

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 852. UPPER PENINSULA STATE FAIR

(By authority conferred on the commission of agriculture by sections 1 and 4 of 1927 PA 89, and sections 7, 9, 276, and 286 of 1965 PA 380, MCL 285.141, 285.144, 16.107, 16.109, 16.276, and 16.286)

PART 1. GENERAL PROVISIONS

R 285.1101 Definitions.

Rule 101. As used in these rules:

(a) "Agricultural exhibitor" means a person who enters an exhibit in the agricultural and livestock departments of the fair.

(b) "Board" means the upper peninsula state fair board of managers.

(c) "Commission" means the commission of agriculture.

(d) "Community arts or youth exhibitor" means a person who enters an exhibit in the community arts or youth departments of the fair.

(e) "Concessionaire or exhibitor permit" means a license agreement to operate a stand or exhibit, the main purpose of which is to exhibit commercial products, to solicit prospective buyers, or to make direct sales at the fair.

(f) "Concession stand" means a stand that sells and immediately delivers food, beverages, specialty items, balloons, artwork, novelties, or other like items to fair patrons.

(g) "Department" means the department of agriculture.

(h) "Director" means the director of agriculture.

(i) "Educational exhibitor" means an educational, charitable, or nonprofit corporation exhibitor granted a permit by the fair.

(j) "Exhibit" means an article, item, livestock, or poultry entered for public display at the fair.

(k) "Exhibitor" means a holder of an exhibit permit, his or her agent, or a designated representative.

(l) "Fair" means the upper peninsula state fair staged in Escanaba, Michigan.

(m) "Food concession" means a place or stand that sells or serves food or beverages.

(n) "Games of skill" means a single location at the fair that contains 1 or more units of play of a game of skill.

(o) "Manager" means the duly appointed state civil service manager of the fair.

(p) "Non-fair permit" means a permit, other than a lease, for use of any part of the buildings or fairgrounds when the fair is not in operation.

(q) "Premium book" means the publication which relates to the administration of the annual fair event, and which is prepared by the manager.

(r) "Livestock" means those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to any of the following:

(i) Cattle.

(ii) Sheep.

(iii) New world camelids.

(iv) Goats.

(v) Bison.

(vi) Captive cervidae.

(vii) Ratites.

(viii) Swine.

(ix) Equine.

(x) Poultry.

(xi) Aquaculture.

(xii) Rabbits.

"Livestock" does not include dogs and cats.

(s) "Sabotage" means the interference with any livestock belonging to or owned by another person which has been registered with, entered in, or exhibited at, the upper peninsula state fair, or which was raised with the intent of being entered in an exhibition.

(t) "Tampering" means the treatment of livestock in a manner that results in food derived from the livestock being considered adulterated or the treatment of livestock consistent with any practices described in r 285.1604.

History: 2002 AACS.

R 285.1102 Scope; business transactions; premium book rules; rates and fees; concession rights.

Rule 102. (1) R 285.1101 applies to the operation of the fairgrounds during the fair and at other times.

(2) Business transactions of the fair shall be conducted according to established practices and procedures of the state of Michigan.

(3) All rules as printed in the annual premium book shall be binding upon all persons or events where applicable. The manager, as delegated by the director, reserves the right to interpret all of the rules in the premium book.

(4) The manager and the fair board shall recommend admission charges, license rental rates and fees, and the director or his or her designee shall approve or adjust the recommended rates.

History: 1979 AC; 2002 AACS.

R 285.1103 Interpretation of rules.

Rule 103. (1) The director, after consultation with the Upper Peninsula state fair board, reserves the right to interpret these rules and to settle and determine questions and disputes in regard thereto or otherwise arising out of, connected with, or incident to, the operation of business.

(2) The provisions printed in the premium book, the concessionaire permit, exhibitor permit; and non-fair permit shall be followed in the operation and conduct of business during and after the fair or event.

History: 1979 AC; 2002 AACS.

R 285.1104 Inspection of premises.

Rule 104. The fair management and authorized agents for governmental agencies, at any time, may enter upon and inspect any portion of the licensed premises to enforce provisions of a permit, applicable statutes ordinances, and rules. In signing the concessionaire agreement, vendors consent to allow fair management and authorized agents for governmental agencies, at any time, to enter upon and inspect any portion of the premises to enforce compliance with applicable statutes, ordinances and rules.

History: 1979 AC; 2002 AACS.

R 285.1105 Procurement of services.

Rule 105. The manager shall follow the state administrative manual and department policies and procedures relative to the procurement of services.

History: 1979 AC; 2002 AACS.

R 285.1106 Program substitutions.

Rule 106. The upper peninsula state fair management reserves the right to make substitutions at any time in programs and entertainment without refunding admission fees.

History: 1979 AC; 2002 AACS.

PART 2. FAIR OPERATIONS

R 285.1201 Registration of businesses with state; hiring of minors.

Rule 201. (1) A minor shall obtain a Michigan department of consumer and industry services approval number and a working permit from the minor's local school attendance department. Failure to meet the requirements in this subrule is grounds for a cancellation of a permit or a lease.

History: 1979 AC; 2002 AACS.

R 285.1202 Advertising; violation.

Rule 202. (1) A permit holder, patron, or other person shall not place any advertising matter on a building, tree, or any other place on the grounds or distribute advertising matter or literature outside the place assigned by the terms of the permit.

(2) A person who is found to have violated this rule by the manager is subject to expulsion from the fairgrounds and forfeiture of his or her contract and fees without recourse.

History: 1979 AC; 2002 AACS.

R 285.1203 Intoxicating beverages.

Rule 203. Alcoholic beverages shall be permitted on the fairgrounds. The fair may grant a permit to sell alcohol during events if the concessionaire has the appropriate licenses and if approved by the board and the department director.

History: 1979 AC; 2002 AACS.

R 285.1204 Dogs.

Rule 204. Owners shall register their dogs with the manager and comply with all terms of the registration form. If an owner fails to register a dog, the owner shall be ordered to remove the dog from the fairgrounds. A dog shall be under leash by owner or representative at all times on the fairgrounds.

History: 1979 AC; 2002 AACS.

PART 3. CONCESSIONAIRE, EXHIBITOR, AND NON-FAIR PERMITS

R 285.1301 Concessionaire, exhibitor, and non-fair permits; application and issuance procedure; space rental; revocation.

Rule 301. (1) The procedure described in this rule governs the issuance of concessionaire, exhibitor, and non-fair permits.

(2) A person or organization seeking concession or exhibit space to distribute, exhibit, or sell any materials or items on the fairgrounds shall complete an application for a permit. The applicant shall completely and correctly fill out and sign the application.

(3) Concessionaires and exhibitors that have established satisfactory performance records at the fair, as determined by the manager, may be granted permits upon request before permits are issued to new concessionaires and exhibitors. The manager shall determine the eligibility and desirability based on vendor mix and family entertainment value of all permit requests, subject to review by the director.

(4) The manager shall notify both fair and non-fair concessionaire and exhibitor permit applicants in writing of approval or disapproval. If the permit requires the signatures of corporate officers, other than the individuals supervising the exhibit, then the transaction may be carried out by mail. At the time of signing of the permit, the exhibitor shall agree on the location of the exhibit space and shall pay rental fees as approved by the director that are stated on the application for permit or are published by the department.

(5) A concessionaire, exhibitor, and non-fair permit holder shall abide by the rules and procedures of the department. A permit may be revoked by the department, and no claim for damages shall accrue to a permit holder, if a permit holder defaults in the performance of any provision, term, or condition of the permit or rules of the department.

History: 1979 AC; 2002 AACS.

R 285.1302 Rejection or conditional acceptance of application.

Rule 302. The manager may reject or conditionally accept an application for a permit based on vendor mix and in the best interest of the fair.

History: 1979 AC; 2002 AACS.

R 285.1303 Space allocation.

Rule 303. The allocation, number, and location of concessionaire, exhibitor, and non-fair permit holder spaces shall be determined by the manager based on vendor mix and in the best interest of the fair.

History: 1979 AC; 2002 AACS.

R 285.1304 Cancellation of space allotment and license.

Rule 304. (1) A space allotment and permit may be canceled by the manager if a concessionaire or exhibitor fails to occupy the space allotted with the concession or exhibit specified on his permit before the opening of the fair or for violation of the permit, state law, city ordinance, or these rules.

(2) A concessionaire or exhibitor may cancel the space allotted for the fair by advising the manager in writing on or before July 1.

(3) The manager may refund 80% of the payment received if a permit is properly canceled before July 1 of the year the permit is issued.

(4) The manager may refund up to 80% of the payment received from a non-fair permit holder if a permit is properly canceled by the manager not less than 30 days before the start of the event. The manager may deduct the costs of any expenses incurred by the fair.

History: 1979 AC; 2002 AACS.

R 285.1305 Relocation of concession or exhibit.

Rule 305. The manager reserves the right to require a concessionaire or exhibitor to locate at, or move his concession or exhibit to, some other site if the manager determines a public safety need or it is the best interest of the fair. If the manager cannot find a suitable alternate site, the concessionaire or exhibitor is entitled to a pro rata refund of space rent paid.

History: 1979 AC; 2002 AACS.

R 285.1306 Access to fairgrounds before opening day.

Rule 306. A concessionaire or exhibitor shall be granted access to the fairgrounds and exhibit buildings as defined by permit before the opening day of the fair for the purpose of preparing his or her exhibits or concessions.

History: 1979 AC; 2002 AACS.

R 285.1307 Construction of exhibits; structural changes.

Rule 307. (1) An exhibit in a building shall be constructed so it does not obstruct the public's view of an adjacent exhibit.

(2) A concessionaire's or exhibitor's displays and advertising that form the back wall of his or her concession or exhibit shall not be more than 8 feet in height, unless he or she has obtained written permission from the fair management.

(3) A concessionaire, exhibitor, or non-fair permit holder shall not mark, paint, drill, dig, or in any manner deface the premises, except by written permission of the manager, and at the expiration of the permit, shall surrender the premises in as good a condition as when first occupied.

(4) A permit holder shall discuss with, and secure written approval of, the fair management before electrical wiring, decorations, partitions, or other structural changes are made in the rented buildings or on the grounds.

History: 1979 AC; 2002 AACS.

R 285.1308 Signs and advertising; concession permits.

Rule 308. (1) A concessionaire or exhibitor shall not place a sign or advertisement, which hangs over an aisle, in a building.

(2) A concessionaire, exhibitor, or non-fair permit holder shall post on his or her premises only the signs that provides information about the product or services outlined under the application and/or permit.

(3) A concession permit issued by the manager shall be posted in a conspicuous location on the concession stand before the concessionaire may start to operate.

History: 1979 AC; 2002 AACS.

R 285.1309 Set up and electrical hookup authorizations.

Rule 309. An authorization for set up and electrical hookups shall be granted only after a concessionaire, exhibitor, or non-fair permit holder applies in person at the manager's office, and presents a copy of his or her permit or receipts which denote compliance with payment requirements.

History: 1979 AC; 2002 AACS.

R 285.1310 Electrical power; electricians; inspection of electrical connections; approval tag; payment for electrical services.

Rule 310. The fair shall furnish electrical power only to the point of outlet. Special and additional connections for the operation of spotlights, lamps, motors, signs, and other equipment shall be furnished by the exhibitor or concessionaire. The fair shall furnish the application for requested requirements. The fair shall designate a competent electrician to be in attendance upon the grounds before, during, and after the fair. The exhibitor or concessionaire may make arrangements for necessary expert service. The licensed contractor and the exhibitor or concessionaire shall make the arrangement for payment for services before the fair.

History: 1979 AC; 2002 AACS.

R 285.1311 Concession, exhibit, and building hours.

Rule 311. A concession or exhibit shall be open to the public during the hours of operation of the event of the fair. Exhibit buildings shall be open to exhibitors 2 hours before scheduled opening time, and exhibitors shall vacate the buildings within 1 hour after closing.

History: 1979 AC; 2002 AACS.

R 285.1312 Supervision of buildings; police and fire protection.

Rule 312. (1) Superintendents, guards or watchmen shall provide supervision for exhibit buildings in use 2 days before the fair, during the fair, and until 5 p.m. the day after the fair.

(2) The fair management shall provide concessionaires, exhibitors, and non-fair permit holders with normal police and fire protection during the fair and other events.

History: 1979 AC; 2002 AACS.

R 285.1313 Permit holder property; protection; liability for loss or damage.

Rule 313. The fair management shall use diligence to protect concessionaire, exhibitor, and non-fair permit holder property after its arrival on the fairgrounds. However, the state, its officers, agents, and employees are not liable for loss, injury, or damage to a concessionaire, exhibitor, or permit holder caused by fire, accident, condition of structure, or negligence of another concessionaire, exhibitor, or non-fair permit holder, or for any other reason.

History: 1979 AC; 2002 AACS.

R 285.1314 Assumption of risk by permit holder; portable materials; shipments.

Rule 314. (1) A concessionaire, exhibitor, or non-fair permit holder shall assume all risks ensuing from merchandising and exhibiting while at the fairgrounds.

(2) A concessionaire, exhibitor, or non-fair permit holder shall give special attention to the protection of portable materials during the set up period and during the tear down period following an event at the fairgrounds.

(3) A shipment of materials unaccompanied by its owner shall be consigned entirely at the owner's risk. A shipment shall be accepted upon delivery at the fairgrounds if properly marked, and if cartage and other charges are prepaid.

History: 1979 AC; 2002 AACS.

R 285.1315 Insurance; property damage, public liability, and workmen's compensation.

Rule 315. A concessionaire, exhibitor, or non-fair permit holder is responsible for providing his or her own insurance protection against property damage, public liability, and workmen's compensation as required by Michigan statutes in accordance with the permit issued by the fair.

History: 1979 AC; 2002 AACS.

R 285.1316 Certificates of insurance.

Rule 316. The manager shall not admit the property of an exhibitor or concessionaire, who, under R 291.344 is required to carry insurance, on the upper peninsula fairgrounds unless the exhibitor or concessionaire has presented to the fair a certificate of public liability and property damage insurance properly signed and dated by the insurance carrier. In addition, an exhibitor, concessionaire, or non-fair permit holder shall provide the fair with a certificate of workers' compensation insurance

that meets the requirements of the Michigan workers' compensation act. If the exhibitor or concessionaire is a self-insurer under the Michigan workers' compensation act, then authorization for self-insurance is required.

History: 1979 AC; 2002 AACS.

R 285.1317 Applicable laws and ordinances; copies; fire regulations.

Rule 317. A concessionaire, exhibitor, or non-fair permit holder shall obey and conform to all laws of this state, and health, fire, and pertinent ordinances of the city of Escanaba and this state that pertain to concessions, exhibits, and events. A permit holder shall agree to immediately obey any order or regulation of the fire marshal or the manager regarding fire protection and fire hazards.

History: 1979 AC; 2002 AACS.

R 285.1318 Admission tickets.

Rule 318. A concessionaire, exhibitor, or non-fair permit holder is not entitled to free admission tickets. The exhibitor or concessionaire may obtain reduced rate admission tickets at a rate approved by the board. A refund shall not be made for unused tickets.

History: 1979 AC; 2002 AACS.

R 285.1319 Parking area; permits.

Rule 319. Concessionaires, exhibitors, and non-fair permit holders shall park in an area designated by the manager. Parking permits may be obtained by permit holders at the prevailing rate established by the board

History: 1979 AC; 2002 AACS.

R 285.1320 Parking stickers; display; service vehicles.

Rule 320. (1) On the opening day of the fair or event, and at all times thereafter, concessionaire, exhibitor, and non-fair permit holder vehicles shall display a parking sticker issued by the manager, shall enter and exit the fairgrounds through a gate designated by the manager, and are subject to inspection by persons designated by the manager.

(2) During the fair or event, all vehicles servicing concessions and exhibits shall enter the fairgrounds through the designated gate. The vehicles may be used to service and supply concessions and exhibits until 1 hour before the opening of the fair or event, at which time the vehicles shall leave the fairgrounds proper and return to the concessionaire, exhibitor, or non-fair permit holder parking lots or leave the grounds. Failure to comply with this rule shall result in the vehicle being towed away at the owner's expense, and is cause for cancellation of the permit.

History: 1979 AC; 2002 AACS.

R 285.1321 Mailing lists.

Rule 321. A concessionaire, exhibitor, or non-fair permit holder who desires to acquire mailing lists during the period of the fair or event shall submit a written description of the purpose for the list and the method he or she proposes to use in acquiring the list. A permit holder shall not attempt to acquire a mailing list of patrons by any method or scheme unless he or she has received written permission from the manager.

History: 1979 AC; 2002 AACS.

R 285.1322 Advertising or selling products restricted.

Rule 322. (1) A concessionaire or exhibitor shall not advertise or sell a product from the space allotted to him or her for a company not specified on his or her permit.

(2) A concessionaire, exhibitor, or non-fair permit holder shall distribute handbills or other advertising matter only from the permitted premises.

(3) A concessionaire's or exhibitor's solicitors shall not operate outside their permitted premises.

(4) Retail selling, with or without "over the counter" delivery of an item, is not allowed, unless applied for and approved by the manager.

History: 1979 AC; 2002 AACS.

R 285.1323 Giveaways.

Rule 323. (1) A concessionaire, exhibitor, or non-fair permit holder shall obtain from the manager written permission to distribute giveaways.

(2) An exhibitor, concessionaire or non-fair permit holder shall not distribute advertising giveaways that may conflict with any type of concession for which a permit has been granted.

History: 1979 AC; 2002 AACS.

R 285.1324 Price adjustment.

Rule 324. The manager may make adjustments in retail and wholesale prices. If the manager determines a retail or wholesale concessionaire fails to justify as reasonable based on current market prices outside the fairgrounds the prices the retailer, concessionaire, or wholesaler is charging for merchandise, then the manager may adjust the prices.

History: 1979 AC; 2002 AACS.

R 285.1325 Attention attraction devices; undue noise and objectionable operating methods.

Rule 325. (1) Excessive noise from the operation of a concession or exhibit, or noisy or objectionable methods employed in sales or demonstration activities are prohibited. A concessionaire, exhibitor, or non-fair permit holder shall have an equal opportunity to conduct his or her own demonstrations without interference from his or her neighbors. The manager shall determine what constitutes excessive noise or objectionable methods as interfering with the public safety or other activities of the fair or event.

History: 1979 AC; 2002 AACS.

R 285.1326 Cleaning.

Rule 326. A concessionaire or exhibitor shall sweep refuse from his or her premises into the building aisles, or onto the streets, from 11 p.m. to midnight each night. Fair clean-up personnel shall sweep refuse from commercial exhibit buildings and areas adjacent to concession stands each night after the buildings and streets are empty. Fair clean-up personnel shall not enter the concessionaires' or exhibitors' booths within buildings or concession stands.

History: 1979 AC; 2002 AACS.

R 285.1327 Unclean and destroyed premises.

Rule 327. If the premises occupied by a concessionaire, exhibitor, or non-fair permit holder are destroyed in any degree, or left in an unclean condition as a result of the use of the premises by

the concessionaire, exhibitor, or non-fair permit holder, then the manager shall repair or clean the premises and charge the concessionaire, exhibitor, or non-fair permit holder. Failure or refusal to pay the charge by a concessionaire, exhibitor, or non-fair permit holder precludes that party from eligibility to exhibit until the charge is paid.

History: 1979 AC; 2002 AACS.

R 285.1328 Removal of exhibits; releases.

Rule 328. (1) As a protection to exhibitors and concessionaires, fair releases are required for all material taken from the fairgrounds by exhibitioners and concessionaires at the end of the fair. The fair shall distribute releases at the designated fair closing time.

(2) A truck, car, or any type of vehicle shall not enter the fairground to pick up exhibits and stands until the time that is determined by the fairgrounds.

History: 1979 AC; 2002 AACS.

R 285.1329 Prohibited activities; protests.

Rule 329. The permit holder shall sell, handle, serve, display, or exhibit only the articles that are specified on the permit, and only from and upon the space assigned, except that the manager may prohibit the display, sale, or giving away of an item that the manager determines endangers the public health, safety, or morals. The permit holder agrees to comply immediately with the ban. A permit holder may, within 24 hours, file a written request for a review of the manager's decision with the director. The display, sale, or giving away of an item is prohibited unless the director reverses the decision of the manager.

History: 1979 AC; 2002 AACS.

R 285.1330 Fraud and misrepresentation.

Rule 330. The department shall prohibit any form of fraud practiced on patrons of the fairgrounds. Willful and intentional misrepresentations or false advertising shall result in expulsion of the concessionaire, exhibitor, or non-fair permit holder from the fairgrounds, and forfeiture of his or her contract and fees without recourse.

History: 1979 AC; 2002 AACS.

R 285.1331 Fair officers' and employees' interest in a permit concession, or exhibit.

Rule 331. An officer or employee of the fair shall not have a concessionaire or exhibitor permit, or any interest in, or connection with, a concession or exhibit operated on the fairgrounds. If such an interest or ownership is discovered, then the permit is canceled and all money paid for the permit shall be forfeited without recourse.

History: 1979 AC; 2002 AACS.

R 285.1332 Labor unions.

Rule 332. The manager may cancel a permit of a concessionaire, exhibitor, or non-fair permit holder if labor union involvement may lead to, or result in, a strike or picketing of the fairgrounds. A concessionaire, exhibitor, or non-fair permit holder whose permit is canceled shall receive a pro rata refund of unearned rental for the balance of the period provided for in his or her permit. The state of Michigan, its officers, agents, and employees are not liable for damages resulting from the cancellation of a permit.

History: 1979 AC; 2002 AACS.

PART 4. FOOD CONCESSIONS

R 285.1401 Enforcement of health, sanitation, and food laws and regulations.

Rule 401. 2000 PA 92 and its applicable rules governing cooking, dispensing, and sale of foods and beverages shall apply and be strictly enforced. Failure to comply with this rule and other applicable rules and regulations is grounds for cancellation of a food concession permit.

History: 1979 AC; 2002 AACS.

R 285.1402 Rescinded.

History: 1979 AC; 2002 AACS.

R 285.1403 Effect of violation of health sanitation and food laws.

Rule 403 A permit holder who sells or dispenses food products or beverages expressly agrees that the manager may close the permit holder's place of business or expel the permit holder, his or her agents, and his or her employees from the fairgrounds, with forfeiture of all fees, if the permit holder, after being warned by the manager, receives a notice of a violation of health, sanitation, or food laws from appropriate governmental representatives. The permit holder may appeal the closing of his or her place of business, or his or her expulsion, by filing a written request for a review of the decision of the manager. The permit holder's place of business shall not be permitted to operate unless the director reverses the decision of the manager.

History: 1979 AC; 2002 AACS.

R 285.1404 Rescinded.

History: 1979 AC; 2002 AACS.

R 285.1405 Garbage cans; liners.

Rule 405. A food concessionaire shall furnish a minimum of 2 20-gallon garbage cans that have tops unless more are required by the manager. The concessionaire shall furnish appropriate can liners or bag liners and shall use the liners in all garbage cans. When cans are filled, the concessionaire shall promptly remove the cans, close them securely, and neatly pile them for pickup in a given area, and the concessionaire shall insert a new liner. The fair shall pick up garbage each day.

History: 1979 AC; 2002 AACS.

R 285.1406 Disposable cups and eating utensils.

Rule 406. A food concessionaire shall serve soft drinks to customers only in containers approved by the manager and the department. Dishes and eating utensils used by the public shall be disposable and of a single-service variety.

History: 1979 AC; 2002 AACS.

R 285.1407 Rescinded.

History: 1979 AC; 2002 AACS.

R 285.1408 Item pricing.

Rule 408. A licensee shall price all items for sale or post price lists on cards in a conspicuous place on his stand.

History: 1979 AC; 2002 AACS.

PART 5. AGRICULTURAL EXHIBITS

R 285.1501 Competition open to residents.

Rule 501. (1) Competition in agricultural exhibits is open internationally, unless otherwise specified. All agricultural exhibitors shall own and exhibit their respective entries, unless otherwise specified.

(2) An employee of the upper peninsula state fair may not exhibit.

History: 1979 AC; 2002 AACS.

R 285.1502 Special offers.

Rule 502. The department is not responsible for payment of special offers by various associations and individuals. Upon request, the manager, shall furnish the necessary lists of winning fair agricultural exhibitors to the various organizations.

History: 1979 AC; 2002 AACS.

R 285.1503 Entry applications; closing date; right to compete.

Rule 503. (1) An exhibitor shall apply for entries in all departments on the printed form provided by the fair. An exhibitor, by signing the form, agrees to comply with the provisions printed on the application and in the premium book.

(2) Entries in the departments shall close on the dates listed for the departments in the premium book, or when all available space has been allotted. Late entries shall not be accepted unless the manager determines it is in the best interest of the fair to extend the time period.

(3) If an exhibitor or patron questions the propriety or right of an animal or article to compete in a class, then the exhibitor or patron shall make a written request for a determination from the manager. The manager shall provide a written response.

History: 1979 AC; 2002 AACS.

R 285.1504 Entrance fees; refunds.

Rule 504. The fair shall charge an entry fee as determined by the board and as stated both in the premium book under each of the departments and on the entry application. The entry fee shall be charged to the exhibitor in each department and shall be paid at the time of application. Fees shall not be refunded for animals entered but not exhibited, except under both or the following conditions:

(a) The request for refund is presented in writing with the exhibitor's reason for the request.

(b) The request is accepted by the general manager in the best interest of the fair.

History: 1979 AC; 2002 AACS.

R 285.1505 Conditional acceptance or cancellation of entries; prizes.

Rule 505. (1) When in the best interest of the fair and/or for health and safety reasons, the manager may take any of the following actions for justifiable cause:

- (a) Refuse the entry.
- (b) Conditionally accept the entry.
- (c) Cancel any entries.

(2) The manager shall not permit a cancellation or additional entry after the closing date, unless the manager determines that there is justifiable cause for cancellation or additional entry.

History: 1979 AC; 2002 AACS.

R 285.1506 Exhibition time; late arrival.

Rule 506. An exhibit in each department shall be in place for exhibition at the time specified in the printed provisions for each department. An exhibitor arriving late shall be excluded from an exhibition, except for an exhibitor who is coming directly from another fair and who has advance written permission from the manager.

History: 1979 AC; 2002 AACS.

R 285.1507 Failure or refusal to exhibit.

Rule 507. An exhibitor who fails or refuses to exhibit an animal or article for any reason that is not in the best interest of the fair as determined by the manager shall forfeit all fees and rents paid by him or her, as well as premiums won by earlier exhibits. The manager may order the exhibitor to vacate the stalls, pens, or space, and remove the animals or articles from the fairgrounds.

History: 1979 AC; 2002 AACS.

R 285.1508 Removal of exhibits.

Rule 508. (1) An exhibitor shall remove an exhibit at the time specified in the premium book. An exhibitor who violates this rule shall forfeit all premiums, rights, and privileges without recourse.

(2) Upon written request the manager may permit an early release of an exhibit, due to participation in another exhibit or because of family hardship.

History: 1979 AC; 2002 AACS.

R 285.1509 Exhibits; protection; liability for loss or damage.

Rule 509. The fair management shall use diligence to protect livestock and articles entered for exhibition or display after arrival of the livestock or articles on the fairgrounds. However, the State of Michigan, its officers, agents, and employees are not liable for loss, injury, or damage to the livestock or articles.

History: 1979 AC; 2002 AACS.

R 285.1510 Superintendent's duties.

Rule 510. (1) A superintendent is in charge of the department to which he or she is assigned, and shall enforce all provisions, procedures, and regulations related to the assigned department.

(2) A superintendent shall direct the calling of classes for judging in accordance with the printed program as far as practicable and shall ensure that the judges report fully upon each animal or article exhibited in each class.

(3) A superintendent shall perform all duties required in this rule. A superintendent shall perform the duties under the direction of the manager.

History: 1979 AC; 2002 AACS.

R 285.1510a Livestock committee.

Rule 510a (1) The department shall establish a livestock committee. The membership of the committee shall be comprised of representatives from each of the following:

- (a) Each livestock species committee.
 - (b) The auction committee.
 - (c) Michigan State University.
 - (d) The state veterinarian or his or her designee.
 - (e) The director of the Michigan Department of Agriculture Fairs, Exhibitions, and Racing Division or his or her designee.
 - (f) A veterinarian in private practice.
 - (g) The manager. The agriculture superintendent shall serve as the staff advisor to the committee.
- (2) The committee has all of the following duties:
- (a) Responsibility for the review of all policies and procedures developed by the agriculture superintendent to determine if the policies and procedures are in the best interest of the upper peninsula state fair and the industry.
 - (b) Reviewing all complaints filed regarding livestock exhibitions at the fair and making recommendations to the manager for appropriate action.
 - (c) Establishing a subcommittee for the livestock auction.
 - (d) Establishing a subcommittee for each species to provide recommendations for show guidelines.

History: 1979 AC; 2002 AACS.

R 285.1511 Judges; self-interest; objections.

Rule 511. (1) A person shall not act as judge in a class in which he or she is interested as an exhibitor, agent, or employee of an exhibitor, or otherwise. If a judge is an interested party, then the manager shall remove the interested judge and substitute another judge for that specific class.

(2) A person who objects to a person serving as judge shall submit the objection with specific reasons, in writing, before an award is made. The superintendent shall refer the objection to the manager for a determination based on the promotion of competition and the best interest of the fair.

History: 1979 AC; 2002 AACS.

R 285.1512 Judges; duties; decision.

Rule 512. (1) A judge shall comply with fair regulations, procedures, and policies in deliberating awards.

(2) If a judge has good reason to believe that an exhibitor, by false entry or otherwise, is attempting to deceive the judge or the public to obtain a premium by misrepresentation, then the judge shall report the facts immediately to the superintendent. The superintendent shall report immediately to the manager for a determination of the eligibility of the exhibitor to show the animal or article involved.

(3) The decision of the judge is final, except in the case of a formal protest under R 285.1513.

History: 1979 AC; 2002 AACS.

R 285.1513 Formal protests.

Rule 513. (1) An exhibitor or patron shall make a formal written protest to the manager, which shall be accompanied by an affidavit setting forth the grounds for the protest. A formal protest against an exhibition of animals or articles shall be filed not less than 24 hours before the awards are made. The manager shall hear the protest and make a decision before the judging.

A formal protest against a placing shall be filed not more than 6 hours after the placing is made, and shall be considered by the manager. Under procedure established by the department, the manager shall notify all parties and give the parties an opportunity to submit evidence before a final decision is made.

(2) A person who makes a formal protest shall deposit the sum of \$50.00. If the protest is sustained, the fair shall return the deposit to the complainant and if the protest is not sustained, then the deposit shall be forfeited.

(3) An exhibitor against whom a protest has been filed has the right to read the statement of protest.

History: 1979 AC; 2002 AACS.

R 285.1514 Premiums; payment; forfeiture; proration.

Rule 514. (1) Only judges' books may be used as evidence of payment of premiums. Ribbons and tags shall not be used as evidence of payment of premiums.

(2) A judge or superintendent shall report to the manager any exhibitor who insults a judge in any manner or who influences another person to insult a judge. The manager may order the exhibitor to forfeit all premiums and be excluded from exhibiting all of his or her animals or articles.

History: 1979 AC; 2002 AACS.

R 285.1515 Fraud.

Rule 515. (1) If clear and convincing evidence is obtained that a regulation, policy, or procedure has been violated and that fraud or deception has occurred in association with exhibiting in the fair, then the manager shall take 1 or more of the following actions:

(a) Disqualify the exhibit in question.

(b) Disqualify any or all other exhibits of the exhibitor.

(c) Withdraw all premiums, trophies, awards, or money won by the exhibitor.

(d) Bar the exhibitor, the exhibitor's immediate family, or both, from competing at the upper peninsula state fair for a maximum of 3 years. Immediate family includes parents, grandparents, children, grandchildren and siblings.

(2) If fraud or deception is discovered before final placing by the judge, then the exhibit will be declared ineligible to show and the exhibitor will be required to remove the exhibit from the fairgrounds.

(3) If fraud or deception is discovered after an exhibit has been judged, then the placing will be voided and the exhibitor shall remove the exhibit from the fairgrounds. If fraud or deception is discovered after market livestock have been judged and before sale in the livestock sale, then the placing will be voided and the animal may not be sold in the sale. The exhibitor shall remove the market animal from the fairgrounds.

(4) If fraud or deception is discovered after a market animal has been sold, then the money associated with the sale shall be remitted to the buyer. Other animals shall not be moved up in placing. In case any reward has already been awarded, the livestock committee will require the exhibitor to refund all premiums, trophies, awards, ribbons, or sale money under the assessed penalty.

History: 1979 AC; 2002 AACS.

R 285.1516 Rescinded.

History: 1979 AC; 2002 AACS.

R 285.1517 Interpretation and violation of rules.

Rule 517. (1) The manager shall interpret the meaning and application of these rules. An exhibitor may request an opinion from the manager. The request shall be made in writing and returned to the entry office with the award books.

(2) Noncompliance with any rules by an exhibitor shall result in forfeiture of all premiums, rights, and privileges without recourse.

History: 1979 AC; 2002 AACCS.

PART 6. ANIMAL EXHIBITS

R 285.1601 Rescinded.

History: 1979 AC; 2002 AACCS.

R 285.1602 Policies for exhibition.

Rule 602. (1) The fair shall publish a premium book as required by R 285.811.1 et seq., and make the premium book available to all exhibitors. The fair shall publish the rules for exhibition in the premium book, or shall reference the rules, and make the rules available to an exhibitor upon request.

(2) The livestock committee shall determine generally accepted grooming practices for livestock and publish the practices in the premium book.

History: 1979 AC; 2002 AACCS.

R 285.1603 Health requirements.

Rule 603. (1) All livestock presented for exhibition shall have a valid required official health certificate or a certificate of veterinary inspection and proof of required testing and negative results before displaying, exhibiting, or stabling animals in the exhibition area or commingling with other animals.

(2) The official health certificate or certificate of veterinary inspection and the required testing shall be as defined in 1988 pa 466, MCL 287.701 et seq or by the department and published in the premium book.

(3) Each animal presented for exhibition shall be examined by a veterinarian or veterinarian's representative before displaying, exhibiting, or stabling in the exhibition area or before commingling with other animals.

(4) The presentation of an animal for examination shall occur at scheduled intervals depending on the exhibition schedule.

History: 1979 AC; 2002 AACCS.

R 285.1604 Cruelty; prohibited conduct.

Rule 604. (1) Livestock shall be treated in a humane manner and in accordance with generally accepted agricultural and management practices for the care of farm animals and acceptable commercial practices to protect the livestock's health, safety, or welfare. The livestock supervisor shall notify the proper authority if cruel or prohibited conduct is observed.

(2) All of the following practices are presumed to be threats to livestock health, safety or welfare; human health, safety, or welfare; or food safety, and are prohibited:

(a) Injection or insertion of any material into an animal for nonmedical purposes to modify the conformation or appearance of the animal.

(b) Injection or insertion of any material into an animal for medical purposes with the intent of the side effect causing a modification of the conformation or appearance of the animal.

(c) Striking, beating, hitting, or otherwise contacting an animal that would induce swelling or changes, or that transforms conformation or appearance of that animal.

(d) Electric prods, canvas slappers, or other implements employed to drive animals shall be used as little as possible in order to minimize excitement and injury. Any use of such implements which, in the opinion of the superintendent, is excessive, is prohibited. Electrical

prods attached to ac house current shall be reduced by a transformer to the lowest effective voltage not to exceed to 50 volts AC. Pipes, sharp or pointed objects, and other items which, in the opinion of the superintendent, would cause injury or unnecessary pain to the animal shall not be used.

(e) Performance of any surgical procedure to modify the conformation or appearance of an animal, except for surgical procedures performed by a licensed veterinarian for reasons of medical necessity or standard animal care practices.

(f) Presentation of any animal suspected of retaining any testicular or accessory reproductive tissue whether by natural occurrence or surgical process.

(g) Administration or permitting the administration of a prescription drug to livestock, intended for terminal or part-terminal show, either before or during the exhibition, unless the prescription drug is administered under all the following conditions:

(i) By or under the supervision of a veterinarian.

(ii) In accordance with label directions.

(iii) With an established veterinarian-client-patient relationship.

(iv) For a valid medical purpose only.

(v) The timing of drug withdrawal can be followed without risk to food safety.

(h) Administration or permitting the administration of an over-the-counter drug to livestock, intended for terminal or part-terminal show, either before or during the exhibition, unless the over-the-counter drug is administered under all of the following conditions:

(i) Under the supervision of the exhibitor or owner.

(ii) In accordance with label directions only.

(iii) For a valid medical purpose only.

(iv) The timing of drug withdrawal can be followed without risk to food safety.

(i) Administration or permitting the administration of an extra-label usage drug to livestock, intended for terminal or part-terminal show, either before or during the exhibition, unless the extra-label usage drug is administered under all of the following conditions:

(i) By or under the supervision of a veterinarian.

(ii) Used only as the extra-label directions provided by the veterinarian describe.

(iii) With an established veterinarian-client-patient relationship.

(iv) For a valid medical purpose only.

(v) The timing of drug withdrawal is extended as stated by the prescribing veterinarian on the label and can be followed without risk to food safety.

(j) Administration or permitting the administration of a prescription, extra-label usage, or over-the-counter drug to livestock, intended for a non-terminal show, either before or during the exhibition, unless the drug as described is administered under all of the following conditions:

(i) By or under the supervision of a veterinarian, if a prescription or extra-label usage drug is used by or under the supervision of the exhibitor or owner, if an over-the-counter drug is used.

(ii) Use only as directed by the label or prescription.

(iii) With an established veterinarian-client-patient relationship.

(iv) For a valid medical purpose only.

(k) Food products obtained from livestock administered a drug shall not be used for human consumption. An example of a food product includes milk.

(3) The exhibitor is responsible for any violation related to the adulteration or possible adulteration of livestock or food products.

A violation includes either of the following:

(a) Improper withdrawal times followed or condemnation of carcasses due to violative drug residues.

(b) Taints and product quality issues.

History: 1979 AC; 2002 AACS.

R 285.1605 Drug testing of exhibition livestock.

Rule 605. (1) The livestock supervisor shall develop an exhibitor code of conduct and project animal certification/care form for all animal exhibitors.

(2) The livestock supervisor shall collect and retain signed animal certification forms for all animal exhibitors entered in animal classes.

(3) Both of the following provisions apply to required drug testing of grand champions and reserve grand champions:

(a) The grand champion and reserve grand champion from the market steer, market hog, and market lamb classes are subject to blood, urine, hair or tissue testing.

(b) The exhibitor, parent, or guardian shall take the champion animal to the testing area immediately after being named champion.

(4) The veterinarian or his or her designee shall collect urine, blood, tissue, and other test samples in accordance with the department's protocol for the collection of livestock test samples at exhibitions. Test samples may be collected before, during, or immediately after a show. Deviations from the protocol shall be noted.

(5) The veterinarian or his or her designee may collect any urine, blood, tissue, or other test samples from the exhibition animals at the time of slaughter.

(6) The general manager may disqualify any animal, either live or slaughtered, found to be in violation of these rules pertaining to the use of drugs, chemicals, feed additives or any other portion of R 285.1604.

(7) Both of the following provisions apply to random testing of animal exhibits:

(a) An animal entered in the fair is subject to blood, urine, hair, or tissue testing for just cause at the discretion of the manager or his or her designated representative.

(b) The fair manager may implement a random blood, urine, hair or tissue testing program.

(c) The veterinarian or his or her designee shall collect urine, blood, tissue, and other test samples in accordance with the department's protocol for the collection of livestock test samples at exhibitions. The veterinarian or his or her designee may collect test samples before, during, or immediately after a show. Deviations from the protocol shall be noted.

(8) Testing procedure

(a) The fair manager shall provide notification to exhibitors of animals that those animals are subject to blood, urine, hair, or tissue testing.

(i) By placing as grand or reserve champion

(ii) For just cause suspicion

(iii) As part of a random testing program

(b) The general manager shall ensure that identification of animals tested and test samples is accurate.

(c) The general manager shall notify exhibitors of the results from testing in a timely manner.

(d) The notification and procedure for test sample collections shall be printed in the premium book.

History: 1979 AC; 2002 AACS.

R 285.1606 Tampering or sabotage prohibited.

Rule 606. Tampering with or sabotaging an exhibit, as defined in R 285.1101, is prohibited.

History: 1979 AC; 2002 AACS.

R 285.1607 Livestock sale.

Rule 607 (1) An exhibitor who exhibits livestock at a terminal show or partial terminal show consents to participate in an auction sale as follows:

(a) All bidders at an auction sale following a terminal show or partial terminal show shall consent to the slaughter of the livestock or delivery of the livestock to a licensed sale or slaughter facility.

(b) Title to livestock sold at an auction sale and subsequently presented for slaughter or sale at a licensed livestock facility shall remain vested in the exhibitor, or, if the exhibitor is not the owner then title is vested, in the owner until the livestock has been passed by inspection.

(c) During inspection or testing, if the livestock carcass is preliminarily determined to have been tampered with or found to contain an unlawful substance, then 1 of the following shall occur:

(i) If the livestock carcass must be trimmed or reconditioned to comply with the meat inspection requirements, then the carcass shall be trimmed and reconditioned and released to the exhibitor, unless the successful bidder accepts the trimmed or reconditioned carcass.

(ii) If the livestock carcass cannot be trimmed or reconditioned, then the livestock carcass shall be condemned in accordance with the meat inspection requirements.

(iii) If testicular or accessing reproductive tissue is found, then the animal shall be disqualified and the carcass released to the exhibitor.

History: 1979 AC; 2002 AACS.

R 285.1608 Rescinded.

History: 1979 AC; 2002 AACS.

R 285.1609 Rescinded.

History: 1979 AC; 2002 AACS.

PART 7. COMMUNITY ARTS AND YOUTH EXHIBITORS

R 285.1701 Competition open to residents; exceptions.

Rule 701. (1) Competition in the community arts and youth departments is open. The community arts and youth exhibit shall be the work of the exhibitor and shall be shown in the exhibitor's name.

(2) An amateur is permitted to enter his or her work in competition unless otherwise stated. An amateur is a person who does not sell for profit on a part or full-time basis and whose exhibit represents a recreational hobby.

(3) A professional is a person who is engaged in activity for a monetary profit of more than \$2000.00 annually as a result of his or her craft skill.

(4) An employee of the upper peninsula state fair may not directly or indirectly exhibit an article in this section.

History: 1979 AC; 2002 AACS.

R 285.1702 Exhibit class qualifications.

Rule 702. (1) All entries in each class of community arts and youth exhibits shall meet the qualification specified for each class.

(2) An exhibitor may make an entry in each class listed, but the fair may limit a community arts and youth exhibitor as to the number of classes or number of entries he or she may enter.

(3) The fair shall print specific provisions for making entries in the annual premium list for the community arts and youth departments.

History: 1979 AC; 2002 AACS.

R 285.1703 Works of art.

Rule 703. An artist may enter a work of art in each class but it shall be a work of art not previously shown at the fair. The manager may reject an entry that is fragile, unsuitable in size, or inconsistent with contemporary community standards.

History: 1979 AC; 2002 AACS.

R 285.1704 Judges.

Rule 704. (1) The fair shall select judges and a judge's decision is final.

(2) In the absence of competition in a class, and if an article exhibited is inferior in quality or unworthy, then the judges shall award a prize or ribbon only if the entered article merits an award.

History: 1979 AC; 2002 AACs.

R 285.1705 Formal protests.

Rule 705. A community arts or youth exhibitor or others shall make a formal protest in writing to the manager. The protest shall be accompanied by an affidavit setting forth the grounds for the protest. A formal protest against a community arts and youth exhibit shall be filed not less than 24 hours before the judging and the manager shall hear the protest and make a decision before the judging. A formal protest against a placing shall be filed not more than 6 hours after the placing is made and shall be considered by the manager. Interested parties shall be duly notified and given an opportunity to submit evidence before a final decision pursuant to a procedure established by the director.

History: 1979 AC; 2002 AACs.

PART 8. GAMES

R 285.1801 Operation of games; games limited.

Rule 801. (1) A contractor or vendor shall not operate a game in a manner that presents a hazard to the safety of a patron or the public in general. The contractor or vendor shall ensure that game equipment is in sound, safe operating condition. Material used in the construction of a game shall be sufficient to meet its intended use. If the manager feels that there is a hazard in the operation of a game, the equipment used, or the construction of a game, or any part thereof, then the manager shall close the game until corrections are made to the satisfaction of the manager.

(2) Only games of skill are permitted to be operated on the Upper Peninsula state fairgrounds during the annual Upper Peninsula state fair. Games of chance, or games partly of skill and partly of chance, are prohibited on the grounds.

History: 1979 AC; 2002 AACs.

R 285.1802 Games of skill; approval; conditions and specifications.

Rule 802. (1) A contractor shall submit a list and complete description of the games of skill he proposes to use at the fair to the fair manager not less than 45 days before the fair opens for the fair manager's approval. The fair manager at that time may reject those games which, in his opinion, do not meet the requirements of section 4 of Act No. 89 of the Public Acts of 1927, as amended. Such games shall meet, but not be limited to, the following conditions, specifications, and games:

(2) Dart games:

(a) All darts used at the fair shall be weighted, balanced, and have no frayed, broken, or missing feathers and be sharpened to a point. Plastic darts may be used if they meet these requirements and are approved by the fair manager at the fair.

(b) In an "add-em-up" type dart game all squares shall be of the same size and not less than 1-square inch each. Not more than 4 darts shall be used.

(c) In a "break balloon" dart game, target balloons shall be fully inflated at all times.

(d) A dart suction cup shall have not less than 3/16-inch clearance on all sides if cup is stuck in the center of target.

(e) The material in all dart boards shall be of a quality which allows darts to stick readily.

(3) Ball games:

(a) All games in which balls are pitched or thrown through, or into, a target, not less than 1/2-inch total clearance is required; or in other words, the inside diameter of the opening in which a ball must pass through shall be not less than 1/2-inch larger than the outside diameter of the ball at the largest part of the ball.

(b) All balls used shall be in good condition and suitable to the particular game as determined by the fair manager or his designee.

(c) A sign which prohibits rim shots, splash shots, or similar alibis shall not be allowed on ball games.

(d) A game where a ball is thrown into a container shall use only containers with horizontally level openings and of sufficient depth to allow balls to remain in the container. No springs or other devices shall be allowed in or under the containers.

(e) Games in which targets are knocked over or off to win shall display at all times the number of targets which must be tipped over or knocked off to win.

(f) For cat racks there shall be only 1 rail and it shall be placed in front. The rail shall not extend over 1 inch from the shelf where cats are placed. The width of the shelf on which the cats are placed shall not exceed the length of cat plus 3 inches. Fur trim is not included in length of the cat. The distances between the shelf where the cats sit shall not exceed 1 inch and more than 3 separations per shelf shall not be permitted. Shelves shall be level at all times and the canvas back drop shall be not less than the length of the cat plus 3 inches from the rear edge of the shelf. The cats shall be of uniform weight and height and shall not exceed 2 pounds. All cats shall be in good, unbroken condition.

(g) Hinges on slat racks using fixed targets shall work freely to permit targets to fall over easily when hit.

(h) In milk bottle ball games, all bottles shall be free from defects and each set shall be uniform in size and weight and shall not exceed 3 pounds each. The base on which the bottles sit shall not be less than 18 inches from the ground. The front barrier shall not be higher than the base on which the bottles sit. The base shall be not less than 6 feet from the front barrier. A rim not more than 1/2 inch shall be permitted if operating a game "all over." No obstruction whatsoever shall be permitted around the base on which the bottles sit if operating the game "all off."

(i) For games where balls are thrown to break or chip targets, all targets shall be made of the same material. No unbreakable records or other material shall be used for a target.

(4) Roll downs: In any game at a fair in which balls or other objects are rolled or slid on a platform of any kind, the platform shall be level laterally, unwarped, and have no obstructions of any kind between the player and the target. All slots shall be in an even row at the back of the board and be of equal width.

(5) Ring games:

(a) In a game at a fair in which rings are thrown over a target, the rings shall be round, unwarped, and the target shall be horizontally level.

(b) All rings thrown over targets shall have no less than 1/4-inch total clearance and each target shall be possible to ring.

(c) All targets in the same row shall be of the same height when rings are thrown.

(d) In "hoopla" ring games, no prize may project over the target block.

(e) Grease or wax, or both, is prohibited.

(6) Shooting games:

(a) Cork shooting galleries shall use guns in good mechanical condition. No chipped or crooked corks shall be used. No targets shall be used which cork guns cannot shoot off shelf with 1 shot.

(b) Short range, long range, or machine gun shooting galleries shall operate for amusement only.

(c) Blanks shall not be used.

(d) All guns shall be chained at the muzzle end to a counter allowing only enough extension of chain so as to aim at the target and protect the public from possible injury.

(7) Hi-strikers shall be in good condition at all times. The slides or wires shall be straight and free of obstruction. Slide board shall be plumb at all times. Mallets shall be in good condition. There shall be a fence of sufficient strength, and not less than 36 inches high around strikers, to protect the public. No 1-hand strikers shall be permitted and the sign shall so state.

(8) Pitch games:

(a) At a game in which washers or discs are thrown or pitched, the target shall be horizontally level.

(b) In washer spot pitch games, boards on which spots are arranged shall be

level and unwarped. Spots and tokens shall be of contrasting colors. The diameter of each spot shall be not less than 3/8 inch greater than the diameter of the token used to play the game.

(9) Hand push car: A designated starting line may be used and cars do not have to hit back stops to win.

(10) Rope ladder game: Operator shall not touch ladders or patrons. Proper padding shall be provided under the ladder for the safety of patrons.

(11) Guessing of weight and age:

(a) Operator shall not touch patrons. Scale dials shall have clear figures and be illuminated at all times so they can be read by the public.

(b) If a note pad is used for guessing age, only the operator may write his guess. Patrons shall not be required to write on the pad.

(c) No other guessing games shall be allowed.

History: 1979 AC.

PART 9. HEARINGS

R 285.1901 Complaint.

Rule 901. A party interested in a contested matter may request a hearing and shall submit a written comprehensive statement of the complaint, to the director, within 15 days of becoming aware of the contested action. R 285.1902 Procedure and rules.

Rule 902. Notice of a hearing before the director or a designated hearing officer shall be given by registered mail. The notice shall state the date, hour, place, and issues involved. The notice shall be mailed not less than 30 days before the hearing to all interested parties.

History: 1979 AC; 2002 AACS.

R 285.1902 Procedure and rules.

Rule 902. Appropriate state and department procedures, rules, and regulations relating to hearings shall be followed.

History: 1979 AC; 2002 AACS.

R 285.1903 Appearance.

Rule 903. An appearance shall be made in person, by a duly authorized representative, or by counsel. If a person who has been served with a notice of hearing fails to appear at a hearing, then the hearing officer may proceed with a hearing of the matter brought before him or her, and on the evidence presented, may make his or her decision.

History: 1979 AC; 2002 AACS.

R 285.1904 Adjournments and continuances.

Rule 904. A hearing shall not be adjourned or continued, except upon order of the director or the hearing officer conducting the hearing. A motion or request of adjournment or a continuance shall be in writing and state concisely the reasons for adjournment or continuance. The motion or request shall not be considered unless it is filed with the department not less than 10 days before the date assigned for the hearing.

History: 1979 AC; 2002 AACS.

R 285.1905 Depositions.

Rule 905. A deposition shall be taken only upon written permission of the hearing officer where it is proved in writing to the department that it is impractical or impossible to otherwise obtain the evidence. A deposition shall be taken under the general court rules of this state for taking depositions in civil cases, and all parties shall be given an opportunity to cross-examine a deposed witness under oath.

History: 1979 AC; 2002 AACCS.

R 285.1906 Answers, briefs, and arguments.

Rule 906. A person who has been served with a notice of hearing may file a written answer before the date set for hearing, or may appear at the hearing and present an oral statement on the charges contained in the notice of hearing. If written briefs or arguments are presented, then a copy shall be served on the department and upon opposing parties, not less than 4 10 days before the date set for the hearing.

History: 1979 AC; 2002 AACCS.

R 285.1907 Conducting hearing.

Rule 907. The hearing officer shall conduct the hearing in accordance with 1969 PA 306, MCL 24.201 et seq.

History: 1979 AC; 2002 AACCS.