

# CHAPTER 3769-17. DRIVING RULES AND VIOLATIONS

3769	HEADING	3769	HEADING
17-01	Owners licensed and workers' compensation	17-22	Time for lapped on breaks
17-02	Owners' requirements, corporations, partnerships, syndicates, entities	17-23	Judges call breaks
17-03	Authorized agent	17-24	Time between heats
17-04	Substitute trainer	17-25	Accidents, time allowed
17-05	Physical examination	17-26	Driver must be seated
17-06	Restriction on financial interest	17-27	Provide wheel disk, mud fenders
17-07	Wager restriction	17-28	Horse falls on track
17-08	Shall not converse	17-29	Disorderly conduct
17-09	Safety helmet	17-30	Suspensions for driver and/or trainer
17-09.1	Safety reins	17-31	Effect of minor penalty on future engagements
17-10	Attire	17-32	Reciprocity
17-11	Driving rules	17-33	Horse also suspended
17-12	Foul driving, disqualification	17-34	Return money, prizes
17-13	Complaints against officials	17-35	Improper language
17-14	List or replace driver	17-36	Payment of fines
17-15	Horse must finish	17-37	Must pay own fine
17-16	Improper conduct in race	17-38	Fraudulent practices
17-17	Whip restriction	17-39	May be denied admission
17-18	Brutal use of whip	17-40	Objections
17-19	Hopples; head pole, restrictions	17-41	Appeal to commission
17-20	Breaking	17-42	Cost borne by licensee
17-21	Fraudulent break	17-43	Disqualification, purse redistribution
		17-99	Penalties commission may impose

## 3769-17-01. Owners licensed and workers' compensation

(A) No permit holder shall allow any horse to start in a race unless the owner, owners, lessee or lessees of same are licensed or the owner has been issued a reciprocal validation for a current and properly issued owner's license from another state or other racing jurisdiction which has reciprocity with the Ohio state racing commission. Any owner who drives his horse in a race must have a driver-trainer license in addition to an owner's license.

(B) In addition to all other rules applicable to license as promulgated by the commission, an owner must provide workers' compensation coverage in accordance with Ohio law, for all of his or her employees who are connected with racing. Upon request of the commission, the owner must provide satisfactory proof of such workers' compensation coverage. *Effective: 1-1-85; 1-1-87; 10-4-92*

## 3769-17-02. Owners' requirements, corporations, partner-ships, syndicates, entities

(A) To make application for an owner's license, a corporation must supply to the commission a copy of its articles of incorporation, a certified roster of corporate officers and directors, one of whom must be designated as the chief executive officer, and a certified roster of shareholders including the number of shares and the percentage of the total outstanding shares held by each.

(B) To participate as an ownership entity, a corporation must acquire an owner's license itself, an owner's license for the chief executive officer and for any shareholder who possesses five per cent or more of the total outstanding shares. In applying this rule, if the aggregate per cent of ownership of two or more family members, as defined below, exceeds five per cent or more, then each and every family member with an ownership interest must be licensed. A "family member" is a spouse or blood relative of a single family limited to children, parents, aunts, uncles, grandparents, nieces or nephews.

(C) The commission reserves the right to refuse to license or to rescind a license of any corporation if any officer, director or shareholder does not meet the commission's eligibility requirements.

(D) To participate as an ownership entity, a partnership must supply to the commission the partnership or syndication agreement which lists all partners and the portion of the entity owned by each.

(E) Every member of a partnership possessing five per cent or more interest must acquire an owner's license. In applying this rule, if the aggregate per cent of ownership of two or more family members, as defined below, exceeds five per cent or more, then each and every family member with an ownership interest must be licensed. A "family member" is a spouse or blood relative of a single family, limited to children, parents, siblings, aunts, uncles, grandparents, nieces or nephews.

(F) If no member of a partnership owns five per cent or more interest as defined in paragraph (E) above, the partnership is required to designate one partner as the managing partner and that person must acquire a license as an owner.

(G) The commission reserves the right to bar the participation of a partnership if any partner does not meet the commission's eligibility requirements.

(H) When a partnership which owns horses is comprised of six or more individuals, it shall be required to adopt a stable name, registered under the provision of these rules.

(I) Horses shall be regarded as having a common owner when an owner of one horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation shall have an ownership interest in another horse, either as an individual or as a licensed member of a partnership or as a licensed shareholder of a corporation. *Effective: 1-1-85; 2-6-99*

#### **3769-17-03. Authorized agent**

Any owner or trainer may engage an authorized agent or agents who may handle all business between the permit holder and the agent's principal. No authorized agent shall be licensed by the commission except upon receipt of written notice of their engagement as an agent by an owner and/or a trainer. *Effective: 1-1-85*

#### **3769-17-04. Substitute trainer**

When a trainer is to be absent from his stable or the grounds where his horses are racing at a time when a horse under his care is scheduled to race or for a period of more than two racing days, he must provide a licensed trainer or assistant trainer to assume the joint responsibility for the horses he is training. Such licensed trainer or assistant trainer shall sign in the presence of the judges a statement accepting responsibility for such horses being trained. *Effective: 1-1-85*

#### **3769-17-05. Physical examination**

(A) Drivers, when required by the judges, must provide a medical affidavit certifying that they are physically and mentally capable of performing the activities and duties of a licensed driver, including satisfactory evidence of an eye examination indicating twenty/forty corrected vision in both eyes, or if blind in one eye, at least twenty/thirty corrected vision in the other eye, are free of any disabling defects or contagious disease and are not a user of any illicit or prohibited drugs or narcotics.

(B) The judges may refuse to allow any driver to drive at a meeting until the required medical affidavit is presented to the judges. *Effective: 1-1-85; 2-1-94*

#### **3769-17-06. Restriction on financial interest**

No driver who has any financial interest in any race horse in training at a meeting shall drive any other horse in the same race with his horse at the same meeting. *Effective: 1-1-85*

#### **3769-17-07. Wager restriction**

No driver, trainer or owner shall wager on any horse other than his own horse in any race in which he participates or permit anyone to so wager for him. For any violation of this rule, the driver, trainer or owner may be subject to such penalties provided by the rules of this commission. *Effective: 1-1-85*

#### **3769-17-08. Shall not converse**

Drivers, trainers, owners and grooms shall not converse or otherwise exchange information with anyone outside the paddock after they have entered therein, except on permission from the paddock judge, and they shall be disciplined for any breach of this rule. *Effective: 1-1-85*

#### **3769-17-09. Safety helmet**

No individual will be permitted to drive a horse on a permit holder's premises unless wearing a protective safety helmet of a type satisfactory to the commission with chin strap in place. *Effective: 1-1-85; 12-1-86; 10-4-92; 10-1-06*

#### **3769-17-09.1 Safety reins**

(A) No person riding on a sulky or jog cart shall race, train or jog a horse on the grounds of a facility under the jurisdiction of the Ohio State Racing Commission unless the horse is equipped with safety reins. A safety rein is a rein designed and constructed to provide a secure secondary attachment to the bit that is secured to a reinforcement material to prevent failure due to breakage of the rein, or breakage or inadvertent loss of the primary connection to the bit.

(B) This rule is enacted to adopt the safety measures encouraged by the Association of Racing Commissioners International. Upon notification from the Association of Racing Commissioners International that standards for the safety reins have been set, the Commission shall send notice to the Ohio Harness Horsemen's Association and any other group or persons who request such notice. The notice will indicate that Rule 3769-17-09.1 paragraph (A) of this rule will be enforced on the one-hundred eightieth (180) day after the date of the notice. *Effective: 7-1-08*

### **3769-17-10. Attire**

(A) Drivers must wear distinguishing colors and clean white pants, and shall not be allowed to start in a race or other public performance unless in the opinion of the judges they are properly dressed.

(B) Any driver wearing colors who shall appear at a betting window or at a bar or in a restaurant dispensing alcoholic beverages shall be fined and/or suspended

(C) Any person appearing on the track behind a horse entered to race, must wear driving boots approved by the judges.

*Effective: 1-1-85; 10-1-06*

### **3769-17-11. Driving rules**

(A) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following things, which shall be considered a violation of driving rules:

(1) Change either to the right or left during any part of the race when another horse is so near him that in altering his position he compels the horse behind him to shorten his stride, or cause the driver of such other horse to pull him out of his stride;

(2) Jostle, strike, hook wheels or interfere with another horse or driver;

(3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers;

(4) Swerve in and out or pull up quickly;

(5) Crowd a horse or driver by putting a wheel under him;

(6) Carry a horse out;

(7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses;

(8) Let a horse pass inside needlessly or otherwise help another horse to improve his position in the race;

(9) Commit any act which shall impede the progress of another horse or cause him to break;

(10) Change course after selecting a position in the home-stretch or swerve in and out, or bear in and out, in such a manner as to interfere with another horse or cause him to break;

(11) To drive in a careless or reckless manner;

(12) Whipping under the arch of the sulky, the penalty for which shall be days suspended;

(13) Lay off a normal pace and leave a hole when it is well within a horse's capacity to keep the hole closed;

(14) If any of the above violations is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back, if, in their opinion, the violation may have affected the finish of the race. Otherwise, penalties may be applied individually to the drivers of any entry.

(B) All complaints by drivers of foul driving or misconduct during the race must be made after the race, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of the rules, must, before dismounting, indicate to the judges or patrol judge his desire to enter such claim or complaint and, upon dismounting, shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint shall have been entered and considered.

(C) In case of interference, collision, or violation of any of the above restrictions, the offending horse may be placed back one or more positions in that race, and in the event such collision or interference prevents any horse from finishing the race, the offending horse may be disqualified from receiving any winnings and the driver shall be fined and/or suspended. In the event a horse is set back under the provisions hereof, he must be placed behind the horse with whom he interfered.

(D) Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the judges believe that a horse is being driven, or has been driven with intent to prevent his winning a heat or dash which he was evidently able to win, or is being raced in an inconsistent manner or to perpetrate or to aid a fraud, they shall consider it a violation and the driver, and anyone in concert with the driver to so affect the outcome of the race or races, may be suspended, or referred to the commission. The judges may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.

(1) In the event a drive is unsatisfactory due to lack of effort or carelessness, and the judges believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive, they may suspend his license for up to one year and/or impose a one thousand dollar fine.

(2) Every horse shall be driven to the finish unless injured. Any driver who shall rein in before crossing the finish line or who shall fail to use his utmost exertion to obtain a winning performance from the horse driven by him shall be fined, suspended, or referred to the commission.

(3) Drivers must set or maintain a pace comparable to the class in which they are racing. Failure to do so which holds up the field of horses or causes confusion among the trailing horses will be considered a violation of this rule and the judges may impose a penalty.

(4) In the event a penalty is placed on a driver under any of paragraphs (D)(1) to (D)(4) of this rule, the horse may be placed on the judges' list and may not be removed therefrom until it goes in a qualifying race and qualifies in a time comparable to the class of the horse. *Effective: 1-1-85; 2-6-99*

### **3769-17-12. Foul driving, disqualification**

The judges shall take cognizance of foul driving, whether objection to same is made or not. The judges shall determine the extent of disqualification in cases of fouls occurring during the running of the race. They may place an offending horse just behind such horses as in their judgment it interfered with, or they may place it last. *Effective: 1-1-85*

### **3769-17-13. Complaints against officials**

Complaints against an official or officials shall be made to the judges in writing, signed by the complainants. All such complaints shall be reported by the judges in writing to the commission together with any action taken thereon. *Effective: 1-1-85; 10-1-06*

### **3769-17-14. List or replace driver**

(A) Every owner or trainer shall, if possible, upon making entry, furnish the name of the driver who will drive his horse, but if this is not possible, the name must be furnished at a time designated by the judges. At such time he shall report the equipment his horse will carry. The report shall include information regarding the equipment the judges require to be reported.

(B) If an owner or trainer does not name a driver for its entered horse by the time designated by the judges, the judges shall select and name a competent driver to drive that horse.

(C) The judges may replace any driver and/or trainer with a driver and/or trainer of their selection for cause or on suspicion of fraudulent practices or attempts. Any such action shall be reported by the judges to the commission with reasons therefor. *Effective: 1-1-85; 5-1-85; 4-1-88*

### **3769-17-15. Horse must finish**

If for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out. *Effective: 1-1-85*

### **3769-17-16. Improper conduct in race**

(A) Loud shouting or other improper conduct is forbidden in a race.

(B) Drivers shall keep both feet in the stirrups at all times while on the track and during the race, except to pull ear plugs.

(C) Drivers shall not use any part of their feet and/or legs to impel a horse whether or not the feet remain in the stirrups.

(D) Drivers shall not lean back excessively in the sulky during a race and shall keep the hand holds set in a position to keep control of the horse. *Effective: 1-1-85; 10-1-06*

### **3769-17-17. Whip restriction**

Drivers will be allowed whips not to exceed forty-eight inches, plus a snapper not longer than six inches; and provided further that the following actions may be considered as excessive or indiscriminate use of the whip:

(a) Causing visible injury;

(b) Taking the lines in one hand before the three quarter pole; (c) Whipping a horse after a race;

(d) Striking the horse below the shaft of the sulky;

(e) Striking another horse or driver with the whip;

(f) Using the whip on a tired horse;

(g) The use of any goading or mechanical device, chain, nail or appliance, other than the ordinary whip used for racing;

(h) Any other use the judges may deem inappropriate. *Effective: 1-1-85; 10-4-92; 10-5-98; 10-1-06*

### **3769-17-18. Brutal use of whip**

The brutal use of a whip, crop, or excessive or indiscriminate use of the whip or crop shall be considered a violation and shall be punished by a fine and/or suspension. *Effective: 1-1-85*

### **3769-17-19. Hopples; head pole, restrictions**

(A) A horse that wore hopples in its previous race shall not be permitted to start in a race at any pari-mutuel meeting without them unless the horse goes without hopples in a qualifying race under the supervision of a judge or acquires at least one charted line by a licensed charter while not wearing hopples.

(B) A horse that did not wear hopples in its previous race shall not be permitted to wear hopples in a race at any extended pari-mutuel meeting unless the horse goes with hopples in a qualifying race under the supervision of a judge or acquires at least one charted line by a licensed charter while wearing hopples.

(C) Any person found guilty of removing, adding, or altering a horse's hopples during a race, or between races, may be fined and/or suspended.

(D) No horse shall be permitted to wear a head pole protruding beyond its nose. *Effective: 1-1-85; 10-1-06*

### **3769-17-20. Breaking**

(A) When any horse breaks from their gait, the driver shall at once, where clearance exists, take the horse to the outside and pull it to its gait. The driver may take the horse inside the pylons if clearance to the outside does not exist.

(1) The following shall be considered violations of paragraph (A) of this rule:

(a) Failure to properly attempt to pull horse to its gait;

(b) Failure to take to the outside where clearance exists or inside if clearance to the outside does not exist;

(c) Failure to lose ground by the break.

(2) If there has been no failure on the part of the driver in complying with paragraph (A) of this rule, the horse shall not be set back unless a contending horse on his gait is lapped on the hind quarter of the breaking horse at the finish. The judges may or may not set back a horse who is off stride at the finish, if in their discretion, the horse was off stride due to interference.

(3) The judges may set any horse back one or more places if in their judgment any of the above violations have been committed.

(4) Any horse making a break in two successive starts on a good or fast track, excluding winning performances, shall be placed on the stewards' list.

(B) Any horse making a break which causes interference to other contesting horses may be placed behind any or all offended horses. *Effective: 1-1-85; 2-6-99; 10-1-06*

### **3769-17-21. Fraudulent break**

If, in the opinion of the judges, a driver allows his horse to break for the purpose of fraudulently losing a heat, he shall be liable to the penalties elsewhere provided in the rules of the Ohio state racing commission. *Effective: 1-1-85*

### **3769-17-22. Official winning race records**

The leading horse shall be timed and his time only shall be announced. The horse finishing behind a horse disqualified by the judges may obtain a win race record if the horse's actual race time can be determined by photo finish or electronic timing. *Effective: 1-1-85; 2-6-99; 10-1-06*

### **3769-17-23. Judges call breaks**

To assist in determining the charting of a race, it shall be the duty of one of the judges to call out every break made, and the clerk shall at once note the break and character of it in writing. *Effective: 1-1-85*

### **3769-17-24. Time between heats**

The time between separate heats of a single race shall be no less than forty minutes. No heat shall be called after sunset where the track is not lighted for night racing. *Effective: 1-1-85*

### **3769-17-25. Accidents, time allowed**

In the case of accidents, the judges shall allow only so much time as they deem necessary and proper before resuming the racing program. *Effective: 1-1-85*

### **3769-17-26. Driver must be seated**

A driver must be seated in his sulky at the finish of the race or the horse must be placed as not finishing. *Effective: 1-1-85*

### **3769-17-27. Provide wheel disk, mud fenders**

It shall be the responsibility of the owner and trainer to provide every sulky used in a race with unicolored or colorless wheel discs on the inside and outside of the wheel of a type approved by the racing commission. In his discretion, the presiding judge may order the use of mud guards at parimutuel tracks, and these shall be provided by the owners and/or trainers. *Effective: 1-1-85*

### **3769-17-28. Horse falls on track**

Should any horse in a race fall or get loose on the track or be involved in an accident of any kind after starting to warm-up, that horse shall only be permitted to start after examination and approval by the track veterinarian. Should any horse fall or get loose during the post parade or during the time elapsed before the word "go" is given, that horse shall only be permitted to start after examination by the track veterinarian and approval by the judges. If the horse is scratched, all wagers on that horse will be refunded. *Effective: 1-1-85; 10-1-06*

### **3769-17-29. Disorderly conduct**

(A) The following shall constitute disorderly conduct and be reason for any penalty of a driver or trainer as provided by these rules:

(1) Failure to obey the judges' orders that are expressly authorized by the rules of this commission;

- (2) Failure to drive when programmed unless excused by the judges;
- (3) Drivers shall not use intoxicants or drugs of any type during the racing day and shall be disciplined if they fail to report sober and in fit condition to fulfill their engagements. Drivers may be granted permission by the judges to use drugs prescribed by a physician;
- (4) Appearing in the paddock in an unfit condition to drive;
- (5) Fighting;
- (6) Assaults;
- (7) Offensive and profane language;
- (8) Smoking on the track in silks during actual racing hours;
- (9) Warming-up a horse prior to racing without silks;
- (10) Disturbing the peace;
- (11) Refusal to take a breath test when directed by the presiding judge;
- (12) Extended conversations between drivers before, during, or after a race, or while warming up, unless there is an emergency.

(B) The following shall constitute disorderly conduct and be reason for any penalty of any licensee as provided by these rules:

- (1) Failure to obey the judges' orders that are expressly authorized by the rules of this commission;
- (2) Fighting;
- (3) Assaults;
- (4) Offensive and profane language;
- (5) Disturbing the peace;
- (6) Refusal to take a breath test when directed by the presiding judge.
- (7) Having a horse on the track during racing hours with no saddle pad or an incorrect saddle pad. *Effective: 1-1-85 1-1-87; 8-1-91; 10-1-06*

### **3769-17-30. Suspensions for driver and/ or trainer**

The judges may write suspensions in these main categories:

(A) "Limited suspensions," used to suspend drivers for minor driving or other violations under which they may not drive during the term of the suspension but may continue to train and enter horses trained by them. This suspension shall be written to include the words "from driving only."

(B) "Full suspension," used when the judges in their determination feel the violation so warrants, the driver and/or trainer shall not be allowed to enter or start any horses trained by the person affected. Owners involved with a driver and/or trainer under this suspension may be allowed to transfer their horses to another trainer to continue racing but only with the permission of the judges and for just cause. *Effective: 1-1-85*

### **3769-17-31. Effect of minor penalty on future engagements**

Where the penalty is for a driving violation and does not exceed in time a period of five days, the driver may complete the engagement of all horses declared in before the penalty becomes effective. During a suspension of five days or less such drivers may drive in stake, futurity, early closing and feature races only but the suspension will be extended one day for each date they drive in such a race. *Effective: 1-1-85*

### **3769-17-32. Reciprocity**

(A) If a person or horse is suspended, expelled, ruled off, or if his/her license is revoked, application for a license has been denied, or is under any other current penalty pursuant to the rules of the racing authority of any other state or country, such person or horse shall stand suspended, expelled, ruled off or denied a license at all tracks operating under permit from the Ohio state racing commission until the ruling be withdrawn by the originating authority.

(B) All owners of harness horses who hold current and valid harness horse licenses in any other state or racing jurisdiction which has full reciprocity with the Ohio state racing commission may be eligible for an owner's reciprocal validation license.

(C) The commission may license persons holding valid permanent (not temporary) licenses issued by association of racing commissioners international member racing jurisdictions in North America. The licensee must be in good standing; have cleared a federal bureau of investigation or equivalent criminal investigatory organization fingerprint check within the previous thirty-six months; file an application and/or affidavit as required by the commission, and pay the applicable fees required prior to racing. *Effective: 1-1-85; 10-4-92*

### **3769-17-33. Horse also suspended**

(A) If a person is suspended, ruled off or expelled, every horse owned wholly or in part or trained by that licensee may also be suspended, ruled off or expelled, for the same period of time as the owner or trainer.

(B) Under unusual circumstances and/or for justifiable reasons the stewards, and/or commission may shorten the period of suspension time for a horse. *Effective: 1-1-85; 8-1-91*

### **3769-17-34. Return money, prizes**

If any person or persons is suspended, ruled off or expelled for fraudulent practice in relation to a horse or horses, wholly or in part their property, he shall return all money and prizes which such horse has fraudulently won. *Effective: 1-1-85*

### **3769-17-35. Improper language**

If any licensed person uses improper language to the racing officials or member of the racing commission or threatens such officials, or if any person uses profane or indecent language, carries or exhibits a deadly weapon, or otherwise disturbs the peace of any race track enclosure, he may be ejected, fined, suspended or referred to the commission for any penalty provided by these rules. *Effective: 1-1-85*

### **3769-17-36. Payment of fines**

All fines imposed by the judges and the starter shall be paid to the judges. Any person failing to pay a fine within forty-eight hours may be suspended and may be ruled off and/or their license may be revoked by the commission unless an appeal has been filed with the commission and is pending. *Effective: 1-1-85; 10-1-06*

### **3769-17-37. Must pay own fine**

No person shall pay the fine of another. The judges shall remit all money received in fines to a person designated by and in the employ of the permit holder. Said person shall deposit this money in a separate account in an independent financial institution and shall make an accounting of such monies to the commission at the close of each meeting. The person shall also file therewith a copy of a statement from the financial institution wherein such fine money is deposited showing the entries and the balance in said account. With the prior written advice and consent of the commission, said person may from time to time make disbursements from this account for any worthy purpose pertinent to racing. *Effective: 1-1-85; 10-1-06*

### **3769-17-38. Fraudulent practices**

- (A) No person shall:
- (1) Corruptly give or offer money, share in a bet or other benefit to any person having official duties in relation to a race or to any driver;
  - (2) Having official duties in relation to a race or any driver, corruptly accept or offer to accept money, share in a bet or any benefit;
  - (3) Willfully enter or cause to be entered or to start in any race a horse which they know to be disqualified;
  - (4) Fraudulently offer or receive any amount of money for scratching a horse out of a race;
  - (5) Without making it known to the officials, be a part owner or act as a trainer of any horse in which a driver possesses any interest;
  - (6) Make any bet with or on behalf of any driver, unless on a horse such driver is driving;
  - (7) Offer or give, except through his employer of the owner or trainer of the horse driven, a driver any present, money or other reward in connection with his driving in any race;
  - (8) Accept a ticket or make a bet on any horse other than the one he drives.
- (B) If any person be guilty of any corrupt or fraudulent practices, in this or any other country, then such person or persons so offending shall be suspended and referred to the commission.
- (C) No driver may accept payment of any kind, directly or indirectly, from any person other than the owner of the horse such driver drives in a race.
- (D) Failure to report fraudulent proposal. If any person shall be approached with any offer or promise of a bribe, or a wager or with a request or suggestion for a bribe, or for any improper, corrupt or fraudulent act in relation to racing, or that any race shall be conducted otherwise than fairly and honestly, it shall be the duty of such person to report the details thereof immediately to the presiding judge. Persons failing to report such information to the judges shall be suspended and referred to the commission. *Effective: 1-1-85*

### **3769-17-39. May be denied admission**

During the suspension of any licensed person, they may be denied admission to any part of the grounds. *Effective: 1-1-85*

### **3769-17-40. Objections**

All objections shall be made to the judges and may be withdrawn only with permission of the judges. Objections relating to a horse engaged in a race may be made by the owners, trainers, driver-trainers of other horses engaged in the race or by the officials of the meeting. All objections, except claims of foul or interference during a race, must be written and lodged with the judges, prior to the start of the race in question. If the objection should prove to be frivolous or vexatious the judges may require payment of the expense of investigation unless the commission relieves the objector of this expense. All payments required to cover the expenses in investigation of the objection shall be treated in the same manner as fines as specified by rule 3769-17-36 of the Administrative Code. *Effective: 1-1-85*

### **3769-17-41. Appeal to commission**

(A) Any licensee fined, suspended, expelled or otherwise aggrieved by any judges' ruling in the application of the rules of racing may appeal to the commission for a review of the decision. Such appeals shall be made in writing and must be filed with the presiding judge within forty-eight hours after [sic] notification of the ruling. Such forty-eight-hour period shall not include any day the judges are not in attendance at their office. The chairman of the commission may appoint a referee to hear such appeals.

(B) All appeals of the judges' final rulings shall be made in writing to the commission. Such an appeal must be accompanied by a deposit of five hundred dollars in the form of a certified check made payable to the "Ohio State Racing Commission." Such deposit is required to help defray the necessary expenses for the commission to conduct a formal hearing of the appeal. Such expenses may include but are not limited to the cost of a hearing officer, expense of witnesses called, cost of a court reporter and the cost of renting equipment needed during the hearing.

(C) If the commission upholds the judges' ruling, the necessary expenses shall be deducted from the five-hundred-dollar deposit and the remaining amount of the deposit shall be returned. If the commission upholds the judges' ruling and the necessary costs and expenses of the hearing exceed the five-hundred-dollar deposit, the licensee shall be assessed the case costs and shall not be in an active license status until all costs have been paid in full. If the appellant withdraw [sic] the appeal, the deposit shall be forfeited. If the commission finds in favor of the appellant, all of the deposit shall be returned. *Effective: 1-1-85; 4-1-88; 10-6-89; 8-1-91; 10-4-92*

### **3769-17-42. Cost borne by licensee**

(A) In the event the commission should hold a hearing pertaining to a violation of the rules of racing and it is necessary to subpoena witnesses, the cost of such witnesses and all other necessary costs of the hearing shall be borne by the licensee found in violation. In case the licensee should be found not in violation of the rules, such cost shall be borne by the commission.

(B) In addition to any other penalty assessed to a licensee by the commission, said person who has been assessed case costs shall not be eligible for licensing until such costs have been paid in full.

(C) In the event any person, firm, corporation, etc., issues a check to the state racing commission in payment of a license fee or for any other obligation and the check is returned as uncashable for any reason, whoever issued said check shall be fined a minimum of fifty dollars and shall not be eligible to participate in racing until said check and fine have been paid in full.

(D) In the event any person, firm, corporation, etc., issues a check to a permit holder for an entry fee or any other racing related matter and the check is returned as uncashable for any reason, whoever issued said check shall be fined a minimum of fifty dollars and shall not be eligible to participate in racing until said check and fine have been paid in full. *Effective: 1-1-85; 4-3-86; 9-5-86; 4-1-88*

### **3769-17-43. Disqualification, purse redistribution**

(A) In the event any violation of the rules should be determined after a race has been completed and the purse has been distributed, the following shall apply:

(1) If such violation would disqualify a horse or horses, the owner or owners of said horse or horses shall forfeit the purse and any trophy or awards and the remaining horses placed accordingly;

(2) The purse shall be redistributed according to the final placings;

(3) In event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, and/or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse;

(4) If there are not enough non-offending horses, the remaining part of the purse shall go to the declared winner.

(B) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner(s) refusing to return the purse(s) and the horse(s) involved shall stand suspended until all purse monies, trophies, and/or awards have been returned to the permit holder who shall assume the responsibility for redistributing the purse.

(C) Nothing herein shall be construed to require the permit holder to pay the purses or distribute the trophies and/or awards until they have been returned.

(D) Nothing herein shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to this rule for such period of time the commission may determine.

(E) In the event any violation of the rules should be determined after a race has been completed and the purse has not been distributed, and an appeal has been filed staying the decision of the judges, the judges shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof. *Effective: 1-1-85; 9-5-86; 4-1-88; 10-4-92*

### **3769-17-99. 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*