

## CHAPTER 3769-4. PERMIT HOLDERS' AND OFFICIALS' RULES AND REQUIREMENTS

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### 3769-4-01. 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 and badge of the licensed person having access to such area must include a color photograph of that person to whom such license and badge is issued. The color photograph shall be an integral part of the license and badge itself. The commercial permit holder shall be responsible for any unlicensed person in the stable area or for any licensed person being in an area to which he or she 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 where it is easily visible 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 stewards 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 stewards. 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 immediately.

(D) Any person and a permit holder found in violation of this rule shall be subject to the penalties set forth in rule 3769-4-99 of the Administrative Code. *Effective: 1-1-85*

### 3769-4-02. 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*

### 3769-4-03. 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*

### 3769-4-04. Thoroughbred minimum

No race at any thoroughbred meeting shall be scheduled or conducted for a purse of less than two thousand dollars. *Effective: 1-1-85*

#### **3769-4-05. Condition books**

(A) Not less than thirty days before the first racing day of its meeting, or not more than fifteen days subsequent to the granting of dates for its meeting, whichever shall be later, every permit holder shall submit to the commission a copy of its first condition book for the commission's consideration and approval. Such first condition book shall set forth the conditions of all races proposed to be conducted by such permit holder during not less than the first six days of its meeting, or during the entire meeting in cases in which its meeting may consist of less than six days. Upon approval of the first condition book of such permit holder, the values of purses, stakes and handicaps therein listed may not be lowered by such permit holder without the consent of the commission. A copy of every succeeding condition book covering races to be conducted during subsequent days of a meeting for which a first condition book shall have been approved by the commission shall be submitted to the commission by such permit holder at least five days before the date specified therein and the purse offered for no race described therein shall be less than the lowest purse specified in such approved first condition book with respect to any race. In the event any proposed race shall be canceled, the purse offered with respect to any substitute race shall not, unless approved by a member of the commission, be less than the lowest purse specified in such approved first condition book with respect to any race.

(B) Copies of the first condition book shall be made available to all horsemen attending the meeting at least five days before the start of the meeting. Copies of each succeeding condition book shall be made available to such horsemen at least five days before the date specified in such succeeding condition book for the running of the first of the races described therein. *Effective: 1-1-85*

#### **3769-4-06. Conflict in interest**

(A) No steward, racing secretary, employee in the racing secretary's office, 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 -2-10 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*

#### **3769-4-07. 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. This 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*

#### **3769-4-08. 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*

#### **3769-4-09. 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 penalty provided by rule 3769-4-99 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*

#### **3769-4-10. Prevent touting**

No tipster or tout shall be permitted to operate on the premises of any permit holder. The permit holder shall, under the penalties provided in rule 3769-4-99 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*

#### **3769-4-11. Condition of premises**

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; 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*

#### **3769-4-12. 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 state steward 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 state steward.

(1) Secured areas of race tracks shall include, but not be limited to, barn or stable areas, paddocks, stewards stands, state testing barn, jockey rooms, 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 to the permit holder and there shall be a copy delivered to the chief of security, the state steward 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 3769-4-99 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 3769-4-99 of the Administrative Code. *Effective: 12-4-09; 1-1-85; 8-1-91*

#### **3769-4-13. 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 training and racing hours and until the day's program is completed. 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, and shall be prepared and licensed to transport an injured person(s) when necessary from the racetrack facility directly to a hospital or other emergency medical treatment facility located off the grounds of the racetrack. During the running of the race, unless otherwise directed by the stewards due to weather conditions or other extraordinary circumstances, the ambulance shall follow the field until the conclusion of the race.

(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; 8-1-91; 1-1-0; 11-1-01*

#### **3769-4-14. Floodlights**

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

#### **3769-4-15. 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*

#### **3769-4-16. Sanitation**

Each permit holder shall, on every racing day, provide and maintain in a strictly sanitary condition, such 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*

#### **3769-4-17. 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*

#### **3769-4-18. Jockeys' quarters**

Every permit holder shall pay particular care to the cleanliness, sanitation and the appearance of the jockeys' quarters to the end that they will be clean, sanitary and habitable at all times. *Effective: 1-1-85*

#### **3769-4-19. 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 a minimum area of one hundred square feet for every six horses stabled with adequate facilities for housing personnel therein. *Effective: 1-1-85*

#### **3769-4-20. 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; 1-1-87; 4-1-88; 11-1-01*

#### **3769-4-21. Visual recordings**

(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.

(C) In order to educate and protect the jockeys at running tracks, such permit holders shall show said visual recordings the day following to all interested jockeys.

(D) When any steward's ruling regarding a riding 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: 12-4-09; 1-1-85; 1-1-87; 4-1-88*

#### **3769-4-22. Officials, stewards**

(A) Stewards shall be responsible to the commission and may be penalized under the provisions of rule 3769-4-99 of the Administrative Code at any time for failure to perform their duties to the satisfaction of the commission.

(B) The stewards, 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 the other officials of the permit holders. *Effective: 1-1-85*

#### **3769-4-23. Officials, state stewards**

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

#### **3769-4-24. 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 stewards may establish, the stewards 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 refer the 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 stewards 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 stewards.

(C) Any regulations adopted by the stewards 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. *Effective: 1-1-85; 8-1-91; 4-1-99*

#### **3769-4-25. Right to inspect**

(A) The stewards shall have the right to inspect all licenses, including owner, trainer, jockey, authorized agent, and jockey agent, and all papers pertinent thereto, and all jockey contracts and assumed names and papers pertinent thereto. The stewards 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 stewards, shall be a violation of this rule and shall subject said person to the penalties provided in rule 3769-4-99 of the Administrative Code. *Effective: 1-1-85*

#### **3769-4-26. Supervision by stewards**

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

(B) The stewards 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 stewards 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 stewards. *Effective: 1-1-85; 5-1-85*

#### **3769-4-27. Objectionable characters**

The stewards 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*

#### **3769-4-28. May appoint deputy**

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

#### **3769-4-29. Provision to fill vacancy**

The stewards shall fill vacancies occurring in other official positions unless the permit holder shall have filled them and notified the stewards 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 stewards 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 stewards one hour before the time set for the first race of the following day. *Effective: 1-1-85*

#### **3769-4-30. Steward at racing secretary's office**

It shall be the duty of one or more of the stewards to be in daily attendance at the office of the racing secretary at a time not later than ten minutes before scratch time and to remain until their business is completed. *Effective: 1-1-85*

#### **3769-4-31. 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, or his license may be suspended, 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 3769-4-57 of the administrative code or the use of any unlawful drugs, or being guilty of other improper conduct. *Effective: 1-1-85; 1-1-99*

#### **3769-4-32. Steward minute book**

The stewards 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 stewards; the record of horses claimed with claiming price and the names of new and old owners; and such other data as the stewards may feel it necessary to include or as required by the commission. The daily reports shall be sent to the commission daily. *Effective: 12-4-09; 1-1-85*

#### **3769-4-33. Minority opinion**

Should the stewards 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*

#### **3769-4-34. Entries and declarations**

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

#### **3769-4-35. Number of horses to race**

The stewards shall determine the number of horses which may safely be started in any purse race, taking into account the limitations of the track. If more horses are entered than may be permitted to start, the starters for the race shall be determined by lot, and the post positions shall be in the order in which the starters are drawn. At the discretion of the racing secretary, a race may be divided and post positions drawn for each division. *Effective: 1-1-85*

#### **3769-4-36. Stewards' list**

The stewards may at any time order an examination of any horse entered in a race or which has run in a race. They may bar the further entry of any horse, and such barred horses shall be placed on a list designated as the stewards' list and shall not be eligible to be entered until they are removed by the stewards from that list. The stewards' list shall be posted in the racing secretary's office with the names of horses barred by the stewards and the date barred. *Effective: 1-1-85*

#### **3769-4-37. May disqualify horse**

The stewards may require the owner and/or trainer of a horse to prove that the horse is qualified in every way to participate in a race. They may also require proof that 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 stewards may disqualify the horse. *Effective: 1-1-85*

#### **3769-4-38. Postponement; withdrawn**

The stewards may postpone a race from day to day. The stewards 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 straight, place and show wagers on the horse or horses withdrawn (except in the case of a horse which may represent part of an entry or mutuel field of two or more horses, with respect to which horse withdrawn there shall be no refund of straight, place or show wagers), and shall make appropriate adjustments in the exotic pool if the race from which the horse or horses withdrawn is one on which exotic wagering is based. *Effective: 1-1-85*

#### **3769-4-39. Replace rider**

The stewards may (for cause or on suspicion of fraudulent practices or attempts) replace any rider with a rider of their selection or place any horse in the charge of a trainer of their selection. Any such action shall be reported by the stewards to the commission with reasons therefor. *Effective: 1-1-85*

#### **3769-4-40. Complaints against officials**

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

#### **3769-4-41. Foul riding; disqualification**

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

#### **3769-4-42. Objections**

(A) All objections shall be made to the stewards and may be withdrawn only with permission of the stewards. Objections relating to a horse engaged in a race may be made by the owners, trainers, or jockeys of other horses engaged in the race or by officials of the meeting. All objections, except claims of foul or interference during a race, must be in writing and lodged with the stewards within twenty-four hours after the running of the race in question. If there is expense involved in investigating the objection, the stewards may require a reasonable deposit not to exceed five hundred dollars. If the objection is sustained, the deposit shall be returned after deduction of the expense of investigation unless the stewards relieve the objector of this expense. A deposit shall be declared forfeited by the stewards if the objection should prove to be frivolous or vexatious. All forfeited deposits shall be treated in the same manner as fines.

(B) One or more outriders shall be equipped with a radio, for direct contact with the stewards, so that any jockey who intends to file an objection regarding a claim of foul or interference during a race shall do so immediately without waiting until he/she has returned to the dismounting area.

(C) Any outrider who receives an objection from a jockey shall immediately report the objection to the stewards.  
*Effective: 1-1-85; 10-6-89*

#### **3769-4-43. 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 steward, judge, starter or official therein. For any violation of this rule, the offending person or persons may be penalized under the provisions of rule 3769-4-99 of the Administrative Code. *Effective: 1-1-85*

#### **3769-4-44. Eye tests**

The commission may require all stewards, placing and patrol judges to undergo periodic vision examinations conducted by licensed oculists, optometrists or other eye specialists. Such examination is to include tests involving distance and color. When such examinations are required, the original examination report will be forwarded to the commission. *Effective: 1-1-85*

#### **3769-4-45. Commission approval required of all officials**

All officials designated in rule 3769-2-10 of the Administrative Code shall be appointed by the permit holder subject to the approval of the commission. The commission reserves the right to require at any time the change of any official or officials for what the commission deems good and sufficient reason. *Effective: 1-1-85*

#### **3769-4-46. Placing**

At the time the horses reach the finish line, the placing judges shall occupy the stand provided for them and 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 placing 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 placing judges may, with the concurrence or at the direction of the stewards, 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 placing judges shall cause the sign "official" to be displayed; and no ruling of the placing judges or stewards thereafter made shall have any bearing with relation to the payment of winning parimutuel tickets. *Effective: 1-1-85*

#### **3769-4-47. 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 placing 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 placing judges shall make a decision, and it shall be final. *Effective: 1-1-85; 4-1-99*

#### **3769-4-48. Paddock judge**

The paddock judge shall keep a record of all equipment carried by a horse, and in subsequent races changes will be permitted only with the consent of the paddock judge and stewards. Blinker and whip changes shall also be subject to the approval of the starter and stewards. *Effective: 1-1-85*

#### **3769-4-49. Horseshoe inspector**

A qualified horseshoe inspector employed by the permit holder shall be in attendance in the paddock to examine the plating of each horse in each race to see that all horses are properly shod and make such changes as may be required. He

shall report his findings to the paddock judge for transmission to the stewards. Bar plates may be used with the consent of the stewards. A horse shall not start in a race if not properly shod. *Effective: 1-1-85*

#### **3769-4-50. Track veterinarian**

A veterinarian licensed to practice in Ohio, shall be in the paddock for each commercial thorough-bred 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 stewards daily on each horse entered for the day's races, stating whether it is or is not physically fit to race. The veterinarian's 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's list. *Effective: 12-4-09; 1-1-85*

#### **3769-4-51. Clerk of scales**

The clerk of the scales shall weigh jockeys out and in on scales provided and checked for accuracy by the permit holder. *Effective: 1-1-85*

#### **3769-4-52. Announce overweight**

The clerk of the scales shall record on the notice board and also have public announcement made of any overweight or any change in jockey, weight or racing colors from those stated on the official program. He shall promptly advise all racing officials of such changes. *Effective: 1-1-85*

#### **3769-4-53. Report to stewards**

The clerk of the scales shall report promptly to the stewards any infraction of the rules of racing with respect to weight, weighing or riding equipment and any other infraction which may come to his notice. *Effective: 1-1-85*

#### **3769-4-54. Report to racing secretary**

The clerk of the scales shall report to the racing secretary after each race the weight carried by each horse in the race together with the name of each jockey and any overweight. He shall also report post time, running time and such other data as from time to time may be required. *Effective: 1-1-85*

#### **3769-4-55. 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 stewards. They shall immediately report to the stewards any violations of the rules of racing observed by them immediately after the finish, and no posting of the order of finish shall be official until all patrol judges have verbally reported to the stewards.

(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 state steward 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 state steward, 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*

#### **3769-4-56. 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: 12-4-09; 1-1-85; 3-24-86; 12-5-94*

### **3769-4-57. 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 jockeys, apprentice jockeys, clerk of scales, jockey room custodian, identifier, outriders, pony persons, valets, stewards, placing judges, paddock judges, 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 stewards, 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 jockeys, apprentice jockeys, outriders and pony persons, if the results of such test show a reading of more than .035 per cent of alcohol in the blood, such jockey, apprentice jockey, outrider or pony person shall not be permitted to ride 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 stewards, placing judges, starters, and valets, if the test results in a reading of more than .035 per cent of alcohol in the blood, that individual shall be relieved of his or her 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 be 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 the first offense. For a second refusal, an [sic] 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. *Effective: 1-1-86; 3-19-87; 4-1-88; 8-1-91*

### **3769-4-99. Penalties commission may impose**

(A) For a violation of any rule in this chapter and unless a rule specifically precludes the stewards from doing so, the stewards, 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*