

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3769-2-01

Rule Type: No Change

Rule Title/Tagline: The commission, right to search.

Agency Name: State Racing Commission

Division:

Address: 77 South High St. 18th floor Columbus OH 43215-6108

Contact: Michael Rzymek

Email: Michael.Rzymek@racing.ohio.gov **Phone:** 614-779-0270

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 3/25/2019 and 03/24/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 3769.03
5. What statute(s) does the rule implement or amplify? 3760.03
6. What are the reasons for proposing the rule?

The commission has the right to search certain areas.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

A) Members of the commission and its representatives shall have the right of full and complete entry to any and all parts of the grounds and mutuel plants of permit holders.

(B) The Ohio state racing commission and its representatives or the state steward investigating for violations of law or of the rules and regulations of the commission, shall have the authority to permit persons authorized by them to search certain persons and areas as follows:

(1) All persons licensed by the commission or persons engaged in activities that require a license by the commission when such persons are within the race track premises or those who have gained access by special permission;

(2) Vendors licensed by the commission when they are within the race track premises;

(3) Stables, rooms, vehicles and any other place within the race track premises used by those persons who may be searched pursuant to this rule;

(4) Stables, rooms and vehicles used or maintained by persons licensed by the commission and which are located in areas outside of the race track premises where horses eligible to race at the race meeting are stabled.

(C) If a person refuses to consent to such searches as described above, such person shall be automatically suspended by the stewards and referred to the commission who may revoke said licensee's Ohio state racing commission license and rule said licensee off all Ohio tracks for the remainder of the calendar year and/or assess any other penalty provided for in rule 3769-2-99 of the Administrative Code.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium**

or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will have no impact on revenues or expenditures.

0

Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes**

- 16. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

Yes, all persons participating in racing must be licensed by the Ohio state racing commission.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Yes, a fine or suspension could be invoked upon failure to comply with this rule.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Yes, a person must complete an application and pay the license fee before being allowed to participate in horseracing.