

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio State Racing Commission

Regulation/Package Title: Chapter 4 New, Amended and No Change rules

Rule Number(s): New Rule 3769-4-20; Amended Rule 3769-4-13; No Change Rules

3769-4-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, , 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25,

26, 27, 28, 30,31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41,42,43,44, 45, 46, 47, 48,49,50, 51, 52,

53, 54, 55, 56, 57, 99

Date: September 25, 2018

These rules are amended and no-change rules and may be found by accessing the Commission's website at [www.racingohio.net](http://www.racingohio.net).

**Rule Type:**

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.

3769-4-13 The permit holder must furnish and maintain an ambulance. The proposed change would prohibit horses with jockeys being on the track until the ambulance returns.

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3769-4-20 The permit holder must maintain a first aid room. The proposed change would eliminate the need for a physician and registered nurses in lieu of paramedics

3769-4-01 Certain permit holder employees must be licensed. The permit holder employee, who is licensed, must wear a name tag. There are reporting requirements to the stewards.

3769-4-02 All agreements of any kind between a permit holder and horsemen shall be submitted to the commission ten days prior to the opening of a horse racing meeting.

3769-4-03 The permit holder must give money from pursues to the horsemen unless the commission gives a written order.

3769-4-04 No thoroughbred race shall be scheduled or conducted for less than two thousand dollars purse.

3769-4-05 This regulation discusses condition books which set the conditions for races conducted by the permit holder.

3769-4-06 There are certain licensed individuals who cannot have a horse entered into a race.

3769-4-07 There are age restrictions to be in certain permit holders' areas. You must be eighteen to place a wager.

3769-4-08 There are restrictions on where the permit holder can accept wagers. No unlawful gambling devices are allowed on the permit holders' premises.

3769-4-09 Bookmaking is not allowed on permit holders premises.

3769-4-10 This regulation prohibits touting which is providing information on a horse for a fee.

3769-4-11 The permit holder must maintain its premises in good condition.

3769-4-12 The permit holder must provide stable area security.

3769-4-14 Every permit holder shall install and maintain at his track floodlights to provide adequate illumination of the stable areas at night.

3769-4-15 The permit holders' requirement to have refuse pits for manure and other refuse.

3769-4-16 The permit holders' requirement to keep bathrooms and facilities in a sanitary condition.

3769-4-17 This regulation restricts the use of tip sheets.

3769-4-18 The jockeys' quarters must be clean.

3769-4-19 The permit holders must have adequate living quarters for stable employees.

3769-4-21 The permit holder's video recording requirements of the race.

3769-4-22 The stewards are responsible to the commission and make all decisions regarding the rules of racing.

3769-4-23 This regulation defines the state steward and states this steward oversees the other stewards.

3769-4-24 This rule describes the stewards' powers subject to the limitations in 3769.091.

3769-4-25 The stewards have the right to request documents to determine compliance with the racing rules.

3769-4-26 The individuals who can be supervised by the stewards.

3769-4-27 The stewards may suspend or exclude from the permit holder premises any objectionable characters and persons who have been ruled off by the racing authority of any other state or country so long as such ruling of such authority remains in force.

3769-4-28 The stewards may appoint a deputy in an emergency.

3769-4-29 The stewards shall fill vacancies occurring in other official positions unless the permit holder shall have filled them and notified the stewards prior to the time set for the first race

3769-4-30 The stewards must daily visit the race secretary office at a time not later than ten minutes before scratch time and to remain until all their business is completed.

3769-4-31 This regulation discusses when an official can be disqualified.

3769-4-32 The stewards must file a daily report with the commission.

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3769-4-33 If the stewards disagree on an issue, the procedure they must follow.

3769-4-34 The stewards control all entries into a race.

3769-4-35 The stewards shall determine the number of horses which may safely be started in any race.

3769-4-36 The stewards can order the examination of any horse. The stewards can determine that the horse is not fit to race.

3769-4-37 This rule discusses situation when the stewards may disqualify a horse from a race.

3769-4-38 The stewards may postpone a race from day to day. The stewards may order a horse or horses withdrawn from any race.

3769-4-39 The stewards may replace a rider or a trainer if they believe there is fraudulent practices.

3769-4-40 Complaints against racing officials must be in writing.

3769-4-41 The stewards can disqualify a horse whether or not an objection is filed.

3769-4-42 The procedure to file an objection.

3769-4-43 A person cannot be a steward if he/she has an interest in a horse in the race.

3769-4-44 The commission may require all stewards, placing, and patrol judges to undergo periodic vision examinations.

3769-4-45 The commission approves all officials.

3769-4-46 The duties of the placing judges.

3769-4-47 The permit holder shall provide a camera for a photo finish.

3769-4-48 The duties of the paddock judge.

3769-4-49 A qualified horseshoe inspector shall be in the paddock to inspect horses' shoes.

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3769-4-50 The duties of the track veterinarian

3769-4-51 The duties of the clerk of scales.

3769-4-52 Additional duties for the clerk of scales.

3769-4-53 Additional duties for the clerk of scales.

3769-4-54 Clerk of scales must report to the racing secretary.

3769-4-55 Duties of the patrol judges.

3769-4-56 The permit holders' duties regarding the recording of the race time.

3769-4-57 Who may be subject to an alcohol breath test.

3769-4-99 The penalties the commission may impose.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

R.C. 3769.03

**3. 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?**

No, it is not part of any federal program

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

The Commission is the only entity that regulates horse racing in Ohio. No, it is not part of any federal program.

**5. 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 needed for a safe and fair operations of a thoroughbred horse meeting.

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

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These rules have been in place for some time and the Commission believes the success of these rules has been demonstrated.

### **Development of the Regulation**

**7. 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.

**8. 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. The horsemen recommended changes to 3769-4-13 and the commission agreed. The permit holders recommended changes to 3769-4-20 and the commission agreed

**9. 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 additional scientific data was used to develop these rules.

**10. 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?**

The permit holders requested changes to 3769-4-19. The Commission did not believe these proposed changes were necessary.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

No, these regulations require permit holders to follow a consistent set of rules to conduct thoroughbred horse racing.

**12. 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.

**13. 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 each commercial track to ensure the regulations are applied consistently for the regulated community.

## Adverse Impact to Business

**14. 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;**

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 the adverse impact (e.g., license fees, fines, employer time for compliance); and**

3769-4-13 The permit holder could be fined or suspended for not following this rule. The permit holder must provide an ambulance and pay for personnel to be in the ambulance.

3769-4-20 The permit holder could be fined or suspended for not following this rule. The permit holder must provide paramedics

3769-4-01 The permit holder or a trainer could be fined or suspended for not following this rule.

3769-4-02 The permit holder could be fined or suspended for not following this rule.

3769-4-03 The permit holder could be fined or suspended for not following this rule.

3769-4-04 The permit holder could be fined or suspended for not following this rule.

3769-4-05 The permit holder could be fined or suspended for not following this rule.

3769-4-06 Certain licensees cannot have horses in the races. Certain licensees could be fined or suspended for not following this rule.

3769-4-07 The permit holder could be fined or suspended for not following this rule.

3769-4-08 The permit holder could be fined or suspended for not following this rule.

3769-4-09 The permit holder could be fined or suspended for not following this rule.

3769-4-10 The permit holder could be fined or suspended for not following this rule.

3769-4-11 The permit holder must hire personnel to clean the premises. The permit holder could be fined or suspended for not following this rule.

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3769-4-12 The permit holder must hire security. The permit holder could be fined or suspended for not following this rule.

3769-4-14 The permit holder must provide floodlights. The permit holder could be fined or suspended for not following this rule.

3769-4-15 The permit holder must have refuse pits and pay for personnel to clean out the refuse pits. The permit holder could be fined or suspended for not following this rule.

3769-4-16 The permit holder must hire personnel to clean the premises. The permit holder could be fined or suspended for not following this rule.

3769-4-17 The permit holder could be fined or suspended for not following this rule.

3769-4-18 The permit holder must hire personnel to clean the premises. The permit holder could be fined or suspended for not following this rule.

3769-4-19 The permit holder must provide living quarters. The permit holder could be fined or suspended for not following this rule.

3769-4-21 The permit holder must provide video equipment. The permit holder could be fined or suspended for not following this rule.

3769-4-22 The stewards may be fined or suspended.

3769-4-23 The permit holder must pay for two stewards.

3769-4-24 No adverse impact.

3769-4-25 A licensee could be fined or suspended for not following this rule.

3769-4-26 A licensee could be fined or suspended for not following the rules of racing.

3769-4-27 No adverse impact.

3769-4-28 No adverse impact.

3769-4-29 There is no adverse impact



3769-4-30 The steward must visit the race secretary's' office. The steward could be fined or suspended for not following this rule.

3769-4-31 An official could be fined or suspended for not following this rule.

3769-4-32 The stewards must file a daily report. A steward could be fined or suspended for not following this rule

3769-4-33 No adverse impact.

3769-4-34 The stewards may refuse an entry and the horse would not be able to race.

3769-4-35 A horse may not be able to race.

3769-4-36 A horse may not be able to race.

3769-4-37 A horse may not be able to race.

3769-4-38 A horse may not be able to race.

3769-4-39 A trainer or owner may not be able to have its horse race. The owner or trainer may not have the jockey they wish to ride their horse.

3769-4-40 The time necessary to file a complaint against an official.

3769-4-41 The jockey could be fined or suspended. The horse could be placed last.

3769-4-42 The time period to make an objection.

3769-4-43 The offending person may be fined or suspended.

3769-4-44 An official may have to pay for an eye examination.

3769-4-45 The permit holder may need to find a new official.

3769-4-46 The permit holder must pay for placing judges. The permit holder could be fined or suspended for not following this rule.

3769-4-47 The permit holder must pay for a camera. The permit holder could be fined or suspended for not following this rule.

3769-4-48 The permit holder must pay for a paddock judge. The permit holder could be fined or suspended for not following this rule.

3769-4-49 The permit holder must pay for a horseshoe inspector. The permit holder could be fined or suspended for not following this rule.

3769-4-50 The permit holder must pay for a track veterinarian. The permit holder could be fined or suspended for not following this rule.

3769-4-51 The permit holder must pay for a clerk of scales. The permit holder could be fined or suspended for not following this rule.

3769-4-52 The permit holder must pay for a clerk of scales. The permit holder could be fined or suspended for not following this rule.

3769-4-53 The permit holder must pay for a clerk of scales. The permit holder could be fined or suspended for not following this rule.

3769-4-54 The permit holder must pay for a clerk of scales. The permit holder could be fined or suspended for not following this rule.

3769-4-55 The permit holder must pay for patrol judges. The permit holder could be fined or suspended for not following this rule.

3769-4-56 The permit holder must pay for timing equipment. The permit holder could be fined or suspended for not following this rule.

3769-4-57 The permit holder must pay for an alcohol breath testing device. The permit holder could be fined or suspended for not following this rule.

3769-4-99 A person could be fined or suspended.

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

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3769-4-13 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. It costs approximately fifteen thousand dollars a year to have an ambulance.

3769-4-20 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. It costs approximately eight thousand dollars a year for a first aid room.

3769-4-01 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. The trainer or owner could be fined up to one thousand dollars and could be suspended up to one year.

3769-4-02 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-03 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-04 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-05 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. The condition book costs less than one thousand dollars.

3769-4-06 The person who has a conflict of interest could be fined up to one thousand dollars and could be suspended up to one year.

3769-4-07 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-08 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-09 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-10 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-11 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-12 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. Stable security costs approximately seventy-five thousand dollars a year. The security person who does not carry out his duties called for in this rule could be suspended up to one year and fined up to one thousand dollars.

3769-4-14 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. The cost of floodlights is approximately fifteen hundred dollars a year

3769-4-15 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. The cost to maintain the refuse pit is up to twenty thousand dollars a year.

3769-4-16 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. It costs approximately twenty -five thousand dollars a year.

3769-4-17 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-18 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. It costs approximately three thousand dollars a year

3769-4-19 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. It costs five thousand dollars per year.

3769-4-21 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied. It costs two thousand dollars each race day.

3769-4-22 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-23 The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

3769-4-24 No adverse impact.

3769-4-25 Depending upon the number of documents requested, it could cost the person up to three hundred dollars to obtain the documents.

3769-4-26 The person could be fined up to one thousand dollars and could be suspended up to one year.

3769-4-27 No adverse impact.

3769-4-28 No adverse impact.

3769-4-29 No adverse impact.

3769-4-30 The steward could be fined up to one thousand dollars and suspended for one year.

3769-4-31 The official could be fined up to one thousand dollars and suspended for one year.

3769-4-32 The steward could be fined up to one thousand dollars and suspended for one year.

3769-4-33 No adverse impact.

3769-4-34 The owner or trainer could possibly lose thousands of dollars if the horse is not able to enter a race.

3769-4-35 The owner or trainer could possibly lose thousands of dollars if the horse is not able to enter a race.

3769-4-36 The owner or trainer could possibly lose thousands of dollars if the horse is not able to enter a race.

3769-4-37 The owner or trainer could possibly lose thousands of dollars if the horse is not able to enter a race.

3769-4-38 The owner or trainer could possibly lose thousands of dollars if the horse is not able to enter a race.

3769-4-39 The jockey or trainer may be removed and lose hundreds of dollars for not being able to race.

3769-4-40 It could take thirty minutes to fill out a written complaint

3769-4-41 Depending upon the purse, an owner or trainer could lose thousands of dollars for being disqualified

3769-4-42 It takes approximately ten minutes to file an objection.

3769-4-43 A person could not be a steward and cost him/her up to one thousand dollars a day

3769-4-44 It could cost up to three hundred dollars for a vision examination

3769-4-45 The permit holder will need to find a new official which can take some time.

3769-4-47 It can cost two thousand dollars per day for visual equipment.

3769-4-48 It costs one hundred dollars a day for a paddock judge.

3769-4-49 It costs one hundred dollars a day for horseshoe inspector.

3769-4-50 It costs three hundred dollars a day for a track veterinarian.

3769-4-51 It costs one hundred dollars per day for clerk of scales.

3769-4-52 It costs one hundred dollars per day for clerk of scales.

3769-4-53 It costs one hundred dollars per day for clerk of scales.

3769-4-54 It costs one hundred dollars per day for clerk of scales.

3769-4-55 It costs one hundred dollars per day for a patrol judge.

3769-4-56 It costs up approximately four hundred dollars per race day to lease the equipment.

3769-4-57 It costs one hundred dollars a day to operate an alcohol breath testing device.

3769-4-99 A person could be fined up to one thousand dollars and suspended up to one year. The permit holder could be fined up to one thousand dollars. The racing permit could be suspended up to one year or revoked. A new racing permit could be denied.

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

3769-4-13 An ambulance is necessary because injuries occur during horse racing. The ambulance is necessary to help both humans and the horses.

3769-4-20 A first aid room is necessary to aid the patrons. The changes reduce the amount of staff in the first aid room.

3769-4-01 The adverse impact is justified to ensure that all race participants race are under the same integrity umbrella.

3769-4-02 The adverse impact is justified to ensure these agreements comply with the rules of racing.

3769-4-03 The adverse impact is justified to ensure the horsemen receive the funds from racing.

3769-4-04 The adverse impact is justified to ensure the integrity of racing.

3769-4-05 The condition book informs the horsemen of the conditions to enter a race. The horsemen need to know the conditions before they can enter a horse into a race.

3769-4-06 The adverse impact is justified to ensure the integrity of racing.

3769-4-07 Minors should not be able to place a bet.

3769-4-08 The permit holder should not be involved in illegal gambling. The adverse impact is justified to ensure the integrity of racing.

3769-4-09 The adverse impact is justified to ensure the integrity of racing.

3769-4-10 The adverse impact is justified to ensure the integrity of racing.

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3769-4-11 The public should enjoy racing in a clean environment.

3769-4-12 The adverse impact is justified to ensure the integrity of racing.

3769-4-14 The stable area needs to be safe.

3769-4-15 There must be an area to place refuse. The permit holders' premises need to be sanitary.

3769-4-16 The permit holders' premises need to be sanitary.

3769-4-17 The adverse impact is justified to ensure the integrity of racing.

3769-4-18 The jockey quarters need to be clean and sanitary.

3769-4-19 The permit holders' premises need to be sanitary.

3769-4-21 The adverse impact is justified to ensure the integrity of racing.

3769-4-22 The adverse impact is justified to ensure the integrity of racing.

3769-4-23 The adverse impact is justified to ensure the integrity of racing.

3769-4-24 There is no adverse impact.

3769-4-25 The stewards need information to determine if the rules of racing have been violated.

3769-4-26 The adverse impact is justified to ensure the integrity of racing.

3769-4-27 There is no adverse impact.

3769-4-28 There is no adverse impact.

3769-4-29 There is no adverse impact.

3769-4-30 The adverse impact is justified to ensure the integrity of racing.

3769-4-31 The adverse impact is justified to ensure the integrity of racing.



3769-4-32 The adverse impact is justified to ensure the integrity of racing.

3769-4-33 There is no adverse impact.

3769-4-34 The adverse impact is justified to ensure the integrity of racing.

3769-4-35 The adverse impact is justified to ensure the integrity of racing.

3769-4-36 The stewards need to protect the horse.

3769-4-37 The adverse impact is justified to ensure the integrity of racing.

3769-4-38 The adverse impact is justified to ensure the integrity of racing.

3769-4-39 The adverse impact is justified to ensure the integrity of racing.

3769-4-40 The adverse impact is justified to ensure the integrity of racing.

3769-4-41 The adverse impact is justified to ensure the integrity of racing.

3769-4-42 The adverse impact is justified to ensure the integrity of racing.

3769-4-43 The adverse impact is justified to ensure the integrity of racing.

3769-4-44 The adverse impact is justified to ensure the integrity of racing.

3769-4-45 The adverse impact is justified to ensure the integrity of racing.

3769-4-46 The adverse impact is justified to ensure the integrity of racing.

3769-4-47 The adverse impact is justified to ensure the integrity of racing.

3769-4-48 The adverse impact is justified to ensure the integrity of racing.

3769-4-49 The adverse impact is justified to ensure the integrity of racing.

3769-4-50 The adverse impact is justified to ensure the integrity of racing.

3769-4-51 The adverse impact is justified to ensure the integrity of racing.

3769-4-52 The adverse impact is justified to ensure the integrity of racing.

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3769-4-55 The adverse impact is justified to ensure the integrity of racing.

3769-4-56 The adverse impact is justified to ensure the integrity of racing.

3769-4-57 The adverse impact is justified to ensure the integrity of racing.

3769-4-99 The adverse impact is justified to ensure the integrity of racing.

### **Regulatory Flexibility**

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

No, this regulation applies to only seven commercial race track permit holders; therefore, an exemption for small businesses is not applicable.

**17. 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.

**18. 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

The Deputy Director and Legal Counsel at [Michael.Rzymek@racing.ohio.net](mailto:Michael.Rzymek@racing.ohio.net)