

# CHAPTER 3769-14. PERMIT HOLDERS' AND OFFICIALS' RULES AND REQUIREMENTS

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## **3769-14-01. Permit holders, stable list**

(A) No permit holder shall use any unlicensed person in any position in which a commission license is required; provided, however, that a representative of the commission may give temporary approval to the use of any person who has applied for a license.

(B) The commission shall issue licenses, also known as badges, to all licensees to be worn in an easily visible place and the color background shall dictate the areas to which the licensee may have access. The license (badge) of the licensed person having access to such area must include a color photograph of that person to whom such license (badge) is issued. The color photo-graph shall be an integral part of the license (badge) itself. The commercial permit holder shall be responsible for any unlicensed person in the stable area or for any unlicensed person being in an area to which he is not entitled to have access. Any unlicensed person given access to the stable area by the permit holder, is to be issued a temporary pass good for no more than one date, which pass shall be worn on that person in an easily visible place, and that person shall be accompanied at all times by a licensed person who shall be responsible for that unlicensed person.

(C) Any trainer who trains horses for owners other than himself must submit a list of the names and addresses of such owners to the judges, along with his own and the horses owned by each.

Any trainer who engages grooms or other employees must submit a list of their names and addresses to the judges. No trainer shall list any owner other than one for whom he has horses in his stable, nor for grooms or other employees other than those actively engaged and on his payroll. Any change of owners or grooms or other employees must be reported to the stewards or judges immediately.

(D) Any person and a permit holder found in violation of this rule may be fined and his or her license may be subjected to revocation or suspension or to such other disciplinary action by the judges and/or the commission as in their judgment they may deem proper. Any violator shall be subject to the penalties set forth in rule 3769-14-99 of the Administrative Code. *Effective: 1-1-85*

**3769-14-02. Must file agreements**

All agreements of any kind between a permit holder and horsemen shall be submitted to the commission ten days prior to the opening of a horse racing meeting. *Effective: 1-1-85*

**3769-14-03. Written order required**

No permit holder shall pay any portion of purses or other earnings, due to any horseman, to anyone else except upon written order of said horseman. *Effective: 1-1-85*

**3769-14-04. Post time last race**

At all race meetings for harness horses, post time for the last race shall be not later than eleven fifty-five p.m. *Effective: 1-1-85; 1-1-05*

**3769-14-05. Conflict in interest**

No judge, racing secretary, employee in the racing secretary's office, a starter, assistant starter, state veterinarian, track veterinarian, assistants to the state veterinarian or track veterinarian or any other racing official of a permit holder whose appointment of position must be reported to and approved by the commission, as provided in rule 3769-12-10 of the Administrative Code, shall, while serving in an official capacity at such track, race or permit or cause to be raced any horse in which he or she or his or her spouse or child has an interest, either direct or indirect, at a race track at which such person is employed.

(B) The appointed and/or commission-approved positions of race track owners, announcer, director of publicity and/or public relations, horsemen's bookkeeper and track physician are specifically exempted from paragraph (A) of this rule. *Effective: 1-1-85; 4-1-88; 2-6-99*

**3769-14-06. Minors**

Any minor sixteen years of age or under shall not be admitted to the grandstand, club house or similar areas of any race track at which wagering is permitted unless accompanied by an adult member of his/her family. The provision shall not apply to state, county or independent fairs. No person under the age of eighteen years shall be permitted to wager at any horse racing meeting. *Effective: 1-1-85; 10-4-92*

**3769-14-07. Unlawful gambling**

No permit holder shall allow bets to be made on its grounds on any racing outside of its grounds except as permitted under section 3769.089 of the Revised Code, and no unlawful gambling device of any kind shall be permitted on said grounds. *Effective: 1-1-85*

**3769-14-08. Bookmaking not permitted**

No permit holder shall allow the making of book or the operation of handbooks on its grounds. If such practices are found to exist, the permit holder shall take immediate steps to eliminate same under the penalties provided in rule 3769-14-99 of the Administrative Code. Any persons licensed with the commission in any capacity found betting with bookmakers may be deprived of their licenses, ejected from the grounds and denied entrance to any other race meeting in Ohio. Any other persons found betting with such bookmakers may be ejected from the course and denied further entrance to any Ohio race meeting. *Effective: 1-1-85*

**3769-14-09. Prevent touting**

No tipster or tout shall be permitted to operate on the premises of any permit holder. The permit holder shall, under penalties provided in rule 3769-14-99 of the Administrative Code, take steps to prevent any touting upon its premises and may be held accountable for any touting found to exist thereon. *Effective: 1-1-85*

**3769-14-10. Condition of premises and race track**

Every permit holder shall at all times maintain its premises and race track in good condition, with special consideration for the comfort and safety of the public; of the horses stabled, exercising or entered to race; horsemen; and all those whose business requires their attendance thereat, and to this end shall have available adequate and proper implements to maintain a consistent uniform track, weather conditions permitting. *Effective: 1-1-85*

**3769-14-11. Stable area security**

(A) The secured area of a race track premises shall include any area to which access is only granted to persons licensed by the Ohio state racing commission for access to said area or to which written permission must be obtained from the presiding judge or a representative of track security in order for an unlicensed person to enter for any reason. If the

permission is granted by track security a copy of the written permission shall immediately be delivered to the presiding judge.

(1) Secured areas of race tracks shall include, but not be limited to, barn or stable areas, paddocks, judges stands, state testing barn, driver's quarters and behind the counter of any race secretary's office.

(2) This rule shall not apply to members or employees of the Ohio state racing commission, track security personnel or to track management personnel approved for access by the general manager of the race track.

(B) The stable area of the premises of every permit holder shall be enclosed with anti-personnel chain fencing and shall have a twenty-four-hour guard at any opening during a horse racing meeting. Around-the-clock patrol of such area shall be maintained by security officers who shall pay special attention to the presence of unauthorized personnel to the enforcement of fire prevention measures and to the inspection of tack rooms and living quarters for fire hazards. No horses shall be quartered in any shelter, structure or building except barns of permanent-type construction, nor shall any barn used for the stabling of horses in such area contain temporary open-slat stalls. If conversions or temporary stalls are used, they shall have solid partitions between them and the stalls shall be a minimum of one hundred square feet in area and aisles between stalls shall have a minimum width of eight feet.

(C) When security officers find any unauthorized personnel, or any other violations of the rules, they shall make an immediate report in writing and there shall be a copy delivered to the chief of security, the presiding judge and to the Ohio state racing commission.

(D) The permit holder is responsible for providing the necessary security personnel to enforce this rule and their failure to do so shall subject them to the penalties provided in rule 3769-14-99 of the Administrative Code.

(E) Any licensed security officer who fails to carry out the duties called for in this rule shall be subject to the penalties provided in rule 3769-14-99 of the Administrative Code. *Effective: 1-1-85; 8-1-91; 12-4-09*

#### **3769-14-12. Maintain ambulance**

(A) Every commercial permit holder shall furnish and maintain at least one ambulance for human use, staffed with two or more qualified emergency medical technicians and/or paramedics. Such ambulance shall be properly and fully equipped to include a defibrillator and such other equipment as directed from time to time by order of the commission, licensed to operate on public highways, and ready for immediate duty during racing hours and until the days program is completed and such ambulance shall also be on duty for qualifying races or other chartered races. Said ambulance shall be located at a point on the permit holder's premises where it can respond to all calls in the shortest possible time. During posted training hours, every commercial permit holder shall make arrangements which are suitable to the commission to have such an ambulance, staffed with qualified personnel, as outlined in the Ohio Revised Code, on a standby basis. The permit holder shall provide written documentation to the commission demonstrating that the response time for such ambulance, in the event of a call, shall be prompt and reasonable.

(B) Every commercial permit holder shall furnish and maintain at least one horse ambulance properly equipped and placed at a location on the permit holder's premises so as to be able to respond to a call in the shortest possible time. This ambulance shall be available for the duration of the meeting. *Effective: 1-1-85; 4-1-88; 10-14-88; 8-1-91; 1-1-01; 11-1-01*

#### **3769-14-13. Floodlights**

Every permit holder shall install and maintain at its track floodlights to provide adequate illumination of the stable areas at night. *Effective: 1-1-85*

#### **3769-14-14. Refuse pits**

Every permit holder shall provide proper and well located boxes or pits for separately receiving stable manure and other refuse, situated well distant from living quarters. Such boxes and pits shall be emptied and their contents entirely removed from the premises of the permit holder daily except Sundays, and the areas sprayed or dusted for insects each day. *Effective: 1-1-85*

#### **3769-14-15. Sanitation**

Each permit holder shall, on every racing day, provide and maintain in a strictly sanitary condition, adequate toilets, washrooms and facilities for furnishing the reasonable needs of its patrons, horsemen and persons having business at the track as may be reasonably required by the commission. Each permit holder shall also provide a sufficient number of drinking water fountains to provide for the reasonable needs of its patrons as determined by the commission. *Effective: 1-1-85*

#### **3769-14-16. Tip sheets**

Unless authorized by the permit holder and by the commission, no printed material dealing with odds, horses or the races shall be sold, peddled or given away within any part of the premises of the permit holder, its entrances, approaches or places within its control. The permit holder shall not grant permission to sell any tip sheet, pamphlet or other publication

making false or unwarranted representations. Nothing herein contained shall be construed as applicable to any newspaper, periodical, weekly or monthly magazine of general circulation. *Effective: 1-1-85*

#### **3769-14-17. Living quarters**

Every permit holder shall provide adequate and sanitary living quarters, with proper sanitary arrangements, and ample and convenient toilet and heating facilities for stable employees, and shall provide in its stable area at least one tack room of minimum area of one hundred square feet for every six horses stabled with adequate facilities for housing personnel therein. *Effective: 1-1-85*

#### **3769-14-18. Temporary hospital**

Every permit holder shall equip and maintain on its premises a temporary hospital equipped with first-aid appliances and material, to include a defibrillator and such other equipment as directed from time to time by order of the commission, and shall provide the attendance of one or more physicians or one or more certified paramedics and one or more registered nurses thereat during racing hours. *Effective: 1-1-85; 11-1-01*

#### **3769-14-19. Visual recording**

(A) Each permit holder conducting harness racing under the jurisdiction of the commission shall take and make at its expense a complete film recording or other visual recording of all races run under the permit. The arrangements for said film recordings, or other visual recordings, shall be in a form satisfactory to the Ohio state racing commission, and said recordings shall be developed as soon as possible after the end of any race in order to enable the officials to judge the race and rule on all claims of infractions of the rules and thereby better protect the interest of the public in racing.

(B) Said film recordings shall be made with at least three separate television cameras operated by qualified personnel and located as follows:

- (1) In a tower which provides a good head-on view of the entire home stretch;
- (2) In a tower which provides a good head-on view of the entire back stretch;
- (3) Near the finish line so that it provides a good panoramic view of the start and the entire race.
- (4) All judges stands shall be equipped with three television monitors, one for each of the required views and three video taping devices.

(C) In order to educate and protect the driver's [sic] at harness tracks, such permit holders shall show said visual recordings the day following to all interested drivers.

(D) When any judge's ruling regarding a driving violation is appealed to the commission, the permit holder shall file with the racing commission, at its request, the film or visual recording of the race.

(E) Each permit holder shall retain the film or visual recording of all races for a minimum period of two years plus the current year. *Effective: 1-1-85; 1-1-87; 4-1-88; 1-1-05; 12-4-09*

#### **3769-14-20. Driver, trainer must be licensed**

No permit holder shall allow any person to drive or train horses on its premises during any race meeting unless said person has received a license to do so from the commission, or unless the judges have approved his/her application for a license. *Effective: 1-1-85; 1-1-05*

#### **3769-14-21. Provide gate, head numbers and uniform colored saddle pads**

(A) Every commercial permit holder, shall provide head numbers, numbered saddle pads and a starting gate of approved design, and shall provide a back-up gate as well. Agriculture societies and fairs need not provide a backup gate.

(B) All commercial permit holders shall provide uniformly colored saddle pads and the colors to be assigned to each number are as listed.

- |           |            |                 |
|-----------|------------|-----------------|
| (1) Red   | (5) Black  | (9) Purple      |
| (2) Blue  | (6) Yellow | (10) Blue/red   |
| (3) White | (7) Pink   | (11) Light blue |
| (4) Green | (8) Gray   | (12) Red/white  |

*Effective: 1-1-85; 1-1-94*

#### **3769-14-22. Provide breath analyzer**

(A) Every commercial permit holder shall provide an alcohol breath-testing device, operated by a person approved by the commission to use such device. Such device shall be approved by the commission. All drivers, judges, paddock judges, patrol judges, placing judges, identifier, assistant starters and starters, shall be required to submit to a breath test at each racing program in which they participate. In addition, the executive secretary, any member of the Ohio state racing

commission, any commission investigator, the judges, or the track chief of security may order any person licensed by the Ohio state racing commission to submit to a breath test at any time they have reason to believe the licensed person may have consumed sufficient alcohol to cause them to fail said breath test.

(B) In the case of drivers, if the results of such test show a reading of more than .035 per cent of alcohol in the blood, such driver shall not be permitted to drive and shall be suspended for a minimum of three racing days under provisions of the rules of the Ohio state racing commission. In the case of judges, starters, and drivers of the starting gate, if the test results in a reading of more .035 per cent of alcohol in the blood, that individual shall be relieved of his duties for that program and a report shall be made to the commission for appropriate action. In the case of any other licensee, they shall be suspended, beginning that day, under the provisions of the rules of the Ohio state racing commission.

(C) For a second violation of paragraph (B) of this rule a licensee shall be fined one hundred dollars and shall be suspended for a period of not more than sixty days. For a third violation a licensee shall be fined two hundred fifty dollars, suspended for sixty days, and his or her case referred to the commission for further action.

(D) Should any person licensed by the Ohio state racing commission refuse to submit to a breath test, such licensee shall be fined one hundred dollars and suspended for seven days for a first offense. For a second refusal, a licensee shall be fined two hundred fifty dollars and suspended for thirty days. For any additional refusals to submit to a breath test a licensee shall be fined two hundred fifty dollars, suspended for sixty days, and his or her case referred to the commission for any further action deemed necessary. *Effective: 1-1-85; 10-15-85; 3-19-87; 4-1-88; 8-1-91*

### **3769-14-23. Provide paddocks and paddock rules**

Every commercial permit holder shall:

(A) Provide a paddock or receiving barn.

(B) The paddock or receiving barn must be completely enclosed with a man-tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.

(C) Horses must be in the paddock at the time prescribed by the presiding judge, but in any event at least one hour prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to the post.

(D) Persons entitled to admission to the paddock:

- (1) Owners of horses competing on the date of the race;
- (2) Trainers of horses competing on the date of the race;
- (3) Drivers of horses competing on the date of the race;
- (4) Grooms and caretakers of horses competing on the date of the race;
- (5) Officials whose duties required their presence in the paddock or receiving barn.

(E) No driver, trainer, groom, or caretaker once admitted to the paddock, shall leave the same other than to warm-up said horse until such race, or races for which he was admitted is contested.

(F) No person except an owner, who has another horse racing in a later race, or an official, shall return to the paddock until all races of that program shall have been completed.

(G) No more than two owners of a horse, or registered stable, other than the driver, shall be entitled to admission to the paddock on any one racing day.

(H) During racing hours each track shall provide the services of a blacksmith within the paddock.

(I) During racing hours each track shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay. *Effective: 1-1-85*

### **3769-14-24. Code of conduct in paddock**

While in the paddock, owners, drivers, and trainers shall so conduct themselves as to avoid creating any appearance or suggestion that would reflect adversely on the integrity of racing. The presiding judge and paddock judge are authorized on any occasion to revoke or curtail the paddock privileges of an owner if, in the judgment of the presiding judge or paddock judge, circumstances warrant such action in order to maintain proper decorum in the paddock. *Effective: 1-1-85*

### **3769-14-25. Officials, judges**

(A) Judges shall be responsible to the commission and may be penalized under the provisions of rule 3769-14-99 of the Administrative Code at any time for failure to perform their duties to the satisfaction of the commission.

(B) The judges, of which there shall always be three in number, or a majority of them shall determine all questions with reference to racing arising during the meeting and all questions with reference to licensing, entries, or other matters, arising before the meeting has begun to the extent to which they are authorized to act under the rules of racing, and in such questions their orders shall supersede the orders of other officials of the permit holder. *Effective: 1-1-85*

#### **3769-14-26. Officials, presiding judge**

Where parimutuel wagering is permitted for ten or more days in any meeting, one of the three judges at harness race meetings shall be known as the state judge, and paid by the Ohio state racing commission. The state judge shall be the presiding judge of the meeting for which he/she is appointed by the commission. *Effective: 1-1-85; 9-5-86*

#### **3769-14-27. Right to inspect**

The judges shall have the right to inspect all licenses, including owners, trainers, driver-trainers, authorized agents, and all papers pertinent thereto, and assumed names and papers pertinent thereto. The judges may demand production of any license, contract or papers to be satisfied as to their validity and as to compliance with the rules of racing.

(B) Failure to produce the required documents, when requested by the judges, shall be a violation of this rule and shall subject said person to the penalties provided in rule 3769-14-99 of the Administrative Code. *Effective: 1-1-85*

#### **3769-14-28. Supervision by judges**

(A) All owners, trainers, driver-trainers, grooms and other persons attendant upon horses shall be under the general supervision of the judges, and they also shall have supervision over all other racing officials and over those parts of the premises of the permit holder used for the conduct of racing. The judges shall have free access to any parts of the premises used for conducting racing.

(B) The judges shall also have general supervision over all other persons licensed by the Ohio state racing commission while such persons are on the premises of a permit holder. Such licensed persons shall include but not be limited to concession, maintenance, mutuel and parking lot employees.

(C) The judges may take disciplinary action against any licensee who has conducted himself/herself in a manner detrimental to the sport of horse racing by the indiscriminate use of profanity, failure to properly perform their duties which directly affect the track patrons, the treatment of patrons or other persons on the track premises in a discourteous manner, or by other actions which are found to be generally unacceptable by patrons and/or the judges. *Effective: 1-1-85; 5-1-85*

#### **3769-14-29. Officials' powers**

(A) For disorderly conduct or breach of the peace or for violation of the rules of racing, orders of the commission, or any regulations the judges may establish, the judges of racing meetings shall have the power to fine any licensee an amount not in excess of the amount permitted by section 3769.091 of the Revised Code and/or suspend a license for a period of time permitted by section 3769.091 of the Revised Code and/or refer licensee to the commission for further action. In the case of an indefinite suspension, the commission shall act on the matter referred to it by the judges within sixty days.

(B) On appeal or on its own motion, the commission shall have the power to reverse, vacate or modify in any manner any order of the judges.

(C) Any regulations adopted by the judges shall be consistent with the rules of racing, shall be promptly reported in writing to the commission upon adoption, and shall remain in effect unless and until the commission shall otherwise order.

(D) The judges may suspend or exclude from the stands and premises, improper and objectionable characters and persons who have been ruled off by the racing authority of any other state or country so long as such ruling of such authority remains in force. *Effective: 1-1-85; 8-1-91; 4-1-99*

#### **3769-14-30. May appoint deputy**

In emergency any judge may appoint his own deputy at any time. If only one judge is present in the stand, he may name additional persons to serve with him. If none of the judges are present, the clerk of the course shall name persons to serve in the absence of the judges and shall report the absence in writing to the commission. In no case will there be less than three judges in the stand in attendance during the running of the races. *Effective: 1-1-85*

#### **3769-14-31. Provision to fill vacancy**

The judges shall fill vacancies occurring in other official positions unless the permit holder shall have filled them and notified the judges prior to the time set for the first race to leave the paddock for the starting post, and such appointments shall be subject only to the confirmation of the commission. Should any vacancy occur after the above-mentioned time, the judges shall fill the vacancy at once, the appointment standing only for one day unless the permit holder shall not have filled the vacancy and notified the judges one hour before the time set for the first race of the following day. *Effective: 1-1-85*

#### **3769-14-32. Disqualification to act as official**

(A) Any official who has an interest in any of the horses engaged in a particular race is disqualified from acting in any official capacity in that race. In the event of such disqualification the commission shall be notified by the disqualified person and shall appoint a substitute.

(B) An official may be fined, suspended, or his license may be revoked or denied at any time by the commission for incompetence, failure to follow or enforce the rules, or any conduct detrimental to the sport including the use of alcoholic

beverages in violation of rule 3769-14-22 of the Administrative Code or the use of any unlawful drugs, or being guilty of other improper conduct. *Effective: 1-1-85*

#### **3769-14-33. Daily Reports**

The judges shall prepare and make a daily report to the commission which shall include all fines and suspensions with the names and detailed reasons; the names of all persons barred from the grounds by the judges; the record of horses claimed with claiming price and the names of new and old owners; and such other data as the judges may feel it necessary to include or as required by the commission. The daily reports shall be sent to the commission daily. *Effective: 1-1-85; 12-4-09*

#### **3769-14-34. Minority opinion**

Should the judges disagree, a vote shall be taken and the decision of the majority shall stand, but the notation that there was a minority opinion shall be made in the report to the commission. If there shall be no majority decision, the question or problem shall be submitted to the commission. *Effective: 1-1-85*

#### **3769-14-35. Entries and declarations**

All entries and declarations shall be under the supervision of the judges, and they may, without notice, refuse the entries of any person or the transfer of any entries. *Effective: 1-1-85*

#### **3769-14-36. May disqualify horse**

The judges may require the owner and/or trainer of a horse to prove the horse is qualified in every way to participate in a race. They may also require proof the horse was not nominated by or is not the property, wholly or in part, of a disqualified person. If not satisfied with such proof the judges may disqualify the horse. *Effective: 1-1-85*

#### **3769-14-37. Postponement; withdraw**

(A) The judges may order a horse or horses withdrawn from any race after it or they have left the paddock and before the start has been effected. In such event, the permit holder shall make a refund of all wagers on the horse or horses withdrawn (except in the case of a horse which represents part of an entry or mutuel field of two or more horses). If such horse be withdrawn there shall be no refund.

(B) In case of unfavorable weather, or other unavoidable cause, the permit holder with the consent of the judges shall postpone races in the following manner:

- (1) Early closing races, stakes and futurities, shall be postponed to a definite hour the next day;
- (2) Any late closing race, early closing and stake or futurity, except as provided in paragraphs (B)(4) and (B)(5) below, that cannot be raced during the scheduled meeting shall be declared off and the entrance money and forfeits shall be divided equally among the nominators who have horses declared in and eligible to start;
- (3) Any late closing race or early closing race that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to summary. In overnight events only that portion of the purse as has been contested will be paid;
- (4) Any stake or futurity that has been started and remains unfinished on the last day of the scheduled meeting shall be declared ended and the full purse divided according to the summary;
- (5) Unless otherwise provided in the conditions, in order to transfer stakes and futurities to another meeting, unanimous consent must be obtained from the track and from all those having eligibles in the event;
- (6) Overnight events may be postponed and carried over not to exceed three racing days. *Effective: 1-1-85*

#### **3769-14-38. Commission approval required of all officials**

All officials designated in rule 3769-12-10 of the Administrative Code shall be appointed by the permit holder subject to the approval of the commission, which reserves the right to at any time require the change of any official or officials for what the commission deems good and sufficient reason. *Effective: 1-1-85*

#### **3769-14-39. Must be disinterested**

No one interested in the result of a race at any commercial meeting, either because of ownership of any horse entered, or because of ownership of an entered horse's sire or dam, or because of wagers, or otherwise shall act as judge, starter or official therein. *Effective: 1-1-85*

#### **3769-14-40. Eye tests**

The commission may require all patrol judges and harness racing judges to undergo periodic vision examinations conducted by licensed oculists, optometrists or other eye specialists. Such examinations are to include tests involving

distance and color vision. When such examinations are required the original examination report will be forwarded to the commission. *Effective: 1-1-85*

#### **3769-14-41. Duties of officials**

- (A) It shall be the duty of the judges to:
- (1) Notify in writing, owners and drivers of penalties imposed;
  - (2) Report in writing to the commission, violations of rules by a permit holder, its officers or race officials. Such reports shall contain detailed information regarding any such reported violations;
  - (3) Sign each sheet of the judges' book verifying the correctness of the information contained therein;
  - (4) Exclude from the race any horse that in their opinion is improperly equipped, dangerous, or unfit to race which shall include sick, weak, and extremely lame horses. No horse shall race with a tube in its throat. No horse may race unless he has unimpaired vision in one eye and no horse infected with equine infectious anemia, or a carrier thereof, shall race;
  - (5) Investigate any apparent or possible interference, or other violation of rule 3769-17-15 of the Administrative Code, whether or not a complaint has been made by the driver;
  - (6) Investigate any act of cruelty seen by them or reported to them by any person toward a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall suspend the offending person and submit a written report of their findings and action to the commission;
  - (7) Immediately thereafter or as soon as possible after an accident occurs, the judges shall conduct an investigation of such accidents to determine the cause thereof. The judges shall also complete an accident report and mail said report to the commission;
  - (8) Observe closely the performance of the drivers and the horses to ascertain if there are any violations of the rules of racing, particularly interference, helping, or inconsistent racing and they shall exhaust all means possible to safeguard the contestants and the public;
  - (9) Declare a dash or heat of a race no contest in the event the track is thrown into darkness during the progress of a race by an electrical malfunction or any incident that has compromised the race and deprived the betting public of a fair contest. If a no contest is declared, the judges may distribute the purse equally among non-offending horses;
  - (10) Be in the judges' stand fifteen minutes before the first race and remain in the stand for ten minutes after the last race, and at all times when the horses are upon the track;
  - (11) Observe the preliminary warming up of horses and scoring, noting behavior of horses, lameness, equipment, conduct of the drivers, changes in odds at parimutuel meetings, and any unusual incidents pertaining to horses or drivers participating in races;
  - (12) Designate one of their associates to lock the parimutuel machines immediately upon the horses reaching the official starting point. The presiding judge shall designate the post time for each race and the horses will be called at such time as to preclude excessive delay after the completion of two scores;
  - (13) Be in voice communication with the patrol judges from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the rules shall be reported by the patrol judge witnessing the incident and a written record made of same. At least one judge shall observe the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks, and failure to contest the race to the finish;
  - (14) Post the objection sign or inquiry sign on the odds board in the case of a complaint or possible rule violation, and immediately notify the announcer of the objection and the horse or horses involved. As soon as the judges have made a decision, the objection or inquiry sign shall be removed, the correct placing displayed, and the "official" sign flashed. In all instances the judges shall post the order of finish and the "official" sign as soon as they have made their decision. In addition, the judges shall cause the "inquiry" sign to be posted whenever there has been an accident during the course of the race;
  - (15) The presiding judge shall call a meeting of all horsemen on the grounds before the opening of a parimutuel meeting for the purpose of their electing a member and an alternate to represent them on matters relating to the racing of horses due to bad track or weather conditions;
  - (16) In case of questionable track conditions due to weather, the presiding judge shall call a meeting consisting of an agent of the track, the duly elected representative of the horsemen and the presiding judge;
  - (17) Upon unanimous decision of this committee of three that track conditions are safe for racing, the races will proceed, or if not, there will be time allowed to scrape the track, or if conditions warrant, to cancel the night's program.
- (B) Hearing procedures.
- (1) Any person charged with a violation of the Ohio rules of racing may waive their rights to a judges' hearing;
  - (2) When a hearing is requested, judges are to provide same before assessing a penalty upon any party. At least the presiding judge and one associate judge must be present at all judges' hearings. When a hearing is requested by a person or ordered by the judges it shall be the duty of the judges to notify the person involved, as soon as possible, of the date and time of said hearing. Any person requesting a hearing will be given at least until twelve noon the day following the day they were notified of the hearing to prepare a defense if they so request.

(3) The judges' may impose the penalties prescribed by the law and the Ohio state racing commission rules. Penalty notices will carry the reason the penalty was imposed and the commission rule number or numbers that were violated. *Effective: 1-1-85; 4-1-88; 1-1-05*

#### **3769-14-42. Placing**

At the time the horses reach the finish line, the judges shall determine the order of finish. In such determination, a horse whose nose shall have reached the finish line shall be deemed ahead of all horses whose noses shall not have reached the finish line. The judges shall announce their decision as to the order of finish, and their decisions shall be final unless objection to any horse placed in the first four positions be raised and sustained. However, the judges may correct any mistake in the order of finish announced. In the absence of any objections, or upon decisions having been reached with relation to any objections raised and any changes in the order of finish required by such decisions having been made, the judges shall cause the sign "official" to be displayed with the exception of those circumstances addressed in 3769-13-10 paragraph A of the Administrative Code no ruling of the judges thereafter made shall have any bearing with relation to the payment of winning parimutuel tickets. *Effective: 1-1-85; 1-1-05*

#### **3769-14-43. Photographic finish**

The permit holder shall provide a camera approved by the commission which shall be used to photograph each finish. In the event two or more horses reach the finish post so closely aligned that it is difficult for the judges to determine the order of finish for any of the first four positions, the negative or a positive print may be inspected and decision reached therefrom. A print or prints of the finish or their equivalents shall be posted for public inspection. However, in the event of any mechanical difficulty or insufficient light for a picture to be taken, the judges shall make a decision, and it shall be final. *Effective: 1-1-85; 4-1-99*

#### **3769-14-44. Equipment record**

(A) The permit holder shall provide uniform cards or forms upon which each trainer responsible for entering a horse to race at the meeting shall record the name, tattoo number, color, age, sex, gait and markings of such horse along with all equipment customarily worn by such horse competing in a race at the track. Such equipment list shall include information as to the bit, boots, bandages, harness, hobbles and any other racing equipment. Such record shall be kept in a permanent file under the supervision of the paddock judge. The trainer shall report any changes in the equipment worn by the horse to the paddock judge at least one hour before the post time of the race in which the horse is to compete.

(B) Prior to entering the track in preparation for the post parade, every horse entered to race shall be checked by the identifier for all items listed on such cards or forms and any discrepancies shall be reported immediately by the identifier to the paddock judge who shall forthwith report such discrepancies to the presiding judge.

(C) Should the judges determine that any discrepancies set out in paragraphs (A) and (B) of this rule are of a nature that would affect the horses performance in the race, or that an improperly listed horse is entered to start, that horse may be scratched from competition in the race.

(D) Any trainer who refuses to provide proper information required herein, who fails to report any changes in equipment worn by the horse, or who provides false information as to the horse or equipment worn by the horse, shall be subject to being fined, suspended or ruled off. *Effective: 1-1-85; 12-4-09*

#### **3769-14-45. Track veterinarian**

A veterinarian licensed to practice in Ohio, hired and paid by the permit holder, shall be in the paddock for each commercial harness race. The track veterinarian shall supervise an examination of every horse scheduled to start in a race at the meeting. The track veterinarian shall maintain a list of such horses which, in his or her opinion, are unfit for racing and shall report to the judges daily on each horse entered for the day's races, stating whether it is or is not physically fit to race. The veterinarian list shall be posted in the racing secretary's office. The list shall be kept current with the date a horse was placed on the veterinarian list and the date said horse was released. *Effective: 1-1-85; 12-4-09*

#### **3769-14-46. Patrol judges**

(A) With the prior approval of the commission, one or more patrol judges may be assigned to approved posts of vantage about the course and, when so assigned shall observe each race and, shall be in direct voice contact with the judges in the judges' stand. They shall immediately report to the judges any violations of the rules of racing observed by them during the race and immediately after the finish and no posting of the order of finish shall be official until all patrol judges have verbally reported to the judges' stand. With prior approval of the commission, the starter may act as one of the patrol judges.

(B) Each patrol judge shall write a report of their observations of every race documenting all violations of the rules of racing they observe during the running of a race. These reports shall be delivered to the presiding judge at the conclusion of each racing program and a copy of these reports shall be included with the daily report sent to the commission. When

requested by the presiding judge, the patrol judges will make themselves available to testify at any hearing concerning violations they have observed.

(C) The requirements of paragraphs (A) and (B) of this rule may be waived by the commission upon application of a permit holder who demonstrates satisfactorily to the commission that adequate electronic and television equipment have been installed by the permit holder for purposes of officiating the running of the races. *Effective: 1-1-85; 8-1-91; 1-1-05*

### **3769-14-47. Timers**

(A) At all commercial race tracks, the time of every race shall be accurately taken by an electrical timing device approved by the commission, in addition, and by at least one person with a stopwatch. In the event of a temporary failure of the electrical timing device at a commercial race track, it will be permissible for said track to have the official time of each race taken by three individual timers with stopwatches. In addition, under unusual circumstances, the official time can be determined by using the appropriate scientific equipment to determine an accurate time from the official film of the race. The recorded time will be entered in the record, in minutes, seconds, and fifths of seconds. The time of the race shall be publicly announced or posted.

(B) For county fair racing it is permissible for the time of the race to be taken by three individual timers with stopwatches.

(C) In the event an accurate official time cannot be determined for a race no unofficial time shall be announced or entered in the record. *Effective: 1-1-85; 4-3-86; 12-5-94; 12-4-09*

### **3769-14-48. Duties of the racing secretary**

It shall be the duty of the racing secretary to:

(A) Receive and to keep safe the registration certificates of all horses competing in claiming races at the track and to return same to the owner of a horse or their representative upon their departure from the grounds.

(B) Be familiar with the ages, class, and competitive ability of all horses racing at the track.

(C) Where the Ohio racing commission rules require, classify and re-classify horses.

(D) Keep a current list horses in the classes for which they qualify and display it in the room where the declaration box is located for examination by horsemen and others.

(E) Write conditions and schedule the daily racing programs presented at the track.

(F) Provide for the listing of horses in such daily program; examine all entry blanks and declarations; verify all information set forth therein; select the horses to start and the also eligible horses from the declarations in accordance with the rules of the Ohio racing commission.

(G) Examine nominations and declarations in early closing and stake events; verify the eligibility of all declarations and nominations, and compile a list of eligible horses for publications.

(H) See that all declarations taken by telephone are signed by the person taking the declaration and make provisions for the safe keeping of all entries, or declarations received during the meeting, for a period of six months thereafter.

(I) To prescribe the standards for overnight events and to prepare and publish condition sheets in accordance with the rules of the Ohio racing commission.

(J) Check the electronic eligibility of each horse on the premises of the permit holder for a current coggins test report. *Effective: 1-1-85; 7-1-01*

### **3769-14-49. Clerk of course**

The clerk of course shall:

(A) At the request of judges assist in drawing positions;

(B) Keep the judges' book provided by the "United States Trotting Association" and the record therein:

(1) All horses entered and their electronic eligibility numbers;

(2) Names of owners and drivers and drivers' license numbers.

(C) Record the charted lines at commercial meetings and fairs if available. At fairs, record the position of the horses at the finish. At all race meetings, record the money won by the horse at that track;

(D) Note drawn or ruled out horses;

(E) Record time in minutes, seconds and fifths of seconds;

(F) Check electronic eligibility before the race and after the race enter all information provided for therein, including the horse's position in the race if it was charted;

(G) Verify the correctness of the judges' book including race time, placing and money winnings, reasons for disqualifications, if any, and see that the book is properly signed;

(H) Forward judges' book, charts and marked programs from all meetings the day following each racing day. *Effective: 1-1-85; 5-7-01*

### **3769-14-50. Paddock judge**

(A) Under the direction and supervision of the pre-siding judge, the paddock judge will have complete charge of all paddock activities as outlined in rules 3769-14-23 and 3769-14-44 of the Administrative Code.

(B) The paddock judge is responsible for:

(1) Getting the fields on the track for post parades in accordance with the schedule given to him by the presiding judge;

(2) Inspection of horses for changes in equipment, broken or faulty equipment, head numbers and saddle pads;

(3) Supervision of paddock gate men;

(4) Proper checking in and checking out of horses and drivers;

(5) Supervising the checking of the identification of all horses coming in to the paddock including the tattoo number;

(6) Direction of the activities of the paddock blacksmith;

(7) Immediately notifying the presiding judge of anything that could in any way change, delay or otherwise affect the racing program;

(8) Seeing that only properly authorized persons are permitted in the paddock. *Effective: 1-1-85*

### **3769-14-51. Charter, identifier**

(A) Licensed charter. The charting of races shall be done only by a qualified charter and the charter shall be responsible for providing a complete and accurate chart. A charter must be a person who has the knowledge, training and ability to accomplish this.

(B) Mandatory charting. At all commercial meetings and grand circuit meetings, the charting of races is mandatory and the track shall employ a charter to fulfill the requirements of this rule.

(C) Identifier. At all commercial meetings the track member shall employ an identifier whose duty it shall be to check the identification of all horses and the equipment worn by the horses coming into the paddock. The identifier shall be under the immediate supervision of the paddock judge and the general supervision of the presiding judge.

The identifier shall check the equipment of horses in the paddock against the written record for the horse as provided to the paddock judge by the trainer of the horse. The identifier shall promptly report to the paddock judge in writing any discrepancy or change of equipment on any horse and the paddock judge shall in turn report same forthwith to the presiding judge. *Effective: 12-4-09; 1-1-85*

### **3769-14-52. Sulky equipment**

(A) Every sulky used in a race at a licensed harness racing meeting shall be subject to the approval of the judges, Ohio state racing commission, and the United States trotting association. A driver shall not drive a sulky not equipped with special equipment as so ordered. Mud fenders must be available and must be used whenever ordered by the presiding judge. Every sulky shall be equipped with the wheel discs of a type approved by the judges, Ohio state racing commission, and the United States trotting association. All shafts will be equipped with quick-hitch fixtures or attachable by conventional tiedowns. All quick-hitches shall have safety straps.

(B) The Ohio state racing commission shall have the authority to establish guidelines and recommendations for the design, performance and certification of racing sulkies. The Ohio state racing commission shall have the authority to authorize variances from these standards and may approve for use any sulky which does not qualify under section A, if in their opinion the sulky does not pose a safety hazard, does not impair the horse or driver, and does not undermine the competitiveness of the horse and/or driver. *Effective: 1-1-85; 9-1-94; 1-1-05*

### **3769-14-53. Harness race track without a hub rail**

(A) In the event a horse or part of the horse's sulky leaves the course, and if, in the opinion of the judges, that action gave the horse an unfair advantage over other horses in the race, the horse may be disqualified or placed back one or more positions. In any such disqualification or placing, the horse causing the interference must be placed behind the horse or horses over which it gained an advantage and/or the horses with which it interfered.

(B) There shall be no disqualification of a horse temporarily forced off the race course providing the driver makes effort to re-enter the course as soon as possible in a safe manner.

(C) In the event a horse or part of the horse's sulky leaves the course for any reason, it shall be the driver's responsibility to take all reasonable steps to safely re-enter the race course as soon as possible.

(D) If, in the opinion of the judges, a driver's actions or lack of action causes or contributes to any violation of this rule, said driver may be fined and/or suspended and/or referred to the commission under the provisions of rule 3769-14-99 of the Administrative Code. *Effective: 1-1-91*

### **3769-14-54. Expanded homestretch racing**

(A) With prior approval of the commission, a track may expand the width of its homestretch by no less than ten feet nor more than fourteen feet inward in relation to the width of the rest of the race track.

(B) In the event the homestretch is expanded pursuant to paragraph (A) of this rule, the following shall apply:

(1) When entering or while going through the homestretch for the first time in a race, no horse shall use the expanded inside lane in an attempt to pass other horses or improve its position. Any horse which does so shall be disqualified and placed last in the order of finish.

(2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the expanded inside lane. If, in the opinion of the judges, the lead horse changes course in the homestretch in an attempt to prevent a trailing horse from passing, said horse may be placed accordingly.

(3) Horses using the expanded inside lane, during the homestretch drive for the finish of the race, must first have complete clearance of the pylons marking the inside boundary of the race course. Any horse or sulky running over one or more of the pylons or going inside the pylons, while attempting to use the expanded inside lane, may be disqualified and placed last in the order of finish.

(4) During the last one-eighth mile of a race a horse may only be driven into the expanded home stretch lane for the purpose of passing another horse and may not be driven into the expanded home stretch lane for the purpose of blocking a trailing horse. It shall be presumed that any horse driven into the expanded home stretch lane which blocks a trailing horse, without advancing on the horse it was allegedly attempting to pass, was being drive [sic] for the purpose of blocking a trailing horse. If, in the the [sic] opinion of a majority of the judges, a horse is driven into the expanded home-stretch lane for the purpose of blocking a trailing horse, the driver of the blocking horse may be fined and/or suspended and the horse may be placed accordingly. *Effective: 5-4-92; 10-4-92*

### **3769-14-99. Penalties commission may impose**

(A) For a violation of any rule in this chapter and unless a rule specifically precludes the judges from doing so, the judges, upon the concurrence of two such officials, may fine a licensee an amount not in excess of the amount permitted by section 3769.091 of the Revised Code and/or suspend licenses, upon the concurrence of two such officials, for a period not to exceed the length of time permitted by section 3769.091 of the Revised Code and/or refer the licensee to the commission for further action.

Any fine or suspension may be appealed to the commission. Such appeal shall stay the fine or suspension until further action by the commission.

(B) In addition to any other penalty provided, or in the event no penalty has been provided, the commission, may, upon finding a licensee has violated a rule of this chapter, fine the licensee an amount not in excess of the amount prescribed by law and/or deny, suspend or revoke any Ohio state racing commission license held by the licensee and/or rule off any such licensee from all Ohio race tracks.

(C) Should the commission find a permit holder, or a representative of the permit holder has violated a rule in this chapter, they may fine said permit holder or the representative of the permit holder an amount not in excess of the amount prescribed by law and/or deny, suspend or revoke any license and/or permit held by said permit holder or representative of the permit holder and/or rule off any such permit holder's representative.

(D) Each day during which any violation of a rule in this chapter continues to occur shall be considered a separate offense and any person and/or permit holder continuing to violate said rule or rules may be penalized separately for each day the violation occurs.

(E) Any person who violates any provisions of the Horse Racing Act or any of the Ohio rules of racing for which no penalty is otherwise provided, may be denied a license under such rules. A licensee under such rules may be fined, may have his/her license suspended or revoked or may be ruled off. Any permit holder who violates any of the provisions of the Horse Racing Act or any of the Ohio rules of racing for which a penalty is not otherwise provided, may have the permit suspended or revoked, or may be denied a permit upon subsequent application therefor. *Effective: 1-1-85; 5-1-85*