

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Racing Commission

Regulation/Package Title: Chapter 17 NO CHANGE RULES 2016

Rule Number(s): 3769-17-02, 03, 05, 07, 08, 09, 9.1, 10, 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 38, 39, 40,

Date: March 22 2018

These rules are no-change rules and may be found by accessing the Commission's website at 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Rescinded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.

3769-17-02 states the requirement for owners, corporations, partnerships, syndicates and other entities to obtain a racing license.

3769-17-03 states any owner or trainer may have an agent and the requirements of authorized agents for procuring a racing license.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

3769-17-05 states the judges can require a driver to obtain a physical examination from a licensed physician before being permitted to race at the track.

3769-17-07 states the restrictions on an owner, trainer or driver wagering against their own horse in a race in which they are participating.

3769-17-08 states the restrictions on owners, trainers, drivers and grooms for exchanging information during the races.

3769-17-09 states no individual is permitted to drive a horse unless wearing a safety helmet with chin strap in place.

3769-17-09.1 requires safety reins when a person is riding on sulky or jog cart at permit holder location.

3769-17-10 states attire requirements for drivers.

3769-17-13 states complaints against officials must be in writing and sent to the judges

3769-17-14 states the owner and trainer is responsible for naming a driver if not, the judges can name a driver.

3769-17-20 states the requirements for drivers if a horse breaks stride during a race.

3769-17-21 states a driver cannot purposely causes his/her horse to break stride.

3769-17-22 states the winning horse's race time shall be announced.

3769-17-23 states judge's responsibility to call out breaks to the clerk during a race.

3769-17-24 states the time between heats.

3769-17-25 states the judges shall allow time after an accident before resuming the racing program.

3769-17-26 states the driver must be seated at the end of a race.

3769-17-27 states the use of wheel disks and mud guards.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

3769-17-28 defines procedures when a horse falls, gets loose on the track or is involved in an accident.

3769-17-29 defines disorderly conduct.

3769-17-30 defines limited suspension and full suspension.

3769-17-31 states if driving violations are less than five days than drivers can do certain activities.

3769-17-32 defines the terms of reciprocity in regard to licensing.

3769-17-33 states a horse can be suspended if a person is suspended.

3769-17-34 requires a licensed person to return purse monies for fraudulent practices

3769-17-38 defines fraudulent practices.

3769-17-39 states during the suspension of any licensed person, he/she may be denied admission to any part of the permit holder grounds.

3769-17-40 states the procedures to file an objection.

3769-17-99 states 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.

These rules are not part of any federal requirement or program

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

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)?

It also protects the integrity of horse racing. These regulations protect race participants and the wagering public by outlining the requirements for licensees who want to participate in horse racing.

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

These regulations have been in place for some time and the Commission believes the success of the regulation has been demonstrated. The stakeholders did not request any changes to these rules.

Development of the Regulation

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

The stakeholders include the seven commercial permit holders and horsemen's and racing associations.

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. There were no comments received on any of these rules. The commission staff reviewed the rules and did not recommend any changes.

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?

After the stakeholders and commission staff have reviewed the rules and no alternative regulations were suggested.

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

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

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

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

No measures were taken because no other Ohio agency regulates horse racing. 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 regulations have been implemented for several years at all permit holders and no suggested changes were voiced by the stakeholders.

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 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

3769-17-02 The adverse impact is the time to fill out an application and pay a license fee for owners involved in corporations, partnerships and syndicates.

3769-17-03 The adverse impact is the time to fill out application and pay a license fee for those authorized agents who are procuring a racing license.

3769-17-04 The adverse impact is that the trainer will have to pay a substitute trainer to do his duties.

3769-17-05 The adverse impact is the time and cost associated with physical examination

3769-17-06 The adverse impact is a driver could be fined or suspended.

3769-17-07 The adverse impact is an owner, trainer or driver could be fined or suspended.

3769-17-08 The adverse impact is an owner, trainer and driver could be fined or suspended. could be fined or suspended.

3769-17-09 The adverse impact is the cost of the helmet and a driver could be fined or suspended.

3769-17-09.1 The only adverse effect is the cost of the safety reins.

3769-17-10 The adverse impact is the driver could be fined or suspended.

3769-17-13 The adverse impact regarding complaints against officials is the time it takes to submit the complaint in writing to the commission.

3769-17-14 The adverse impact for an owner or trainer who does not name a driver is that the stewards may choose a driver of equal or lesser talent.

3769-17-20 The adverse impact is the driver could be fined and/or suspended. As well, an adverse impact would be to the trainer of the horse, who has made two breaks of gait in consecutive races, must requalify, necessitating down time and additional cost to the owner and trainer.

3769-17-21 The adverse impact is the driver could be fined and/or suspended.

3769-17-22 The adverse impact the horse that is moved up must have his /her time determined by the photo finish or an electric timing device, which could take some time to determine.

3769-17-23 There is no adverse impact on business.

3769-17-24 The adverse impact is the time in between heats is horsemen and the wagering public must wait no less than 40 minutes.

3769-17-25 The adverse impact is the time waiting to start in the following race.

3769-17-26 The driver who is not seated at the end of a race would not be able to win a share of the purse.

3769-17-27 The adverse impact is the cost of wheel disks and mud fenders.

3769-17-28 The adverse effect is the horse would not be able to race and make money for the owners, trainers or drivers

3769-17-29 The adverse impact is the driver or trainer could be fined or suspended.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

3769-17-30 The adverse impact is the trainers and drivers could be fined and/or suspended.

3769-17-31 The adverse impact is the driver could be suspended or fined.

3769-17-32 The adverse effect is those individuals who have been suspended or ruled off in other jurisdictions cannot receive a license in Ohio.

3769-17-33 The adverse is the horse cannot make money for the suspended licensee.

3769-17-34 The adverse impact is the suspended person must return purse monies.

3769-17-35 The adverse impact is the person could be ejected, fined or suspended from the permit holder's facility.

3769-17-38 The adverse effect is the person could be fined or suspended.

3769-17-39 The adverse impact is the suspended individual is denied his/her ability to earn a living.

3769-17-40 The adverse impact is the time it to place written objections.

3769-17-43 The adverse impact of a disqualification is the owner will lose money when the purse is redistributed.

3769-17-99 The adverse impact is to the owners, trainers and drivers is the fines and/or suspensions that could be assessed.

c. Quantify the expected adverse impact from the regulation.

3769-17-02 The owners license costs fifty dollars.

3769-17-03 The authorized agent license costs fifty dollars

3769-17-04 Trainer's fees range from no charge to \$200 a day.

3769-17-05 Most physical examinations are between one hundred to two hundred dollars.

3769-17-06 The driver could earn less money. It is hard to determine an amount

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

3769-17-07 An owner, trainer or driver could be fined up to ten thousand dollars and they could be suspended and could lose his/her license.

3769-17-08 An owner, trainer and driver is caught exchanging information during the races, he/she could be subject to fines up to ten thousand dollars and he/she could be suspended.

3769-17-09 The cost of a safety helmet is \$350 and upward.

3769-17-09.1 The cost of safety reins is \$75 and upward.

3769-17-10 The cost of driver's colors can be \$300 and upward.

3769-17-13 It may take up to thirty minutes or more to submit a complaint in writing to the commission.

3769-17-14 An owner or trainer who does not name a driver risks being assigned a driver of lesser talent, which may compromise his/her horse's ability to earn purse money.

3769-17-20 A driver could be fined up to one thousand dollars and/or be suspended up to one year. The trainer and owner of the horse will lose money based on the length of the suspension.

3769-17-21 A horse becoming injured from a fraudulent break could cost the owner thousands of dollars in veterinary bills. The driver could be fined up to one thousand dollars and be suspended up to one year.

3769-17-22 A winning horse being disqualified and necessitating another horse being moved up could take thirty minutes to establish a new winning time via photo finish or an electric timing device.

3769-17-23 There is no adverse impact on business.

3769-17-24 The wait time between heats must be no less than 40 minutes between heats.

3769-17-25 If an accident occurs, sometimes the wait time can be 30 minutes to an hour or more depending on the severity of the accident.

3769-17-26 A driver who has been unseated before the end of a race would not receive part of a purse money.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

3769-17-27 The cost of wheel disks and mud fenders can range from \$150 and upward.

3769-17-28 The horse could be barred from the race and not be eligible to win the purse. The amount lost would depend on the purse amount.

3769-17-29 The driver and/or trainer could be fined up to one thousand dollars and suspended up to one year.

3769-17-30 The driver and/or trainer could be fined up to one thousand dollars and suspended up to one year.

3769-17-31 Drivers would lose the ability to earn money based on the number of missed driving opportunities.

3769-17-32 The cost of reciprocity is those individuals who have been suspended or ruled off in other jurisdictions, thus, denying them the ability to make a living at the Ohio racetracks.

3769-17-33 A horse not be allowed to race does not have the opportunity to earn money. The amount of money would be determined by the ability of the horse to win races.

3769-17-34 Purses can be range from hundreds to thousands of dollars.

3769-17-35 The licensed person could be fined up to one thousand dollars and suspended up to one year.

3769-17-38 The person could be fined up to ten thousand dollars and suspended for more than one year.

3769-17-39 The suspended individual loses the ability to earn a living based on the number of days the person is suspended.

3769-17-40 It might take thirty minutes to write an objection(s).

3769-17-43 A disqualification can affects the owner, trainer and driver depending on the size of the purse.

3769-17-99 Owners, trainers and drivers can be fined up to one thousand dollars and suspended up to one year.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

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

3769-17-02 This rule is justified to protect the integrity of horse racing and safeguard the interest of the public and racing participants through owners, corporations, partnerships, syndicates and other entities need to be licensed and held accountable to follow the rules of racing

3769-17-03 This rule is justified to protect the integrity of horse racing and safeguard the interest of the public and racing participants. The rule is justified because authorized agents must have a racing license and can be held accountable for not following the rules of racing.

3769-17-04 The adverse impact is justified as the judges need to be kept informed of who is responsible for horses being trained.

3769-17-05 The adverse impact is justified as driver must be in acceptable physical condition to drive horses in a safe manner so he/she does not injure himself, other drivers or other horses

3769-17-06 The rule is justified because if a driver has financial interest in a horse in training, he/she may not ride another horse with sufficient effort to win a race which would hurt the integrity of racing.

3769-17-07 The rule justified to protect wagering and the public integrity of racing through prohibiting drivers from wagering on horses other than their own.

3769-17-08 The rule justified to protect wagering and the public integrity of racing through prohibiting drivers from exchanging information with others that could give them an advantage on placing a bet.

3769-17-09 The adverse impact is justified to ensure safety of all participants.

3769-17-09.1 The adverse impact is justified to ensure safety of all participants.

3769-17-10 The adverse impact is justified to ensure the integrity of racing.

3769-17-13 The adverse impact is justified to fully understand a complaint it must be in writing to the commission.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

3769-17-14 The rule justified to protect wagering and the public integrity of racing. The betting public knows some drivers are more skillful than others.

3769-17-20 The adverse impact is justified to protect the horses and other drivers.

3769-17-21 The rule justified to protect wagering and the public integrity of racing and to protect the health of horses and other drivers.

3769-17-22 The adverse impact is justified to ensure the integrity of racing by knowing the winning time for the horse.

3769-17-23 There is no adverse impact.

3769-17-24 The adverse impact is justified to ensure the integrity of racing by making sure the result of the previous race is correct before the next race begins.

3769-17-25 The adverse impact is justified to make sure all horses and individuals receive medical treatment. Also, the track is safe for other races.

3769-17-26 The adverse impact is justified to ensure the safety of all participants.

3769-17-27 The adverse impact is justified to ensure no participant has a competitive advantage.

3769-17-28 The adverse impact is justified to ensure the health of the horse.

3769-17-29 The adverse impact is justified to ensure the races are conducted in a safe manner.

3769-17-30 The adverse impact is justified to inform the person suspended of permissible activities while suspended.

3769-17-31 The adverse impact is justified to inform the person suspended of permissible activities while suspended .

3769-17-32 The rule is justified because it prohibits suspended individuals in other jurisdictions to engage in horse racing in Ohio.

3769-17-33 The rule is justified because it disqualifies a horse and allows the redistribution of the purse to licensees who follow the rules.

3769-17-34 The rule is justified because a person who wins a purse by violating the rules of racing should not be rewarded and should have to return the purse to licensees who did not violate the rules of racing.

3769-17-35 The adverse impact is justified to ensure the integrity of racing by ensuring the races are conducted in a safe manner.

3769-17-38 The rule is justified because a person who wins a purse by fraudulent practices should not be rewarded for the fraudulent practices and should have to return the purse to licensees who did not engage in fraudulent practices.

3769-17-39 The adverse impact is justified to ensure the integrity of racing by not allowing individuals who violate the rules of racing to be at the permit holder's location.

3769-17-40 The adverse impact is justified to ensure an objection is done in the correct manner.

3769-17-43 The rule is justified because it disqualifies a horse and allows the redistribution of the purse and it rewards licensees who follow the rules.

3769-17-99 This rule is justified to protect the integrity of horse racing, guard the health of the horse, and safeguard the interest of the public and racing participants.

Regulatory Flexibility

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

No, this regulation applies to seven commercial race track permit holders. It also applies to every licensee to apply these rules to all licensees. 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.racing.ohio.gov

The Commission phone number at 614-466-2757

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

The Commission facsimile number at 614-466-1900

The Deputy Director at Michael.Rzymek@racing.ohio.gov

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov