

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

09/12/2016

2. Department

California Horse Racing Board

3. Organizational Placement (Division/Branch/Office Name)

Executive/Enforcement and Licensing

4. CEA Position Title

Chief, Enforcement and Licensing

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

Under the general direction of the California Horse Racing Board's (CHRB) Executive Director and Assistant Executive Director, the Chief, Enforcement and Licensing (Chief, EL) is responsible for planning, organizing and directing the activities and daily operations of the CHRB's Enforcement and Licensing Units. The Chief, EL will advise and assist the Executive Director in the development and maintenance of statewide enforcement and licensing policy and procedures and other specialized programs as directed and maintain oversight of statewide CHRB enforcement and licensing projects.

The position is a peace officer position and requires POST credentials.

6. Reports to: (Class Title/Level)

Executive Director (Exempt) Assistant Executive Director (CEA, Range A)

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the general direction of the California Horse Racing Board's (CHRB) Executive Director and Assistant Executive Director, the Chief, Enforcement and Licensing (Chief, EL) is responsible for planning, organizing and directing the activities and daily operations of the CHRB's Enforcement and Licensing Units. The Chief, EL will advise and assist the Executive Director in the development and maintenance of statewide enforcement and licensing policy and procedures and other specialized programs as directed and maintain oversight of statewide CHRB enforcement and licensing projects. The duties/responsibilities for the Chief, EL, include but are not limited to:

Developing and evaluating program policies related to CHRB enforcement and licensing programs at California's racetracks and the effectiveness of the program in the detection of violations of the CHRB rules.

Apprising the Director, the Assistant Director regarding high profile medication and/or other violation cases that warrant the potential for media exposure and attention.

Advising the Director, the Assistant Director, Directors of related Department programs (California Veterinary Medical Board) of revised enforcement procedures developed in efforts to mitigate violations of the Boards rules and regulations.

Overseeing the writing of investigative reports related to medication and/or other violations of the Horse Racing Law and the CHRB's rules and regulations, to ensure investigative reports contain the necessary findings to support notice of violation and the adjudication process and that proper chain of custody protocols were maintained to ensure the integrity of any post-race test samples related to the violation.

Providing law enforcement organizations with appropriate and accurate information and evidence to support legal proceedings, as requested.

Meetings with California racing associations on a regular basis to provide updates on CHRB activities and expectations.

Communication with other state racing jurisdictions enforcement programs to ensure that the CHRB is current, in the techniques and best practices for program integrity.

Attending appropriate symposiums and other enforcement and licensing racing conferences to take advantage of successful programs not yet considered by the CHRB.

Providing resources to the Director, Assistant Director and the CHRB commissioners to answer enforcement related legislative inquiries.

Representing the CHRB on enforcement related issues concerning requests from the public, racing associations and other state agencies.

Providing advice concerning the development of new and/or proposed rules or legislation impacting horse racing, with emphasis on how potential proposals may impact the enforcement and/or licensing programs of the CHRB.

Overseeing the procedural protocols of the equine and human drug testing programs, ensuring chain of custody of equine and human test samples is maintained.

Ensuring enforcement staff are trained and certified in the protocols necessary to administer alcohol drug testing via Breathalyzer and drug testing via uniform urine testing procedures.

Oversees and is responsible for the CHRB's enforcement program which is comprised of investigators who are Peace Officer Standards and Training (POST) certified and vested with peace officer status under the California Penal Code (PC) Section 830.3 and the CHRB occupational licensing program.

Ensures CHRB enforcement staff are in compliance with training required to maintain Peace Officer Standards and Training (POST) certification. The POST program is provided by the California Commission on Peace Officer Standard Training.

Provides liaison and coordination of enforcement activities with racing organizations, such as Breeders Cup, when hosted in California.

Oversees CHRB's occupational licensing program to ensure compliance with the programs protocols; to include overseeing receipt and processing of occupational license applications and associated fees; monitoring and audit review of license fee deposits; ensuring all appropriate license information is maintained in database, including relative criminal history and determining if and when an application for license should be denied.

Prepares for and attends CHRB regular meetings, as well as the Board's committee meetings to make required presentations; answer enforcement and/or licensing questions from CHRB commissioners; advise and update the Board on current enforcement and licensing efforts; and to obtain direction from the Board on how to better effectuate its goals relating to enforcement and licensing.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: Enforcement and Licensing is the department's program.

The mission of the CHRB is to ensure the integrity, viability, and safety of the California horse racing industry by regulating pari-mutuel wagering for the protection of the public, promoting horse racing, breeding, and wagering opportunities, and fostering safe racing through the development and enforcement of track safety standards and regulations for the health and welfare of all participants.

The Enforcement and Licensing program is critical to achieving the CHRB's goals by ensuring the integrity of California horse racing is maintained through the vigorous enforcement of the Boards rules and the law governing horse racing in California, which serve to protect not only the industry but the public at large. The overall goal of the Enforcement and Licensing programs is to ensure compliance by administering and maintaining programs that require a visual presence on the backside of California's racetracks, and serve to deter those who would serve to circumvent the Board rules, thus impacting the integrity of the horse racing. In addition, the occupational licensing program plays an extremely important part of the Boards program as most often, this unit is the first exposure potential licensees have with the CHRB, thus it is critical that timely and accurate service is provided.

In support of this mission, CHRB's Enforcement and Licensing programs, under the leadership, of the Chief, EL, will continue to aggressively enforce the CHRB rules, pursuing those licensees who attempt to participate in activities contrary to the CHRB mission and strive to achieve maximum efficiency in its licensing program.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

On or about February 1991, the Chief, Licensing and Enforcement Series was established in order to consider potential applicants from outside of State service. Two classes were created for this series. Civil service classification (class code 7573) was used to recruit outside of State service and the other classification referred to as the "Comma CEA" (class code 7572) used for the recruitment of those with permanent civil service status. The Chief, Licensing and Enforcement requires peace officer experience to perform, lead and direct the CHRB Enforcement and Licensing programs to comply with the laws, rules, regulations and policies of the horse racing industry.

On or about May 2015 the civil service classification (7573) was abolished. Any recruitment for the Chief, Licensing and Enforcement was limited to only those with permanent civil service status.

Prior to November 2015, applicants were required to have permanent status in civil service to apply for CEA positions. After November 2015, under the revised CEA minimum qualifications, all applicants who possess the knowledge and abilities, and any other requirements as described in the examination bulletin, are eligible to take a CEA examination. Permanent civil service status is no longer required.

Changing the current classification, Chief, Licensing and Enforcement (7572 – Comma CEA) allows the CHRB flexibility to recruit both civil service applicants and applicants from outside of State service.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

One of the major policy areas that the Chief oversees is enforcement techniques, procedures, and protocols when investigating a violation of the California Horse Racing Board regulations. For instance, the Chief proposes/establishes the policies and procedures on how to investigate a medication violation discovered in a horse's post-race blood or urine test. Such a violation can have severe consequences for the horse's trainer, owner and/or veterinarian, and impacts the racing industry statewide. Such a violation can cost the owner/trainer/jockey the purse monies for the race and trigger further sanctions against the horse's connections for unlawful doping.

The Chief also sets policies for human drug testing, which includes establishing training and certification requirements for enforcement personnel so that they may carry out and comply with the rules and regulations associated with the human drug testing program. These policies impact the ability of the primary race participants to compete. When a jockey/driver does not pass a drug or alcohol test, they are removed from their mounts and are not permitted to race. This not only may impact the outcome of a race, but also may lead to that jockey/driver's license being suspended, fined, or revoked.

Additionally, the Chief is also charged with ensuring the enforcement staff maintains and updates their ability to meet the Peace Officer Standard Training (POST) policies to ensure they meet the requirements of performing their duties as an Investigator as required under Penal Code, Section 830.2 (d). A violation of the required training and certification of the various levels can expose the department to liability, as they are required to serve and protect the public and bear arms when arrests are required/needed to contain a potential volatile situation.

Furthermore, it is critical that the Chief establish and maintain licensing policies and procedures that are in compliance with the CHRB rules and regulations, and that compel licensees to also be in compliance with said regulations. Each license has designated requirements that must be met by the applicant to obtain the license. All licensees have access to otherwise restricted areas of race tracks and simulcast wagering facilities, and if the licensees are not in compliance with CHRB regulations, can create a liability to the CHRB, the racing association, and the racing grounds, and otherwise damage the integrity of racing and potential loss of participation to all who are connected with this licensee in the race event.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Chief, Enforcement and Licensing, (Chief, EL) will report directly to the Executive Director and Assistant Executive Director, for supervisory related issues, and serves as a key member of the executive management team, recommending and implementing enforcement and occupational licensing departmental policies as they relate to the work of the Enforcement and Licensing Units. The Chief, EL will be responsible for coordinating major enforcement activities utilizing the Board's investigative team state-wide. The activities under the CHRB enforcement units' scope are far reaching, and include the racetrack enclosures of all California race tracks. The enforcement and licensing activities and policy development, under the Chief, EL impact licensees and the horse racing industry at large.

The Chief, EL will be responsible for coordinating major investigative activities which could be highly sensitive and confidential in nature. The Chief EL is heavily focused on program integrity, policy development and as a result of enforcements investigative efforts will devote time and attention to collaborating and coordinating with staff from the Policy and Regulations Unit, Audits Unit, Accounting Unit and the Board's Information Technology Unit, in addition to other racing jurisdictions programs, as well as other, State, local, and Federal departments and agencies as needed.

It is important to note that although the Chief, EL reports to the CHRB Executive Director for supervisory related reasons; this position will often receive assignments from the CHRB's Assistant Executive Director and may be responsible for making decisions independently with regard to Special Investigations.

The Chief holds the primary decision-making authority for approving and denying occupational license applications, for conducting investigations of violations of the California Horse Racing Board regulations, for determining general peace officer policies and protocols (e.g. firearms policies, arrest protocols), and for personnel hiring and discipline within the enforcement and licensing units.

The Chief, EL will be required to formulate and adopt policies, principles, rules, and guidelines to assist the CHRB with its mission to ensure the integrity of horse racing and the enforcement and licensing programs administered by the CHRB based on the findings of the investigations. The Chief, EL may have the need to revise existing policies, which will have an impact on licensees and the horse racing industry in general. The Chief, EL will often meet and discuss issues and findings with, legal staff, the CHRB Executive staff and commissioners.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Chief will do both. Certain policies within the enforcement and licensing divisions -- such as aspects of drug testing for equine and human athletes -- are based on statutory and regulatory requirements, which only require interpretation and implementation. Other policies, however -- such as investigation techniques and protocols -- require new development, implementation, and updating.