



Common Sense Initiative

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Business Impact Analysis

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

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

Chapter 5 Racing Eligibility No Change Rules

Rule Number(s): 3769-5-01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 17.1, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, and 99

Date of Submission for CSI Review: May 27, 2020

Public Comment Period End Date: June 26, 2020

Rule Type/Number of Rules:

New/___ rules

No Change/___X___ rules (FYR? Yes)

Amended/___ rules (FYR? ___)

Rescinded/___ rules (FYR? ___)

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.**

Please include the key provisions of the regulation as well as any proposed amendments.

3769-5-01 This rule states the racing secretary duties.

3769-5-02 This rule states the racing secretary is the clerk of course and states clerk of course duties.

3769-5-03 This rule states the racing secretary is the handicapper and the handicapper duties.

3769-5-04 The racing secretary must receive entry fees.

3769-5-05 The racing secretary must keep a list of people who are not allowed at a track.

3769-5-06 The racing secretary must keep an overnight list.

3769-5-08 This rule lists horses eligible to enter a race if there are not enough horses in the field.

3769-5-09 The racing secretary must keep a preferred horse list.

3769-5-10 This rule states excess horses shall be automatically on the preferred list.

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- 3769-5-11 The racing secretary has discretion regarding divisions of the preferred list.
- 3769-5-12 This rule states the grade of preference must be clearly stated in the track rules.
- 3769-5-13 The preferred list must be posted and any error on the list must be reported by 10:00 am.
- 3769-5-14 The claim of preference must be on the entry.
- 3769-5-15 The racing secretary shall receive entries.
- 3769-5-16 In order to enter a horse in a race, the owner and trainer, jockey must be licensed.
- 3769-5-17 Every entry must have the full name of all the owners.
- 3769-5-17.1 The required information on all entries
- 3769-5-18 The requirements for stable names.
- 3769-5-19 The requirements for partnerships that have an interest in a horse.
- 3769-5-21 This rules states conditions when an entry cannot be changed.
- 3769-5-22 Unless the race conditions require a fee, there is no fee to enter a race.
- 3769-5-23 The stewards may require a person to prove that he has an interest in the horse entered in a race.
- 3769-5-24 Circumstances when two horses from the same owner or trainer can be entered in a race.
- 3769-5-25 The entry can be refused without notice.
- 3769-5-26 A jockey should be listed on the entry.
- 3769-5-28 The horse must be clearly identified in the entry and if a mare is bred, it must be listed on the entry.
- 3769-5-29 The person who is in charge of the horse must be able to identify the horse.
- 3769-5-30 Every horse's performance must be published.
- 3769-5-31 Every horse entered in a race must be a starter unless it is declared out or is excused.
- 3769-5-32 The horse must be eligible to start.
- 3769-5-33 Horses with these conditions cannot be entered or start a race.
- 3769-5-34 When a horse can be put on the veterinarian's, steward's or starter's list and must be negative for equine infectious anemia.
- 3769-5-37 The stewards may allow a late nomination.

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3769-5-38 A nomination of a stakes race cannot be withdrawn but can be substituted.

3769-5-39 A horse cannot be in a stakes race until all the fees are paid.

3769-5-40 The money paid to enter a stakes race is not refundable.

3769-5-41 A horse's engagements are assigned to a new owner unless specified in the bill of sale which must be provided.

3769-5-42 The owner or trainer must scratch the horse in writing.

3769-5-43 For stakes races if the horse is not named, it is automatically out.

3769-5-44 An owner or trainer can scratch a horse in stakes races up to forty-five minutes before the race.

3769-5-45 Scratches must be approved by the stewards.

3769-5-46 If a horse that appears in the program is scratched, the scratch is irrevocable.

3769-5-52 Information that can be used to determine eligibility of a horse.

3769-5-53 This rule discusses weight penalties and allowances.

3769-5-55 Penalties and allowances of weight are not cumulative unless it is in the race conditions.

3769-5-56 The horses weight allowances at the start of the race.

3769-5-57 An omission to claim a weight allowance shall not be cause for a disqualification of the horse.

3769-5-58 A horse will not receive a weight penalty or be barred from any race for having been beaten in any race.

3769-5-59 A horse does not receive a weight allowance if it has been beaten in any race.

3769-5-60 There is no weight penalties or allowances in a claiming race.

3769-5-61 No horse can receive a weight penalty if it is disqualified.

3769-5-62 Weight penalties or weight allowance allowed in steeple case races does not apply to these races.

3769-5-63 In a disputed race, all horses can receive weight penalties.

3769-5-64 All horses involved in a dead heat for first place would receive weight penalties.

3769-5-65 There is not a run off for dead heats.

3769-5-66 The requirements to receive funds from the Ohio thoroughbred race fund special account.

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3769-5-67 If a registration is incorrect, it may be cancelled.

3769-5-68 If the owner does not provide the required information, the registration is cancelled.

3769-5-69 If a person files a false registration, the person could be fined or suspended.

3769-5-70 A person could be charged ten dollars for filing an incorrect or incomplete registration.

3769-5-99 The penalties the commission may impose.

- 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?**
If yes, please briefly explain the source and substance of the federal requirement.

There are 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.**

There are no federal requirements

- 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 to conduct horse racing in an orderly manner.

- 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.

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- 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.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The stakeholders were sent the rules by e-mail on July 29, 2019

- 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. The Commission does not believe that these rules need to be changed.

- 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 additional 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?**

No alternative regulations were considered as these rules have been in existence for several years and no changes were found to be warranted by stakeholders or the commission.

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

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Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

No, these regulations require permit holders to follow a consistent set of rules to be eligible to enter a race.

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

3769-5-01 The racing secretary could be fined or suspended for not following this rule.

3769-5-02 The racing secretary could be fined or suspended for not following this rule.

3769-5-03 The racing secretary could be fined or suspended for not following this rule.

3769-5-04 The racing secretary could be fined or suspended for not following this rule.

3769-5-05 The racing secretary could be fined or suspended for not following this rule.

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3769-5-06 The racing secretary could be fined or suspended for not following this rule.

3769-5-08 The racing secretary could be fined or suspended for not following this rule.

3769-5-09 The racing secretary could be fined or suspended for not following this rule.

3769-5-10 The racing secretary could be fined or suspended for not following this rule.

3769-5-11 The owner or trainer may be placed into a division that it did not like.

3769-5-12 An owner or trainer may not be able to enter a horse in a particular race.

3769-5-13 The horsemen may not be able to claim an error in the preferred list.

3769-5-14 The horsemen may not be able to claim an error if they are late in pointing out the error.

3769-5-15 The racing secretary could be fined or suspended for not following this rule.

3769-5-16 The owner or trainer must receive a license and pay a license fee to participate in horse racing.

3769-5-17 A licensee could be fined or suspended for not following this rule.

3769-5-17.1 A licensee could be fined or suspended for not following this rule. The owner or trainer must receive a license and pay a license fee to participate in horse racing.

3769-5-18 The owner or trainer must complete an application and pay a fifty-dollar license fee to have a stable name.

3769-5-19 The owner or trainer must complete a statement for a partnership. The owner or trainer could be fined or suspended for not following this rule.

3769-5-21 The owner or trainer could be fined or suspended for not following this rule.

3769-5-22 There is no adverse impact. Conditions set by the permit holder.

3769-5-23 A horse would not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-24 A horse would not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-25 A horse could not be able to race for not following this rule.

3769-5-26 A owner or trainer may not have their preferred jockey to ride their horse in the race.

3769-5-28 A horse would not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-29 A horse would not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-30 A horse would not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-31 The owner or trainer could be fined or suspended for not following this rule.

3769-5-32 A horse would not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-33 A horse could not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-34 A horse could not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-37 A horse could not be able to race for not following this rule.

3769-5-38 There is no adverse impact.

3769-5-39 A horse could not be able to race for not following this rule.

3769-5-40 The owner or trainer could lose the fee paid to enter the stakes race.

3769-5-41 A horse could not be able to race for not following this rule. The owner or trainer could be fined or suspended for not following this rule.

3769-5-42 The owner or trainer could be fined or suspended for not following this rule.

3769-5-43 A horse could not be able to race for not following this rule.

3769-5-44 The owner or trainer could be fined or suspended for not following this rule.

3769-5-45 The owner or trainer could be fined or suspended for not following this rule if the stewards do not approve the scratch of the horse.

3769-5-46 There is no adverse impact.

3769-5-52 The owner or trainer could be fined or suspended for not following this rule.

3769-5-53 A horse would be at a competitive disadvantage if the horse has a weight penalty.

3769-5-55 There is no adverse impact.

3769-5-56 A horse would be at a competitive disadvantage if the horse has a weight penalty.

3769-5-57 The racing secretary could be fined or suspended for not following this rule.

3769-5-58 The racing secretary could be fined or suspended for not following this rule.

3769-5-59 The racing secretary could be fined or suspended for not following this rule.

3769-5-60 The racing secretary could be fined or suspended for not following this rule.

3769-5-61 A horse would be at a competitive disadvantage if the horse has a weight penalty. The racing secretary could be fined or suspended for not following this rule.

3769-5-62 A horse would be at a competitive disadvantage if the horse has a weight penalty. The racing secretary could be fined or suspended for not following this rule.

3769-5-63 A horse would be at a competitive disadvantage if the horse has a weight penalty. The racing secretary could be fined or suspended for not following this rule.

3769-5-64 A horse would be at a competitive disadvantage if the horse has a weight penalty in a subsequent race. The racing secretary could be fined or suspended for not following this rule.

3769-5-65 There is no adverse impact.

3769-5-66 If individuals do not follow this rule, they would be denied prize money. Individuals must pay registration a registration fee.

3769-5-67 If individuals do not follow this rule, they would be denied prize money. Individuals must fill out a registration form.

3769-5-68 If individuals do not follow this rule, they would be denied additional prize money from the account.

3769-5-69 If individuals do not follow this rule, they would be denied additional prize money from the account. Individuals must fill out a registration form.

3769-5-70 Individuals must fill out a registration form and could be charged a ten-dollar fee.

3769-5-99 The penalties the Commission can impose.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

3769-5-01 The racing secretary spends approximately five hours per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-02 The racing secretary spends approximately thirty minutes per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-03 The racing secretary spends approximately one hour per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

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3769-5-04 The racing secretary spends approximately one hour per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-05 The racing secretary spends approximately ten minutes per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-06 The racing secretary spends approximately one hour per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-08 The racing secretary spends approximately two hours per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-09 The racing secretary spends approximately two hours per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year.

3769-5-10 The racing secretary spends approximately two hours per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year.

3769-5-11 The racing secretary spends approximately two hours per week to comply with this rule.

3769-5-12 The owner or trainer could lose thousands of dollars in prize money if not selected for a particular race.

3769-5-13 The racing secretary spends approximately two hours per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. .

3769-5-14 The racing secretary could be fined up to one thousand dollars and could be suspended up to one year.

3769-5-15 The racing secretary spends approximately five hours per week to comply with this rule. The racing secretary could be fined up to one thousand dollars and could be suspended up to one year.

3769-5-16 The owner trainer or jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. The owner, trainer or jockey has to pay a fifty-dollar license fee.

3769-5-17 The owner, trainer or jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-17.1 The owner, trainer or jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-18 It takes thirty minutes to complete the stable name application. There is a fifty-dollar fee. The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule and they may be prohibited from using the stable name.

3769-5-19 It takes forty minutes to complete the partnership statement. The owner could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule

3769-5-21 The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. The entry may not be changed.

3769-5-22 There is no adverse impact.

3769-5-23 The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. The horse may not be allowed to enter the race and the owner trainer could lose thousands of dollars in prize money.

3769-5-24 The horse could not be able to race . The trainer or owner could lose thousands of dollars in prize money.

3769-5-25 The horse could not be able to race . The trainer or owner could lose thousands of dollars in prize money.

3769-5-26 Without the preferred jockey, the horse may not race as well causing the owner trainer to lose thousands of dollars in prize money.

3769-5-28 The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-29 The person or persons in charge of the horse could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-30 The horse could not be able to race. The commission licensee could be fined up to one thousand dollars and suspended for one year. The trainer or owner could lose thousands of dollars in prize money.

3769-5-31 The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

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3769-5-32 The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-33 The horse could not be able to race.

3769-5-34 The stewards and veterinarians could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. The horse could not be allowed to enter the permit holder's facility.

3769-5-37 The trainer or owner could lose thousands of dollars in prize money.

3769-5-38 There is no adverse impact.

3769-5-39 The horse could not be allowed to race which could cost the owner and trainer thousands of dollars in prize money.

3769-5-40 The money paid to enter a stakes race is not refundable which could be nearly one thousand dollars.

3769-5-41 A horse could not race which could cost thousands of dollars in prize money.

3769-5-42 The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-43 A horse could not race which could cost thousands of dollars in prize money.

3769-5-44 The owner or trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-45 The trainer could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-46 There is no adverse impact.

3769-5-52 The horse could not be allowed to race which could cost the owner and trainer thousands of dollars in prize money.

3769-5-53 The horse could be at a competitive disadvantage if there is a weight penalty.

3769-5-55 There is no adverse impact.

3769-5-56 The horse could be at a competitive disadvantage if there is a weight penalty.

3769-5-57 The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-58 The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-59 The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

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3769-5-60 The racing secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-5-61 A horse could have a complete disadvantage for having a weight penalty which could cost thousands of dollars in prize money.

3769-5-62 A horse could have a complete disadvantage for having a weight penalty which could cost thousands of dollars in prize money.

3769-5-63 A horse could have a complete disadvantage for having a weight penalty which could cost thousands of dollars in prize money.

3769-5-64 A horse could have a complete disadvantage for having a weight penalty which could cost thousands of dollars in prize money.

3769-5-65 There is no adverse impact.

3769-5-66 It takes four hours to comply with this rule. If the horse is not registered, it could cost the owner or trainer thousands of dollars in prize money.

3769-5-67 If the horse is not registered, it could cost the owner or trainer thousands of dollars in prize money.

3769-5-68 If the horse is not registered, it could cost the owner or trainer thousands of dollars in prize money.

3769-5-69 If a person files a false registration, the person could be fined up to one thousand dollars and could be suspended up to one year. It takes twenty minutes to fill out the form

3769-5-70 A person could be charged ten dollars for filing an incorrect or incomplete registration.

3769-5-99 The penalties the commission may impose.

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

3769-5-01 The permit holders and the licensees need a consistent system to enter a horse race.

3769-5-02 The race secretary has the information and is able to enforce the rules of racing.

3769-5-03 The race secretary is the most qualified to handicap the race.

3769-5-04 There needs to be a designated person to take entry fees and the racing secretary is the most logical person to take entry fees.

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3769-5-05 In order to keep control over horse racing some people should be not allowed at a track.

3769-5-06 The racing secretary takes the entries and has the information to create and keep the overnight list.

3769-5-08 If there are not enough horses in the field, there needs to be a list of horses eligible to enter a race so the maximum number of horses can have a chance to win money

3769-5-09 The racing secretary has the information to create and keep a preferred horse list.

3769-5-10 In order to ensure that all horses have a chance to enter a race, then a preferred listed is needed.

3769-5-11 The racing secretary has the information to create divisions of the preferred list.

3769-5-12 The horsemen need to know the preference order to determine if their horse can enter a race. If the horse is entered into a race, the trainer may change the horse's training schedule

3769-5-13 All licensees need to know who is on the preferred list to know if their horse can be in a certain race.

3769-5-14 The preference claim on the entry helps to maintain control of horse racing by determining which horse can enter the particular race.

3769-5-15 The licensees need to know who receives the entries.

3769-5-16 Licensing is important to maintain control over horse racing.

3769-5-17 The commission needs to know the owner of the horse to maintain control over horse racing and make sure noneligible persons are not participating in horse racing.

3769-5-17.1 There needs to be consistent rules as what information is needed to make an entry.

3769-5-18 In order not to have duplicate stable names, a system is necessary.

3769-5-19 The commission needs to know the members of a partnership so unlicensed people are not participating in racing.

3769-5-21 In order to maintain control of horse racing, there needs to be a time when an entry cannot be changed.

3769-5-22 The licensees need to know that usually there is no fee to enter a race Unless the conditions of the race require a fee,

3769-5-23 The stewards need to know who has an interest in a horse so unlicensed individuals cannot participate in horse racing.

3769-5-24 Not more than two horses can be from the same owner or trainer in order to stop possible collusion during a race.

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3769-5-25 The stewards need to have the authority to refuse entries to maintain control over horse racing.

3769-5-26 The jockey should be listed on the entry to inform the bettors.

3769-5-28 The horse needs to be identified so the commission knows which horse is racing and the betting public needs to know which horse it is betting on.

3769-5-29 The horse needs to be identified so the commission knows which horse is racing and the betting public needs to know the horse it is betting on to make an informed decision. Also, the person who oversees the horse at the track must be able to identify the horse.

3769-5-30 The betting public needs to know the past performance of the horse to make an informed decision on which horse to bet.

3769-5-31 If you enter a race, your horse should race unless there is a reason to excuse the horse or the stewards declare the horse out of the race.

3769-5-32 To maintain proper control over the horse racing, the horse must be eligible to start.

3769-5-33 Horses with these conditions should be entered or start a race because it is a danger to the horse and other horses in the field.

3769-5-34 An unhealthy or underperforming horse should not be racing.

3769-5-37 The race secretary needs to set the final horses in a race, so a time limit is necessary.

3769-5-38 Once you decide to enter an important race, you should race a horse, but you can substitute or horse or transfer to another person.

3769-5-39 In order to maintain proper control over a race, you must make sure the fees are paid before the race.

3769-5-40 The money paid to enter a stakes race is not refundable. Once you decide to enter a stakes race, you are responsible, however you can transfer the entry to another owner or trainer.

3769-5-41 A horse's engagements are assigned to a new owner unless specified in the bill of sale which must be provided. So, the new owner does not have to reenter the horse in races that the horse is already entered.

3769-5-42 In order to maintain proper control over horse racing, the owner or trainer must scratch the horse in writing so there is no doubt that the owner or trainer wanted to scratch the horse.

3769-5-43 In order to maintain proper control over horse racing, the horse needs to be clearly identified. Also the betting public needs to know the name of the horse so it can make an informed decision on which horse to bet on.

3769-5-44 There needs to be a time limit to scratch a horse. The betting public needs to know if the horse is going to be in the race so it can make an informed decision.

3769-5-45 In order to maintain proper control over horse racing, the stewards need to know the reason for the scratch and if the reason is valid.

3769-5-46 Once a horse is scratched, it will change the odds for people betting. The betting public needs the ability to bet on all horses in the race. If a horse is scratched and put back in the race, persons betting on the race would not have the same betting conditions.

3769-5-52 There needs to be clear criteria to determine if a horse is eligible to maintain control over horse racing.

3769-5-53 A trainer needs to know if he/she can take a weight allowance to decide if the trainer should enter the horse in a race. Also, weight penalties need to be enforced.

3769-5-55 There needs to be clear criteria regarding weight penalties and allowances to avoid confusion for the trainer and the betting public.

3769-5-56 The betting public needs to know the weight allowance to make an informed decision of which horse to bet on.

3769-5-57 There needs to be clear criteria regarding weight penalties and allowances.

3769-5-58 There needs to be clear criteria regarding weight penalties and allowances.

3769-5-59 You need certain criteria to determine weight allowances to maintain proper control over horse racing.

3769-5-60 You need certain criteria to determine weight allowances or weight penalties to maintain proper control over horse racing.

3769-5-61 You need certain criteria to determine weight penalties to maintain proper control over horse racing

3769-5-62 You need certain criteria to determine weight allowances to maintain proper control over horse racing

3769-5-63 You need certain criteria to determine weight allowances to maintain proper control over horse racing.

3769-5-64 You need certain criteria to determine weight allowances to maintain proper control over horse racing.

3769-5-65 There needs to be a procedure if there is a dead heat in a race and to ensure the safety of the horse.

3769-5-66 The rule is necessary to execute the statutory requirements in R.C 3769.083.

3769-5-67 There needs to be a penalty if the registration is not correct.

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3769-5-68 The owner needs to provide the required information, so the horse is clearly identified.

3769-5-69 There needs to be a penalty for filing a false registration.

3769-5-70 There needs to be an established penalty for filing an incorrect or incomplete registration.

3769-5-99 The penalties the commission may impose.

Regulatory Flexibility

18. 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.

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

The Commission phone number at 614-466-2757

The Commission facsimile number at 614-466-1900