

# CHAPTER 3769-9. THOROUGHBRED/QUARTER HORSE SHORT DISTANCE RACING RULES

## **3769-9-01. Short distance racing**

In adopting rules of the Ohio state racing commission, it is not the intention of the commission that they shall conflict in any way with the Ohio Revised Code or the Ohio rules of racing. The rules of the commission shall govern short distance racing whenever applicable. When not applicable, the stewards may enforce rules of the "American Quarter Horse Association" or the applicable association rules of any other short distance racing breed so long as they are not inconsistent with the rules of the commission. *Effective: 1-1-85*

## **3769-9-02. Less than one-half mile**

Short distance racing shall be for a distance of less than one-half mile. Quarter horse racing shall be conducted on a straightaway for a distance not to exceed one-quarter mile. However, horses participating in quarter horse racing may participate in other short distance racing. *Effective: 1-1-85*

## **3769-9-03. Must be registered**

No horse shall be permitted to start in any race under the rules governing short distance racing unless duly registered by the "Jockey Club" or the "American Quarter Horse Association" or an association for other short distance racing breeds. *Effective: 1-1-85*

## **3769-9-04. Must maintain position**

In any straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden or drifts out of its lane in such a manner that it interferes with or impedes another horse in any way, the stewards may declare a foul against the horse, the jockey or both. In such cases the horse may be disqualified and/or the jockey may be fined and/or suspended by the stewards. *Effective: 1-1-85*

## **3769-9-05. Whip restrictions**

No whip shall be carried on any two-year old in a race on the straightaway until June first, and no whip shall be carried on any horse in any race when making a first start unless its use has been approved by the stewards. Thereafter, the decision as to when a horse is running true enough to permit the use of a whip shall be left to the discretion of the stewards. *Effective: 1-1-85*

## **3769-9-06. Must qualify**

(A) All horses which have not raced at a recognized meeting within the six months next prior to any race in which said horse is sought to be entered shall be required to qualify in at least two trial races. All such horses must meet a qualifying time to be eligible for entry to race. At least two qualifying times will be set, one for two-year olds, and one for older horses by the stewards.

(B) The stewards for any reason may require a horse to run additional trial races. *Effective: 1-1-85*

## **3769-9-07. Official chart form**

The quarter horse chart book shall be the official chart form for quarter horse racing. *Effective: 8-15-77; 1-1-85*

## **3769-9-08. Official stud book**

The official stud book and registry of the "American Quarter Horse Association" shall be recognized as the sole official registry for quarter horses. *Effective: 1-1-84; 1-1-85*

## **3769-9-09. Quarter horse development fund**

(A) An Ohio owner, for the purpose of determining eligibility under section 3769.086 of the Revised Code, must comply with the following:

(1) Has been a permanent resident of the state of Ohio for six months and maintains legal residency status in no other state.

(2) If a registered voter, is registered to vote in Ohio only.

(3) Files a personal property tax in Ohio if required to do so.

(4) Has owned the horse in question at least thirty days prior to the horse's entry in any race for Ohio-owned horses involving awards from the Ohio quarter horse development fund.

(5) All stockholders of corporations or members of partnerships owning horses must be Ohio residents as described above in order for their horses to be eligible to participate in Ohio-owned races involving awards from the Ohio quarter horse development fund.

(B) The owner of any stallion desiring to use him for breeding purposes and to have him qualify under this rule must register said stallion with the Ohio racing commission. Said registration shall be on forms provided by the commission and filed therewith by the time that he first services a mare that particular year. Said stallion must stand for breeding purposes only in Ohio.

(C) The owner or lessee of any thoroughbred or quarter horse stallion desiring to use him for breeding purposes and to have him qualify under this rule must register said stallion with the Ohio state racing commission. Said registration shall be on forms provided by the commission. A stallion which is to stand for the first time in Ohio must be registered prior to the time he first services a mare that particular breeding season. For the purpose of complying with this rule for the 1977 breeding season, all foals of 1978 shall be eligible if the stallion was properly registered with the commission by December 31, 1977.

(D) Stallions remaining in the state for more than one breeding season need not be registered annually, but a standard renewal form must be filed annually by November thirtieth preceding the breeding season on forms provided by the commission. *Effective: 1-1-85*

**3769-9-99. Penalties the 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*

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## CHAPTER 3769-20 Racetrack Relocation Rules

<b>3769</b>	<b>Heading</b>	<b>3769</b>	<b>Heading</b>
20-01	General definitions	20-3	Facility Requirements
20-02	Application to relocate a race track facility		

**3769-20-01 General definitions.**

(A) "Capital Investment" means cost related to demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisitions, furniture, fixtures, equipment, insurance related to construction, capitalized interest and other financing costs, leasehold improvements, video lottery terminal acquisition and related technology, surveillance and security equipment, and such other costs as approved by the director which are usual and customary for the industry.

(B) "Commission" and "racing commission" mean the racing commission under Chapter 3769. of the Revised Code.

(C) "Director" means the director of the state lottery commission under Chapter 3770. of the Revised Code.

(D) "Permit Holder" means a corporation, trust, partnership, limited partnership, association, person or other group of persons who or which has been granted a permit to conduct a horse racing meeting under Chapter 3769. of the Revised Code.

(E) "Temporary Facility" is a location where a permit holder who conducts live racing and simulcasting according to the requirements of Chapter 3769. of the Revised Code will simulcast racing according to the requirements set forth in section 3769.089 of the Revised Code. The permit holder will simulcast all horse races in this state and horse racing conducted at facilities located outside this state made available on each day that video lottery games are operated.

(F) "Video Lottery" means the operation of video lottery games through the use of video lottery terminals, central monitoring systems, control systems, communications processes and/or associated equipment and activities connected and/or associated therewith.

(G) "Video Lottery Game" means any game authorized by the lottery commission that is played on a video lottery terminal.

(H) "Video Lottery Sales Agent" means a permit holder that conducts live racing in accordance with Chapter 3769. of the Revised Code, and that is licensed by the director to sell video lottery games through video lottery terminals, and who continues to be a permit holder while authorized by the director to conduct video lottery games.

(I) "Video Lottery Terminal or VLT" is a device used by a video lottery sales agent in connection with the sale of video lottery games.

(J) "Incremental Economic Benefits" means demonstrating a substantial positive gain in:

- (1) Job creation;
- (2) Capital investment in a new facility;
- (3) Video lottery terminal revenue to support school districts; and
- (4) Local tax base.

(K) "Race Track" means any place, track, or enclosure where a permit holder conducts live horse racing and simulcasting for profit at a race meeting under Chapter 3769. of the Revised Code. "Race Track" includes facilities or premises contiguous to those places, tracks, or enclosures. Effective: 2/22/13

### **3769-20-02 Application to relocate a race track facility.**

(A) A permit holder eligible to become a video lottery sales agent may apply in a manner as determined by the commission to relocate its race track and all racing permits.

(B) The application to relocate a race track shall be made in the manner prescribed by the racing commission and may include information required by rules 3769-2-08 or 3769-12-08 of the Administrative Code. The application shall also:

- (1) Indicate whether or not a temporary facility will be used to conduct business at the new location;
- (2) Identify the location for the new track by city or township, county, address and zip code;
- (3) Disclose the incremental economic benefits to the state in a certificate of compliance that shall be a part of the application; and
- (4) Provide other information as required by the racing commission.

(C) If a permit holder's current race track is located on property owned by a political subdivision and the application indicates that the new location is twenty miles or less from its current location, the racing commission shall calculate the distance and provide its calculation to the applicant. If the permit holder's calculation differs significantly from the racing commissioner's calculation of the distance, then the racing commission's determination of the distance between the two locations will be controlling.

(D) An application to relocate a race track facility must be submitted to the racing commission on or before June 11, 2014.

(E) The relocation fee to relocate a race track shall be as follows:

- (1) Seventy-five million dollars to transfer and relocate the existing permit(s) and track located at 3664 Grant Avenue, Grove City, Ohio known as Beulah Park to 700 North Canfield Niles Road, Youngstown, Ohio;
- (2) Seventy-five million dollars to transfer and relocate the existing permit(s) and track located at 5700 Telegraph Road, Toledo, Ohio known as Raceway Park to 3100 Needmore Road, Dayton, Ohio;
- (3) Twenty-five million dollars to transfer and relocate the existing permit(s) and track located at 21501 Emery Road, Cleveland, Ohio known as Thistledown to a location in the Akron/Canton area within a twelve mile radius of the following GPS coordinates: +40° 55' 20.00", -81° 26' 20.00"; and

(4) A permit holder who makes application for a new location and is currently on property owned by a political subdivision and is twenty miles or less from its current location shall not pay a fee. If the permit holder's calculation differs significantly from the racing commission's calculation of the distance, then the racing commission's determination of the distance between the two locations will be controlling.

(F) Relocation fees shall be subject to the following conditions as applicable:

(1) The first installment of the relocation fee shall be in the amount of seven million five hundred thousand dollars and shall be paid on the first day of video lottery terminal game play at a relocated racetrack in its new location. The remaining balance shall be paid in eighteen equal semi-annual installments of four million eight hundred and six thousand forty six dollars beginning one year after the first day of video lottery terminal game play at a relocated racetrack in its new location and then every six months thereafter. Installments shall continue until the total seventy-five million dollar relocation fee is collected.

(2) All relocations fees shall be paid to the racing commission and shall be deposited in the racetrack relocation fund. Effective: 2/22/13; 9-24-15

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### **3769-20-03 Facility requirements.**

(A) Capital investment plan. A master facility plan shall be submitted for review and approval by the racing commission and the director of the lottery. The plan shall propose capital investments totaling a minimum of one-hundred

fifty million dollars for the racing and video lottery terminal facilities in categories as defined in paragraph (A) of rule 3769-20-01 of the Administrative Code.

(1) Up to twenty-five million dollars of the required capital investment may be allocated for existing land and facilities.

(2) Capital investments made in a temporary facility that becomes part of the permanent master facility plan may be considered for inclusion in the minimum capital investment requirement.

(B) Schedule. The capital investment shall be completed within three years from issuance of a video lottery sales agent license.

(C) Reporting. The video lottery sales agent shall provide status reports in a format and according to a schedule established by the racing commission and the lottery director. The video lottery sale agent shall maintain supporting records detailing actual expenditures and shall make those records available for inspection.

(D) Facility requirements. A permit holder who has been licensed as a video lottery sales agent shall submit a master facility plan that shall include the following:

(1) The facility design must comply with applicable building and safety codes and should be accessible to individuals with disabilities in accordance with section 3770.03(B)(1) of the Revised Code.

(2) The facility plan shall identify proposed improvements in the following areas, if applicable:

(a) Track length, width, design or materials;

(b) Public facility components, including access and sanitary facilities;

(c) Grandstand components, including betting areas and concessions;

(d) Clubhouse components, including betting areas, restaurants and offices;

(e) Facilities for licensees and race horses in barn and stable area;

(f) Other buildings for driver, jockey and groom quarters, and recreation halls;

(g) Security plans for the racing facility; and

(h) All other components set forth in Chapter 3769. or 3770. of the Revised Code or any administrative rules adopted thereunder.

(E) Temporary facility requirements. A permit holder may submit a proposal for review and approval of the racing commission and the lottery director to operate at a temporary facility. The proposal shall meet the following requirements:

(1) The temporary facility shall comply with the requirements for a permanent facility set forth in paragraph (D) of this rule;

(2) A permit holder may request a deviation, in writing, from the facility plan requirements in paragraph (E)(1) of this rule. No deviation may be undertaken without the express approval of the racing commission and the lottery director; and

(3) The minimum capital investment in a temporary facility shall total, at least, five million dollars, exclusive of the cost of acquisition of video lottery terminals.

(F) Facility relocation. The permit holder may submit an application to the racing commission outlining a proposal for the relocation of a facility as provided in Section 3 of the Amended Substitute House Bill 386, as enacted by the 129<sup>th</sup> General Assembly. The application must be submitted by June 11, 2014, and shall contain a facility plan meeting the requirements set forth in paragraphs (D) or (E) of this rule and must seek transfer of all racing permits.

(G) Relocation costs. If the racing commission approves a temporary facility, the permit holder shall be responsible for all costs associated with the transition from the temporary facility to a permanent facility including the cost of relocating the central monitoring system and components.

(H) A permit holder also licensed as a video lottery sales agent shall comply with all of the facility requirements set forth in chapter 3770:2-12 of the Administrative Code.

(I) Simulcasting of races shall commence on or before the date that the temporary facility begins video lottery sales.

Effective: 2/22/13