reasons hereinafter stated, it is my opinion that the Illinois Racing Board may issue an organization license to an applicant permitting the conduct of race meetings on allotted dates at a location other than the one for which the dates were originally allotted, if the applicant can show that it has purchased, leased or otherwise contracted for the use of adequate alternate race track facilities.

Section 19(a) (4) of the Horse Racing Act of 1975 (Ill. Rev. Stat. 1976 Supp., ch. 8, par. 37-19(a) (4)) requires that an applicant own or have a lease or contract for the possession of a finished race track at the time an application for an organization license is filed, and at the time an organization license is issued. (See also Ill. Rev. Stat. 1976 Supp., ch. 8, par. 37-20(i).) It is my understanding that, in the present situation, the applicant was in compliance with the Act at the time of application and when racing dates were allotted, but, because of the subsequent destruction of its facilities, the applicant is no longer in compliance. Therefore, the Board cannot now issue an organization license to the applicant.

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In the event of non-compliance by an organization license applicant, section 21 of the Act governs. (Ill. Rev. Stat. 1976 Supp., ch. 8, par. 37-21(a).) That section provides in pertinent part as follows:

" * * * If any application does not comply with this Act or the rules and regulations prescribed by the Board, such application may be rejected and an organization license refused to the applicant, or the Board may direct such applicant to comply with the Act or the rules and regulations of the Board within a reasonable time determined by the Board; and upon proof by the applicant of compliance, the Board may reconsider the application. If it is found to be in compliance with this Act and the rules and regulations of the Board, the Board may then issue an organization license to such applicant."

Thus, the Board may either reject the application and refuse to issue a license to a non-complying applicant or direct the applicant to comply with the Act.

If the Board chooses to direct the applicant to comply with the Act and the applicant obtains alternate facilities which are in compliance with the Act and the Board's rules and regulations, including the appropriate mileage limitation, the applicant may amend its application in regard to the location of its race meetings and keep its allotted dates. If the Board takes the other alternative and rejects the application, the applicant may, upon finding

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adequate alternate facilities, file a late application.

(Ill. Rev. Stat. 1976 Supp., ch. 8, par. 37-20.) In the latter situation, however, the Board has the authority to allot the dates which were previously allotted to the applicant, to any other applicant which is in compliance with the Act.

Very truly yours,

A T T O R N E Y G E N E R A L