



## Ohio Administrative Code Rule 3769-2-11 Permit to race.

Effective: February 2, 2008

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(A) No permit shall be issued under the provisions of the Ohio Revised Code to any person, association, firm or corporation engaged in the conducting of horse racing on a commercial basis solely with a view to profit unless and until such person, association, firm or corporation shall have filed with the commission:

(1) A current accurate financial statement, prepared and certified by an independent certified public accountant, stating that all financial statements were made in accordance with generally accepted auditing standards and, accordingly, included tests of the accounting records and other auditing procedures as considered necessary. A statement shall show the net worth of the applicant for such permit and indicate the applicant can reasonably be expected to meet all financial obligations incurred in conducting the racing meeting.

(2) A statement as to when salaries, wages and purses that are or may be owed by the applicant shall become due and payable.

(B) If, upon examination of a financial statement, the commission should entertain reasonable doubt as to the financial ability of the applicant to meet and discharge all financial obligations, the commission may require the filing of a surety bond with the commission as hereinafter provided. In no event shall a person, association, firm or corporation having a net worth of less than five hundred thousand dollars be issued a permit under the Ohio Revised Code unless the applicant has filed a surety bond with the commission as hereinafter provided.

(C) In the event that the commission shall determine, that a surety bond as herein provided shall be filed with the commission, such bond shall be in favor of the Ohio state racing commission as obligee, for the use and benefit of all aggrieved parties, as hereinafter defined, shall have sureties to the satisfaction of the commission in an amount not to exceed one million dollars, and shall be conditioned upon payment by the permit holder of all financial obligations (provided, however, that no bond shall be required under the provisions of this rule in the case of an applicant who has filed a



bond with a nationally recognized association of horsemen for substantially equivalent coverage to that herein provided, said bond being in favor of the association as obligee for the use and benefit of substantially the same categories of persons as are defined herein as "aggrieved parties").

The term "aggrieved parties" is hereby defined as:

(1) Agents and employees of the permit holder holding licenses issued to them by the commission pursuant to the provisions of rules 3769-2-24 and 3769-2-25 of the Administrative Code (excluding corporate officers in their capacity as such), with reference to amounts of salaries and wages owed to them which, if promptly requested when due and payable, are not paid by the permit holder forthwith, together with such amounts of any and all salaries and wages owed to them as may not be due and payable at the time of such failure to pay.

(2) Owners of horses and their agents holding licenses issued to them by the commission pursuant to the provisions of rules 3769-2-24 and 3769-2-25 of the Administrative Code with reference to:

(a) Amounts of purses owed to them which, if promptly requested when due and payable are not paid by the permit holder forthwith, together with the amounts of any and all purses owed to them as may not be due and payable at the time of such failure to pay;

(b) Entry fees, nominating fees, eligibility fees and sustaining fees, paid for races not run; and

(c) Money owed to owners by the horsemens' bookkeeper for horses claimed.

(3) The state of Ohio and any of its departments or agencies for parimutuel taxes or any other obligations owed to the state of Ohio.

(4) The holders of all winning uncashed parimutuel tickets.

(5) A testing laboratory which has outstanding fees owed to them.

(6) Jockeys which have outstanding fees owed to them.



(D) All horsemens' bookkeeper funds shall be held as a separate interest bearing trust fund and there shall be no commingling of these funds with any other funds and the money in such fund and all interest accrued therein shall be held for benefit of the horsemen. This language shall not be construed to prohibit the use of said trust funds to purchase certificates of deposit or U.S. treasury notes.