



## Ohio Administrative Code Rule 3769-20-03 Facility requirements.

Effective: February 22, 2013

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(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 sales 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 division (B)(1) of section 3770.03 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 129th General Assembly. The application must be submitted by June 11, 2014, and shall contain a facility plan meeting the requirements set forth in paragraph (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.