

# CHAPTER 3769-7. OWNER AND JOCKEY REQUIREMENTS; RIDING AND OTHER VIOLATIONS

3769	HEADING	3769	HEADING	3769	HEADING
7-01	Owners licensed and workers' comp.	7-17	Jockey fees earned	7-33	Valets
7-02	Owners' requirements, corporations, etc	7-18	Wager restriction	7-34	No valets shall wager
7-03	Authorized agent	7-19	Riding engagements	7-35	Payment of fines
7-04	Registration colors	7-20	Duty to fulfill engagements	7-36	Must pay own fine
7-05	Contrasting colors	7-21	Corrupt riding	7-37	Improper language
7-06	Contracts in writing	7-22	Fraudulent practices	7-38	Denied admission
<del>7-07</del>	<del>Penalties for misrepresentation—repealed</del>	7-23	Jockey agent	7-39	Horse also suspended
<del>7-08</del>	<del>Termination of employment—repealed</del>	7-24	Rival claims	7-40	Entry void
7-09	Must give cause for discharge	7-25	Report to jockey quarters	7-41	Return money, prizes
7-10	Substitute training	7-26	Jockey room custodian	7-42	Appeal to commission
7-11	Jockey used to prevent riding for	7-27	Intoxicants prohibited	7-43	Reciprocity
7-12	Physical examination	7-28	Restriction from betting area	7-44	Cost borne by licensee
7-13	License required to ride	7-29	Jockey fee schedule	7-45	Disqualification, purse redistribution
7-14	Apprentice jockey	7-30	Must pay losing fee	7-46	Ban on dealing in horses
7-15	Restriction on financial interest	7-31	Cutting of fees prohibited	7-99	Penalties the commission may impose
7-16	May not ride against employer	7-32	Jockey suspension		

### 3769-7-01. 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 shall desire to ride his own horse in a race may be issued a jockey's license, at the steward's discretion, but must also secure 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*

### 3769-7-02. Owner's 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*

#### **3769-7-03. 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 their engagement as an agent by an owner and/or a trainer. *Effective: 1-1-85*

#### **3769-7-04. Registration colors**

(A) Each owner shall be entitled to register a set of racing colors without fee other than that which covers the owner's license. Such colors shall not be claimed or used by others except after three years withdrawal from the turf. In thoroughbred racing, no horse shall be allowed to race unless the owner's colors are registered with the stewards and/or Ohio state racing commission. If two conflicting applications are received, priority shall be given to applicants who have their colors registered with the "Jockey Club." An owner's colors shall not be used by a jockey to ride horses owned by other parties. Substitute colors may be permitted for one race only at a meeting. Thereafter a fine up to fifty dollars shall be imposed for each race without proper colors.

(B) Each permit holder shall provide a sufficient number of jockey caps which will be of colors which can be blended with the owner's silks; each jockey cap will have a number affixed thereon to coincide with post positions; however, an owner can substitute a cap as part of his/her colors, said cap need not have a number affixed thereto. *Effective: 1-1-85*

#### **3769-7-05. Contrasting colors**

When two horses, the property of one owner, are run in a race, caps of contrasting colors shall be provided for the jockeys of the horses of the entry. *Effective: 1-1-85*

#### **3769-7-06. Contracts in writing**

Any person who shall entice away or attempt to entice away any employee from honoring any written agreement with another licensee may be fined and/or suspended or penalized under the provisions of the penalties provided by rule 3769-7-99 of the Administrative Code. *Effective: 1-1-85; 6-1-06*

#### **3769-7-07. Penalties for misrepresentation**

Repealed. *Effective: 1-1-85; 6-1-06*

#### **3769-7-08. Termination of employment**

Repealed. *Effective: 1-1-85; 6-1-06*

#### **3769-7-09. Must give cause for discharge**

When an owner or trainer shall discharge a jockey, groom or attendant, such owner or trainer shall, upon demand in writing, give such jockey, groom or attendant a written statement setting forth the cause and reason for the discharge and shall forthwith pay them to date for service theretofore rendered. On refusing to do so, they may be fined and/or suspended. *Effective: 1-1-85*

#### **3769-7-10. Substitute training**

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 stewards, a statement accepting responsibility for such horses being trained. *Effective: 1-1-85*

#### **3769-7-11. Jockey used to prevent riding for another**

Any owner or trainer who shall employ a jockey in a race to prevent him/her from riding for another in the same race, may be fined, suspended or referred to the commission. *Effective: 1-1-85*

#### **3769-7-12. Physical examination**

(A) Jockeys or apprentice jockeys, when required by the stewards, must provide from a licensed physician a statement certifying that in their opinion they are physically capable of performing the activities and duties of a licensed jockey, including satisfactory evidence of an eye examination indicating twenty/fourty 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 or being treated for the use of, any illegal or prohibited drugs or narcotics.

(B) The stewards may refuse to allow any jockey or apprentice jockey to ride at a meeting until the required medical certification is presented to the stewards. *Effective: 1-1-85; 2-1-94*

#### **3769-7-13. License required to ride**

No jockey shall be allowed to ride horses on the permit holder's premises during any race meeting unless said jockey has received a license to do so from the commission. *Effective: 1-1-85*

### **3769-7-14. Apprentice jockey**

(A) Before an apprentice jockey license is granted, the commission, or a board of stewards acting in its behalf, shall ascertain that the applicant has suitable qualifications and aptitude to hold an apprentice jockey's license and that applicant has not been previously licensed as a jockey under any jurisdiction.

(B) Upon compliance with these requirements, the commission may issue an apprentice jockey certificate allowing the holder to claim this allowance in overnight races only.

(1) An apprentice jockey shall ride with a five-pound weight allowance beginning with his/her first mount and for one full year from the date of his/her fifth winning mount.

(2) If, after riding one full year from the date of his/her fifth winning mount, the apprentice jockey has not ridden forty winners, the applicable weight allowance shall continue for one more year or until the fortieth winner, whichever comes first. In no event may a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted.

(3) The commission may extend the weight allowance of an apprentice jockey when, in the discretion of the commission, the apprentice provides proof of incapacitation for a period of seven or more consecutive days. The allowance may be claimed for a period not to exceed the period such apprentice was unable to ride.

(4) The apprentice jockey must have their apprentice certificate with them at all times and must keep an updated record of their first forty winners. Prior to riding, the certificate must be submitted to the clerk of scales, who will record the apprentice's winning mounts. *Effective: 1-1-85; 4-1-99; 6-1-06*

### **3769-7-15. Restriction on financial interest**

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

### **3769-7-16. May not ride against employer**

No jockey shall ride any other horse in a race in which his employer has a starter. *Effective: 1-1-85*

### **3769-7-17. Jockey fees earned**

(A) No jockey shall make or have made an engagement without the permission of their contract employer.

(B) A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. The fee shall not be considered earned if the jockey, of his/her own free will, takes himself/herself off his/her mount, where injury to the horse or rider is not involved. Any conditions or considerations not covered by the above shall be at the discretion of the stewards. *Effective: 1-1-85*

### **3769-7-18. Wager restriction**

No jockeys shall wager on any horse other than their own mount in any race in which they ride or permit anyone so to wager for them. For any violation of this rule, the jockey shall be fined and suspended and referred to the racing commission. *Effective: 1-1-85*

### **3769-7-19. Riding engagements**

A jockey may make his/her own engagements, or they may be made by his/her contract employer or by the authorized agent for same or by the trainer of the stable to which the jockey is attached by contract or agreement or by the trainer's agent or by a jockey agent. *Effective: 1-1-85*

### **3769-7-20. Duty to fulfill engagements**

Every rider shall fulfill their daily scheduled riding engagements, unless excused by the stewards. No rider shall be forced to ride a horse they believe to be unsound, nor over a racing strip they believe to be unsafe, but if the stewards find a rider's refusal to fulfill a riding engagement is based on a personal belief unwarranted by the facts and circumstances, such rider shall be subject to disciplinary action. *Effective: 1-1-85*

### **3769-7-21. Corrupt riding**

If the stewards are satisfied that a race was ridden corruptly or that a jockey was instructed or induced so to ride, all persons guilty of complicity in the offense shall be fined and suspended and referred to the commission. *Effective: 1-1-85*

### **3769-7-22. Fraudulent practices**

(A) No person shall:

(1) Corruptly give or offer money, share in a bet or offer other benefits to any person having official duties in relation to a race or to any jockey;

(2) Having official duties in relation to a race or any jockey 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 unqualified;

(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 jockey possesses any interest;

(6) Make any bet with or on behalf of any jockey, unless on a horse such jockey is riding;

(7) Offer or give, except through his employer or the owner or trainer of the horse ridden, a jockey any present, money or other reward in connection with his riding in any race;

(8) Accept a ticket or make a bet on any horse other than the one he rides.

(B) If any person be guilty of any corrupt or fraudulent practices in this or any other country, then such person or persons shall be suspended and referred to the commission.

(C) No jockey may accept payment of any kind, directly or indirectly, from any person other than the owner of the horse such jockey rides 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 of 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 there of immediately to the presiding state steward. Any person failing to report such information to the state steward shall be suspended and referred to the commission. *Effective: 1-1-85*

#### **3769-7-23. Jockey agent**

(A) Each jockey agent shall be licensed by the commission and shall be permitted to make the riding engagements of two riders only, one journeyman and one apprentice or two journeymen. No jockey agent shall make or assist in the making of any engagements for any rider other than those they are licensed to represent. Each jockey agent shall keep, on a form provided by the permit holder, a record by races of all engagements made by them of the riders they represent. This record must be kept up-to-date and held ready at all times for inspection by the stewards. If any jockey agent gives up the making of engagements for any rider, they shall immediately notify the stewards and they shall also turn over to the stewards a list of any unfilled engagements they may have made for that rider. A jockey agent may not drop a rider without notifying the stewards in writing. All rival claims for the services of a rider will be adjudged by the stewards.

(B) When an owner or trainer engages the services of a jockey through a jockey agent, they must specify whether they have first or second call. Such call must be declared at the time of entry.

(C) Before each day's entries are taken, jockey agents are required to file their first and second calls in each race in the racing secretary's office with a person designated by the stewards. If, during the time entries are being taken, an agent should lose or pick up a call, they shall immediately add these calls to the one previously filed. *Effective: 1-1-85*

#### **3769-7-24. Rival claims**

(A) The stewards may suspend any agent who falsifies their record and may refer their case to the commission for further action, and the commission may revoke the license of any such agent. Jockey agents will be called upon to explain rival claims for any mount or for any rider, and inability to satisfy the stewards that the rival claims arose through a bona fide error shall be considered a falsification of records.

(B) Under no circumstances shall jockey agents be permitted within the saddling enclosure during racing hours, nor shall said agents be allowed on the race track proper at the conclusion of any race. *Effective: 1-1-85*

#### **3769-7-25. Report to jockey quarters**

(A) Every rider who has been engaged to ride in a race shall be physically present in the jockeys' room no later than one hour prior to post time for the first race on the day they are scheduled to ride, unless excused by the stewards, or the clerk of scales and upon arrival shall report to the clerk of scales their engagements. In the event a rider should fail for any reason to arrive in the jockeys' room prior to one hour before post time of a race in which he/she is scheduled to ride, the clerk of scales shall so advise the stewards who thereupon shall name a substitute rider and shall cause announcement to be made of any such rider substitution prior to opening of wagering on such race.

(B) Each rider reporting to the jockeys' room shall remain in the jockeys' room until they have fulfilled all of their riding engagements for the day, except to ride in a race, or except to view the running of a race from a location approved by the stewards. Such riders shall have no contact or communication with any person outside the jockeys' room other than an owner or trainer for whom he/she is riding, or a racing official, until such rider has fulfilled all his/her riding engagements for the day.

(C) Any licensed jockey who has no riding engagements for any given day, will not be permitted in the jockeys' quarters. *Effective: 1-1-85*

#### **3769-7-26. Jockey room custodian**

(A) It shall be the duty of the jockey room custodian to see to it that order, decorum and cleanliness are maintained in the jockey and scale room.

(B) The custodian shall assist the clerk of the scales in any way that official requires.

(C) The custodian shall see to it that no person, other than racing officials, the racing commission and the necessary jockey room attendants, are admitted to the jockey room after one hour prior to the post time of the first race on a day of racing, without consent of the stewards. *Effective: 1-1-85*

#### **3769-7-27. Intoxicants prohibited**

Jockeys 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. Jockeys may be granted permission by the stewards to use drugs prescribed by a physician. *Effective: 1-1-85*

#### **3769-7-28. Restriction from betting area**

Jockeys, while in colors, shall not enter the grandstand, clubhouse or other areas in which parimutuel tickets are sold. Any jockey violating this rule shall be fined, suspended and referred to the commission. *Effective: 1-1-85*

#### **3769-7-29. Jockey fee schedule**

(A) Except as may be otherwise agreed to between the parties, the fees to be paid thoroughbred jockeys shall be according to the following schedule:

Purse	Winning Mount	Second Mount	Third Mount	Other Mounts
\$599 and under	\$33	\$33	\$33	\$33
\$600-699	\$36	\$33	\$33	\$33
\$700-1,499	10%	\$33	\$33	\$33
\$1,500-1,999	10%	\$35	\$33	\$33
\$2,000-3,499	10%	\$45	\$40	\$38
\$3,500-4,999	10%	\$55	\$45	\$40
\$5,000-9,999	10%	\$65	\$50	\$45
\$10,000-14,999	10%	5%	5%	\$50
\$15,000-24,999	10%	5%	5%	\$55
\$25,000-49,999	10%	5%	5%	\$65
\$50,000-99,999	10%	5%	5%	\$80
\$100,000 and up	10%	5%	5%	\$105

(B) The winning jockey fee in a stakes race shall be ten per cent of the win purse. For purpose of this rule, "win purse" means the amount paid the winning horse less the fees paid by the owner to enter the horse in the race. *Effective: 1-1-85; 1-1-01*

### **3769-7-30. Must pay losing fee**

If any owner or trainer engages more than one jockey for the same race, they shall pay the losing fee for each jockey thus engaged who does not ride in the race. *Effective: 1-1-85*

### **3769-7-31. Cutting of fees prohibited**

No jockey shall contract or agree to ride for anyone but their contract employer for a fee less than the rates prescribed in the rules of racing. *Effective: 1-1-85*

### **3769-7-32. Jockey suspension**

(A) If a jockey is suspended for any reason other than fraud or attempted fraud, he shall complete the day's engagements unless the stewards rule otherwise. A jockey under suspension in any state or foreign country shall not be permitted to ride and shall be denied access to the grounds during the period of their suspension.

(B) The stewards appointed for a race meeting shall immediately, prior to the commencement of that meeting, designate the stakes, futurities or futurity trials or other races in which a jockey will be permitted to compete, notwithstanding the fact that such jockey is technically under suspension for ten days or less for a riding infraction at the time the designated race is to be run.

(1) Official rulings for riding infractions of ten days or less shall state: "the term of this suspension shall not prohibit participation in designated races."

(2) A listing of the designated races shall be posted in the jockeys' room and any other such place deemed appropriate by the stewards.

(3) A suspended jockey must be named at time of entry to participate in any designated race.

(4) A day in which a jockey participated in only one designated race while on suspension shall count as a suspension day. If a jockey participates in more than one designated race on a suspension day his/her suspension shall be extended one day. *Effective: 1-1-85; 1-1-91*

### **3769-7-33. Valets**

(A) The permit holder shall provide and pay valets and/or assess the jockeys therefor.

(B) No valet is permitted to converse with the public, once the day's program has begun.

(C) No valet will be permitted outside the confines of the area required to perform their duties which are jockeys' quarters, paddock, winners' circle. *Effective: 1-1-85*

### **3769-7-34. No valets shall wager**

No valet shall wager for himself or anyone else on any race. Any valet who violates this rule may be penalized under the provisions of rule 3769-7-99 of the Administrative Code. *Effective: 1-1-85; 8-1-91*

### **3769-7-35. Payment of fines**

All fines imposed by the stewards and the starter shall be paid to the racing secretary. Any person failing to pay a fine within forty-eight hours shall be automatically suspended and may be referred to the commission for further action. *Effective: 1-1-85*

### **3769-7-36. Must pay own fine**

No person shall pay the fine of another. The racing secretary 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 fines 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*

#### **3769-7-37. Improper language**

If any licensed person uses improper language to any racing official or threatens any such official, or if any licensed 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 further action. *Effective: 1-1-85*

#### **3769-7-38. Denied admission**

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

#### **3769-7-39. 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*

#### **3769-7-40. Entry void**

If a person is suspended, ruled off or expelled, they shall not be qualified, as agent or otherwise, to subscribe for a race; to enter or to run any horse for themselves or anyone else. No horse which they own wholly or in part, or in the winnings of which they have an interest, or which is under their care, management, training or superintendence shall be qualified to run in any race. Such entry if received shall be void, and if an entry fee accompanies it, the fee shall be refunded. *Effective: 1-1-85*

#### **3769-7-41. Return money, prizes**

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

#### **3769-7-42. Appeal to commission**

(A) Any licensee fined, suspended, expelled or otherwise aggrieved by any stewards' 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 state steward within forty-eight hours after notification of the ruling. Such forty-eight hour period shall not include any day the stewards are not in attendance at their office. The chairman of the of the [sic] commission may appoint a referee to hear such appeals.

(B) All appeals of the stewards' 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 stewards' 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 stewards [sic] 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 withdraws 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*

#### **3769-7-43. Reciprocity**

(A) If a person or horse is suspended, expelled, ruled off, or otherwise ineligible, or if a person's license is revoked, or application for a license has been denied or if a person or horse is under any other current penalty pursuant to the rules of a racing authority of any other state or country, such person and/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 thoroughbred and/or quarter horses who hold current and valid thoroughbred or quarter horse licenses in any other state or racing jurisdiction which has full reciprocity with 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*

#### **3769-7-44. 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 Ohio 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 a jockey fee, 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*

#### **3769-7-45. 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 the 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 stewards, the stewards 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*

#### **3769-7-46. Ban on dealing in horses**

No employee of any commercial track whose duties include the classification or entry of horses shall participate financially, directly or indirectly, in the purchase or sale of any horse which races at such meeting. Any person violating this rule shall be suspended by the stewards and the matter referred to the commission. *Effective: 1-1-85; 9-5-86*

#### **3769-7-99. 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*