



Ohio Administrative Code

Rule 3769-2-26 License refused, revoked, suspended.

Effective: [March 21, 2024](#)

(A) The commission may refuse to grant, revoke, suspend, or may otherwise penalize any license under the provisions of rule 3769-2-99 of the Administrative Code, a person to whom any of the following apply:

- (1) The applicant or licensee has been convicted of a felony within the preceding ten years;
- (2) The applicant or licensee has had a license of the legally constituted racing authority of any state, province, or nation denied, suspended, or revoked for cause within the preceding five years;
- (3) The applicant or licensee is presently under suspension for cause of any license by the legally constituted racing authority of any state, province, or nation;
- (4) The applicant or licensee has violated or attempted to violate any provision of Chapter 3769. of the Revised Code or the Ohio rules of racing;
- (5) The applicant or licensee has perpetrated or attempted to perpetrate any fraud or misrepresentation in connection with the racing or breeding of horses;
- (6) The applicant or licensee has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting in obligations, or issuing drafts or checks that are dishonored or payment refused;
- (7) The applicant or licensee has made any material misrepresentation on their application for license;
- (8) The applicant or licensee has engaged in bookmaking, touting, or similar pursuits, or has consorted with persons engaged in such activities;



- (9) The applicant or licensee has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse;
- (10) The applicant or licensee has engaged in conduct which is against the best interest of horse racing;
- (11) The applicant or licensee has failed to comply with a written order or ruling of the commission, stewards, or judges pertaining to a racing matter;
- (12) The applicant or licensee has failed to answer correctly under oath to the best of their knowledge all questions asked by the commission, or its representatives, pertaining to a racing matter;
- (13) The applicant or licensee fails to return to the permit holder any purse monies, trophies and/or awards paid in error and/or ordered redistributed by the commission;
- (14) The applicant or licensee will not have in their possession on a permit premises any alcoholic beverage other than a beverage legally sold to them through the permit holder's concession operation;
- (15) The applicant or licensee in any way interferes with or obstructs any member of the Ohio state racing commission, any commission employee, or any racing official while any commissioner, commission employee, or racing official is performing their duties.
- (B) In any proceeding on the question of whether a licensee should be penalized under the provisions of this rule, the commission may consider its own prior formal actions as to the applicant or licensee as indicated by its own records. In cases where the same applicant or licensee has previously had a hearing conducted at their request in accordance with Chapter 119. of the Revised Code at which such applicant was present either in person or by counsel, the commission may consider all or any part of the evidence presented at such previous hearing. Where the subsequent proceeding is also a public hearing in accordance with Chapter 119. of the Revised Code, all or any part of the transcript of such previous hearing and all or any part of any relevant evidence received therein may be received in evidence upon submission by either party and considered by the



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commission as may be appropriate in the determination of the question before it in such subsequent hearing.