

3769-17-36

**Payment of fines.**

All fines imposed by the judges and the starter shall be paid to the judges. Any person failing to pay a fine within ~~forty-eight hours~~ ten days may be suspended and may be ruled off and/or their license may be revoked by the commission unless an appeal has been filed with the commission and is pending. When the appeal is terminated and the person is to pay a fine, the fine must be paid within ~~forty-eight hours~~ ten days to the judges. If the fine is not paid within ~~forty-eight hours~~ ten days, the person is automatically suspended and may be referred to the commission for further action.



# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

Sean McCullough, Director

## Business Impact Analysis

Agency, Board, or Commission Name: Ohio State Racing Commission

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Payment of Fines: extending the time allowed to pay a fine after issuance of a ruling from 48 hours to 10 days.

Rule Number(s): 3769-17-36

Date of Submission for CSI Review: October 5, 2022

Public Comment Period End Date: October 17, 2022

Rule Type/Number of Rules:

New/ <input type="checkbox"/> rules	No Change/ <input type="checkbox"/> rules (FYR? <input type="checkbox"/> )
Amended/ <input checked="" type="checkbox"/> rules (FYR? <input type="checkbox"/> )	Rescinded/ <input type="checkbox"/> rules (FYR? <input type="checkbox"/> )

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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### **Reason for Submission**

- 1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

**The rule(s):**

- a.  Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b.  Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c.  Requires specific expenditures or the report of information as a condition of compliance.**
- d.  Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

### **Regulatory Intent**

- 2. Please briefly describe the draft regulation in plain language.**  
All fines must be paid to the judges within a certain time period.
- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

3769.03

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

There is no federal requirements

- 5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A

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- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

These regulations are necessary for the safety of the horse and horsemen, and protection of the wagering public.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

These rules have been in place for some time and the Commission believes the success of these rules has been demonstrated. The extension of time is to bring parity to the equivalent time allowed in the thoroughbred rules to pay a fine.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No

### **Development of the Regulation**

- 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

The primary stakeholders are the seven commercial permit holders and members of the horsemen's association who are required to implement and/or follow these rules. The rules were sent to everyone via email, and discussed at the August Commission meeting.

- 10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

These rules were provided to the industry for comments. No comments were received for suggested changes to these rules.

- 11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

No scientific data was used to develop these rules.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

There were no alternatives suggested for this revision

- 13. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

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No, these regulations require permit holders to follow a consistent set of rules.

**14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

No other agency regulates horse racing in Ohio; therefore, no duplication will occur.

**15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

The Commission has employees at all commercial tracks to ensure compliance with these rules.

**Adverse Impact to Business**

**16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community; and**

The scope of the impacted business community includes the seven-commercial permit holders in Ohio and the licensees associated with horse racing.

**b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**

The adverse impact is the person is suspended if the fine is not timely paid. .

**c. Quantify the expected adverse impact from the regulation.**

The person is suspended until the fine is paid.

**17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The person must pay the fine in a timely manner.

**Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

No, all horsemen are considered to be small businesses. There are no large corporations with horseracing in Ohio.

**19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

R.C. 119.14 is not applicable.

**20. What resources are available to assist small businesses with compliance of the regulation?**

The Commission website at [www.racingohio.net](http://www.racingohio.net)

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900