



# Common Sense Initiative

Mike DeWine, Governor  
Jim Tressel, Lt. Governor

Joseph Baker, Director

## MEMORANDUM

**TO:** Tanya Boulmetis, Ohio State Racing Commission

**FROM:** Caleb White, Business Advocate

**DATE:** April 24, 2025

**RE:** **CSI Review – No-Change Chapter 6: 5-Year Rule Review (OAC 3769-6-01, 3769-6-02, 3769-6-03, 3769-6-04, 3769-6-05, 3769-6-06, 3769-6-09, 3769-6-10, 3769-6-12, 3769-6-13, 3769-6-14, 3769-6-15, 3769-6-16, 3769-6-17, 3769-6-18, 3769-6-20, 3769-6-21, 3769-6-22, 3769-6-28, 3769-6-29, 3769-6-30, 3769-6-33, 3769-6-34, 3769-6-36, 3769-6-37, 3769-6-39, 3769-6-41, 3769-6-44, 3769-6-45, 3769-6-46, 3769-6-50, 3769-6-52, 3769-6-53, 3769-6-56, and 3769-6-58)**

Pursuant to the authority granted to the Common Sense Initiative (CSI) office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Commission as provided for in ORC 107.54.

### Analysis

This rule package consists of thirty-five no-change rules proposed by the Ohio State Racing Commission (Commission) as a part of the statutory five-year review process. This rule package was submitted to the CSI Office on March 18, 2025, and the public comment period was held open through March 28, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on March 18, 2025.

The rules in this package are comprised of various no-change rules from Ohio Administrative Code (OAC) Chapter 3769-6 which are being submitted for their five-year review. These rules address topics such as what constitutes winnings, what month that year's winnings begins on, what constitutes a winner of a certain sum, deductions for sums contributed by owners or nominators, the

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calculation of gross earnings, the division of shares in a dead heat, timeframes for depositing a claim, and the confidentiality of information on claims. These rules also address the delivery of claimed horses for testing, the sale of claimed horses, racing claimed horses, restrictions on claiming restrictions, written consent and affidavit requirements for the racing of a claimed horse, disciplinary actions for false ownership claims, procedures, requirements, duties, and disciplinary abilities for the start of the race, outrider requirements, requirements and procedures for during the race, covering restrictions, weighing stipulations and requirements, and the disqualification of horses coupled with a disqualified horses as an entry.

During early stakeholder outreach, the Commission established communication with affected stakeholders regarding the rules between December 2024 and February 2025. The Commission then emailed the proposed rules to stakeholders on February 24, 2025. No comments were received during that time or during the CSI public comment period.

The business community impacted by these rules are commercial permit holders and the licensees associated with horse racing. The adverse impacts created by these rules include possible fines and suspensions, stipulations and requirements surrounding winnings, claiming requirements, starting requirements, weighing requirements, and the potential disqualification of a horse. The Commission states that these adverse impacts are justified to ensure the safety of horses and participants and the integrity of the racing product.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Commission should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review