



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 6 Claiming; Jockey and Starter Rules No Change Rules

Rule Number(s): 3769-6-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25.1, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 58, 59, 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Rescinded/___ rules (FYR?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.

3769-6-01 This rule states how winnings are determined .

3769-6-02 This rule states to calculate winnings you start on January 1st .

3769-6-03 This rule defines the winner of certain sum .

3769-6-04 This rule states how the net value of a race is defined .

3769-6-05 The winnings of a stake race are determined.

3769-6-06 This rule states the share for each owner if there is a dead heat.

3769-6-07 This rule states criteria for a claiming race

3769-6-08 This rule states who is eligible to make a claim.

3769-6-09 This rule states the time to deposit a claim.

3769-6-10 No official or other employee of the permit holder can give information regarding a claim.

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3769-6-11 In a claiming race, title to the claimed horse transfers to the new owner when the race begins.

3769-6-12 The claimed horse must be delivered to the new owner at the paddock unless the horse is being tested by the Commission.

3769-6-13 If you fail to deliver the horse to the paddock, a licensee could be fined or suspended.

3769-6-14 The restriction on the sale of a claimed horse.

3769-6-15 Moving and racing restrictions of a claimed horse.

3769-6-16 The person who owns a claimed horse can enter the horse in another claiming race.

3769-6-17 You cannot claim your own horse.

3769-6-18 An authorized agent can only submit one claim per race.

3769-6-19 A person cannot enter into an agreement with another regarding a claiming race.

3769-6-20 A person cannot enter a horse in a claiming race if there is a lien on the horse without the consent of the lien holder

3769-6-21 The stewards may require a person to fill out an affidavit, if there is a concern that the person is claiming a horse on behalf of another person.

3769-6-22 If you make a false ownership claim, you are subject to penalties.

3769-6-23 The jockey must report to the scale room at a certain time and must state to the clerk of scales if the jockey is overweight.

3769-6-25.1 The use of safety reins.

3769-6-26 The attire the jockey must wear for each race.

3769-6-27 The owner or his representative is responsible for the horse's weight.

3769-6-28 The bugle must be sounded. The track is closed once the horses enter the track.

3769-6-29 Once the horses enter the track, the starter is in control of the track.

3769-6-30 The starter makes sure of a fair start. There is a procedure if there is a malfunction of the starting gate,

3769-6-31 The starter's assistant duties.

3769-6-32 The starter can move the assistant starters to different locations.

3769-6-33 There must be two or more outriders when racing occurs.

3769-6-34 You can have a mounted attendant assist the horse to the starting gate

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- 3769-6-35 The horse must carry full weight and the jockey must remain mounted on the horse unless there is a delay.
- 3769-6-36 There needs to be an enclosed starting gate and the procedure if the starting gate malfunctions.
- 3769-6-37 The sequence used to load horses into the starting gate.
- 3769-6-38 If a horse cannot leave the starting gate because of a gate malfunction, the horse is deemed as not participating and bets on this horse or horses shall be returned.
- 3769-6-39 The starter can discipline the jockey for rule violations.
- 3769-6-41 No horse can start without being approved by the starter.
- 3769-6-42 The starter shall prepare a list of horses that are not qualified to start.
- 3769-6-43 No starter or assistant starter can wager on a race.
- 3769-6-44 There must be a jockey on a horse and the jockey cannot strike a horse to start the horse to run in the race.
- 3769-6-45 If a horse leaves the course, it shall be disqualified.
- 3769-6-46 The jockey must control the horse and is responsible if there is a foul.
- 3769-6-47 The leading horse can go anywhere on the track. It also discusses what is a foul.
- 3769-6-48 The horse should be ridden to win the race and should not be reined in by the jockey to slow down the horse.
- 3769-6-49 The jockey must weigh in after a race.
- 3769-6-50 A licensed outrider is the person who leads a horse to the dismounting location unless another person is approved by the stewards
- 3769-6-51 The jockey takes his own equipment off. Another person may help if approved by the stewards
- 3769-6-52 You cannot cover a horse after a race until all the equipment has been removed.
- 3769-6-53 The jockey cannot touch anyone before weighing in.
- 3769-6-54 A jockey must weigh in unless excused by the stewards
- 3769-6-56 No horse shall be disqualified for being overweight.
- 3769-6-58 If a horse is disqualified, any entry coupled with this horse may be disqualified as well.
- 3769-6-59 If a jockey violates the weight rules, the jockey can be fined or suspended.
- 3769-6-99 The penalties the commission may impose.

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- 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.

- 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.**

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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. *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.

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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

3769-6-01 The permit holder must calculate the winnings for each horse.

3769-6-02 The permit holder must calculate the winnings for each horse.

3769-6-03 The permit holder must calculate the winnings for each horse.

3769-6-04 The permit holder must calculate the winnings for each horse.

3769-6-05 The permit holder must calculate the winnings for each horse.

3769-6-06 The permit holder must calculate the winnings for each horse.

3769-6-07 The permit holder must provide forms and envelopes and must process the claim forms.

3769-6-08 A person needs a commission license to claim a horse and may need to obtain an owner’s license.

3769-6-09 The permit holder must provide a lock box. The race secretary must process paperwork to authorize deliver of the horse. The racing secretary could be fined or suspended for not following this rule.

3769-6-10 An official or other employee could be fined or suspended for not following this rule.

3769-6-11 The permit holder must process the paperwork for the claim.

3769-6-12 A licensee could be fined or suspended for not following this rule.

3769-6-13 A licensee could be fined or suspended for not following this rule.

3769-6-14 A licensee could be fined or suspended for not following this rule.

3769-6-15 A licensee could be fined or suspended for not following this rule.

3769-6-16 No adverse impact.

3769-6-17 A licensee could be fined or suspended for not following this rule.

3769-6-18 An authorized agent could be fined or suspended for not following this rule.

3769-6-19 A licensee could be fined or suspended for not following this rule.

3769-6-20 A licensee could be fined or suspended for not following this rule.

3769-6-21 A licensee would have to take time to fill out an affidavit.

3769-6-22 A licensee could be fined or suspended for not following this rule.

3769-6-23 A jockey could be fined or suspended for not following this rule.

3769-6-25.1 There is no adverse impact.

3769-6-26 A jockey could be fined or suspended for not following this rule.

3769-6-27 A licensee could be fined or suspended for not following this rule.

3769-6-28 A licensee could be fined or suspended for not following this rule.

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3769-6-29 A licensee could be fined or suspended for not following this rule.

3769-6-30 The starter could be fined or suspended for not following this rule. The owner or trainer must submit in writing its request not be tailed or tonged.

3769-6-31 The permit holder must pay for assistant starters. The starter or assistant starter could be fined or suspended for not following this rule.

3769-6-32 The starter could be fined or suspended for not following this rule.

3769-6-33 The permit holder must pay for two or more outriders.

3769-6-34 There is a fee for a mounted attendant.

3769-6-35 A jockey could be fined or suspended for not following this rule.

3769-6-36 The permit holder must purchase a starting gate. The starter could be fined or suspended for not following this rule.

3769-6-37 A licensee could be fined or suspended for not following this rule.

3769-6-38 The permit holder must process paperwork for refunds.

3769-6-39 A jockey could be fined or suspended for not following this rule or the starter's instructions.

3769-6-41 A horse could not be able to race.

3769-6-42 A horse could not be able to race.

3769-6-43 The starter or assistant starter could be fined or suspended for not following this rule.

3769-6-44 A jockey could be fined or suspended for not following this rule.

3769-6-45 The horse could be disqualified.

3769-6-46 A jockey could be fined or suspended for not following this rule. The horse could be disqualified.

3769-6-47 A jockey could be fined or suspended for not following this rule. The horse could be disqualified.

3769-6-48 A jockey could be fined or suspended for not following this rule.

3769-6-49 A jockey could be fined or suspended for not following this rule.

3769-6-50 A licensee could be fined or suspended for not following this rule.

3769-6-51 A jockey and a licensee could be fined or suspended for not following this rule.

3769-6-52 A licensee could be fined or suspended for not following this rule.

3769-6-53 A jockey could be fined or suspended for not following this rule.

3769-6-54 A jockey could be fined or suspended for not following this rule.

3769-6-56 There is no adverse impact.

3769-6-58 A horse or horses could be disqualified.

3769-6-59 A jockey could be fined or suspended for not following this rule.

3769-6-99 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.

3769-6-01 The permit holder spends approximately five hours per week to comply with this rule. The permit holder 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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3769-6-02 The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-03 The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-04 The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-05 The permit holder spends approximately five hours per week to comply with this rule. The permit holder could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-06 The permit holder could spend approximately two hours per week to comply with this rule. The permit holder could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-07 The permit holder spends approximately two hundred dollars to comply with this rule. The permit holder could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-08 The person needs one hundred and fifty dollars to obtain both licenses. The person could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-09 The permit holder spends approximately one hundred dollars to comply with this rule. It takes approximately fifteen minutes to fill out a claim form. The person could lose money because he did not file the claim on time. The race secretary could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-10 An official or other employee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-11 A licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. A claimant could receive a dead or unsound horse.

3769-6-12 A licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-13 A licensee 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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3769-6-14 The licensee who claimed the horse cannot sell or transfer the horse for thirty days unless it is a claiming race. A licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-15 The licensee who claimed the horse cannot race the horse in another state for sixty days except for a stakes race. 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.

3769-6-16 There is no adverse impact.

3769-6-17 A licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-18 An authorized agent could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-19 Any licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-20 Any licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-21 The licensee could take up to thirty minutes to complete the affidavit. The licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-22 The licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-23 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-25 Any licensee could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-25.1 There is no adverse impact.

3769-6-26 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-27 The owner or representative could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-28 Any person could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-29 Any licensee 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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3769-6-30 The starter or jockeys could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-31 The permit holder must pay eight hundred dollars a day for assistant starters. There are usually six assistant starters per race day. The starter assistant starter could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. The permit holder could be fined for not following this rule.

3769-6-32 The starter could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-33 The permit holder could be fined for not following this rule. It costs two hundred dollars a race day to comply with this rule.

3769-6-34 It costs five dollars for a mounted attendant.

3769-6-35 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.

3769-6-36 The permit holder must pay approximately twelve thousand dollars for a starting gate.

3769-6-37 The starter 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.

3769-6-38 The starter could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule. It will take approximately three hours to refund money to the betters

3769-6-39 The jockey could be fine not to exceed two hundred fifty dollars and/or suspension of not more than five days. However, the stewards may impose a more extended suspension.

3769-6-41 A horse could not race which could cost thousands of dollars in prize money.

3769-6-42 A horse could not race which could cost thousands of dollars in prize money.

3769-6-43 The starter or assistant starter could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-44 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-45 This could cost the owner thousands of dollars in prize money.

3769-6-46 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-47 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-48 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-49 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-50 A mounted attendant could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-51 The jockey or one of the jockey's attendants could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-52 The jockey or one of the jockey's attendants could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-53 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-54 The jockey or one of the jockey's attendant could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-56 There is no adverse impact.

3769-6-58 The horse could be disqualified which could cost the owner or trainer thousands of dollars in prize money.

3769-6-59 The jockey could be fined up to one thousand dollars and could be suspended up to one year for failure to comply with this rule.

3769-6-99 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?

3769-6-01 There is a need to have a system to calculate winnings and the permit holder has the best information.

3769-6-02 There is a need to have a system to calculate winnings.

3769-6-03 There is a need to have a system to calculate winnings

3769-6-04 There is a need to have a system to calculate winnings.

3769-6-05 There is a need to have a system to calculate winnings.

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3769-6-06 There is a need to have a procedure to pay out winnings if there is a dead heat.

3769-6-07 There needs to be a procedure to enter a horse in a claim race.

3769-6-08 There needs to be rule on whom is eligible to make a claim to avoid confusion.

3769-6-09 There needs to be a place to deposit the claim form and a time limit to deposit a claim form in order to maintain proper control over the claim process.

3769-6-10 Officials cannot give any information about a claim because the person who receives the information would have an unfair advantage.

3769-6-11 There needs to be an orderly procedure if there is more than one claim. The claimant needs to be informed that once the horse starts the race the claimant now owns the horse.

3769-6-12 There must be a procedure to deliver the horse to the new owner and the paddock is the most logical spot.

3769-6-13 If an owner does not follow through with his obligations, the owner should be punished.

3769-6-14 To ensure the welfare of the claimed horse, the commission needs to know whom owns the horse and to ensure the claim was part of the scheme to get around the claim rules.

3769-6-15 To ensure the welfare of the claimed horse, the commission needs to know whom owns the horse and to ensure the claim was part of the scheme to get around the other claim rules.

3769-6-16 There is no adverse impact.

3769-6-17 The purpose of a claim race is to allow an owner or trainer to give up a horse, to try and claim your own horse would make the race a sham.

3769-6-18 The purpose of this rule is to ensure the authorized agent does not have a conflict of interest between owners that he represents.

3769-6-19 Every horseman should have the same chance to claim a horse

3769-6-20 A person should be punished for entering a horse in a claim race where there is a lien on the horse without the consent of the person who owns the lien.

3769-6-21 If the stewards believe the claim is not valid, they can investigate the claim including requiring an affidavit by the person claiming the horse.

3769-6-22 A person who makes a false ownership claim should be subject to sanctions.

3769-6-23 There needs to be a time for the jockey to weigh in on the day of the race.

3769-6-24 The jockeys need to be weighted out to determine if there is a weight violation before the next race.

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3769-6-25 Horse racing can be dangerous, so the jockey's need a helmet and a vest.

3769-6-25.1 There is no adverse impact. The conditions have not been met for the rule to go into effect.

3769-6-26 The jockey's weight is very important in horse racing. If the jockey's weight is lower than there is less burden on the horse and the horse could go faster.

3769-6-27 The betting public is given the weight of the horse and it should be within a limit to not deceive the public.

3769-6-28 The bugle is a long-time horse-racing tradition. The course needs to be closed for the safety of the jockeys and the horses.

3769-6-29 The starter can ensure safety on the racetrack at the start. The horses need to go by the stewards stand so the stewards can determine if the horse is healthy. You do not want people to touch the horse on the track, it may cause the to become scared and uncontrollable if touched by the wrong person.

3769-6-30 These conditions help to ensure a fair start for all the horses in the race.

3769-6-31 The starter needs assistants to ensure the horses are fairly and timely loaded into the starter gate. There needs to be a rule, so the starter assistants do not abuse the horse.

3769-6-32 The rotating of starter assistants helps to ensure that no one gets an unfair advantage or attempts to impede the horse in any way

3769-6-33 Two out riders are necessary if there is an accident during the race to help capture loose horses.

3769-6-34 Some horses are very nervous before a race. An attendant can keep the horse calm and under control.

3769-6-35 The horses' weight is known to the bettors. It must stay the same to be information for all the members. The jockey's need to be in control of the horse. There needs to be a procedure if there is a delay in the horse race.

3769-6-36 There needs to be a spot where the race begins and is a fair start. There needs to be a procedure if the starting gate malfunctions.

3769-6-37 There needs to be a procedure to orderly load the horses into the starter gate and to give the starter authority if there is an unruly horse

3769-6-38 There needs to be a procedure if there is a malfunction in the starting gate.

3769-6-39 The starter is on the track and can observe violations of the rules of racing. There needs to be a person in charge to have a fair start

3769-6-41 The starter can determine if the horse is able to start a race.

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3769-6-42 The starter can determine if the horse is able to start a race. The starter must have a list, so everyone knows that the horse is not able to start.

3769-6-43 The starter and assistant starter may not ensure a fair start if they are betting on the race.

3769-6-44 There must be a jockey on the horse to control the horse. There must be someone who can help the horse to begin

3769-6-45 A horse must stay on the course to win the race along with all the other horses

3769-6-46 The jockey is on the horse and is in the best position to control the horse.

3769-6-47 There needs to be a rule on what constitutes a foul.

3769-6-48 The jockey must try to win the race to be fair to all the bettors

3769-6-49 The jockey must weigh in after a race to make sure the jockey's weight is consistent as listed in the program.

3769-6-50 An experienced person is necessary to take the horse when the horse is stopped to help determine if the jockey's action was valid

3769-6-51 The jockey is responsible for all his equipment on the horse. If there is a problem, with the equipment there is only one person responsible

3769-6-52 The public and the stewards need to observe the jockey taking off the equipment to ensure the jockey did not have any illegal equipment.

3769-6-53 The jockey cannot touch any person because the jockey could try to give illegal equipment to another person before he is weighed after the race

3769-6-54 The jockey must weigh in to ensure that he had the correct weight for the race.

3769-6-56 No adverse impact.

3769-6-58 If the reason the horse is disqualified, the other horse coupled with this entry may have violated the rules of racing as well.

3769-6-59 The jockey's weight affects performance of the horse. The jockey's weight is reported to the betting public so the jockey's weight must be correct.

3769-6-99 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