

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Objections and Protests; Hearings and Appeals [AMENDED]

SUMMARY:

The proposed amendments revise certain administrative procedures relating to hearings and appeals. Specifically, the proposed amendments remove the requirements that the respondent's social security number be listed in the caption of pleadings and that parties shall have an opportunity to submit proposed findings and fact and conclusions of law to the Oklahoma Horse Racing Commission when appealing a decision from a Board of Stewards.

AUTHORITY:

3A O.S. § 200 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning January 3, 2017 and ending February 3, 2017.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 3, 2017 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period beginning January 3, 2017 and ending February 3, 2017.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS**

325:70-1-19. Rulings/orders by the Stewards

Any ruling or order issued by the Stewards shall specify the full name of the licensee or person subject to the ruling or order; most recent address on file with the Commission; date of birth; ~~social security number~~; statement of the offense charged including any rule number; date of ruling; fine and/or suspension imposed or other action taken; changes in the order of finish and purse distribution in a race, when appropriate; and any other information deemed necessary by the Stewards or the Commission. Any member of a Board of Stewards may, after consultation with and by mutual agreement of the other Stewards, issue an order or notice signed by one Steward on behalf of the Board of Stewards. Subsequently, an order containing all three Stewards' signatures shall be made part of the official record. [3A:204 and 3A:204.3]

325:70-1-24. Appeal hearing procedure

(a) Both appellant and appellee are entitled to have counsel present to present arguments. The appeal hearing is a hearing on the record and not a new hearing; therefore, presentations by both sides will be limited to arguments and/or comments regarding the record of the Stewards' hearing. Any alleged new evidence as discussed in 325:70-1-22 shall require that an offer of proof be made to the Commission, such offer of proof being a brief explanation of the new evidence to the Commission. If such offer is accepted and new evidence and/or witnesses allowed, both appellant and appellee are entitled to present evidence and witnesses and to cross-examine other witnesses.

(b) The Commission will allow each side 15 minutes for his/her presentation based on the record as alleged in the appeal petition. Upon conclusion of argument, Commissioners may ask questions. ~~Each party shall have the opportunity to submit proposed Findings of Fact and Conclusions of Law to the Commission prior to the Commission's deliberation.~~

RULE IMPACT STATEMENT

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed amendments revise certain administrative procedures relating to hearings and appeals. Specifically, the proposed amendments remove the requirements that the respondent's social security number be listed in the caption of pleadings and that parties shall have an opportunity to submit proposed findings and fact and conclusions of law to the Oklahoma Horse Racing Commission when appealing a decision from a Board of Stewards.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rules affect persons regulated by the Oklahoma Horse Racing Commission. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who engage in the business of horse racing or place wagers on horse races in Oklahoma will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who engage in the business of horse racing will be subject to administrative procedures relating to hearings and appeals.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Commission is anticipated by the proposed rules.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rules.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rules will have no adverse effect on small business.

(H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

The Commission is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

(I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The proposed rules will not detrimentally affect the public health, safety, and environment.

(J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY, AND ENVIRONMENT:**

The Commission is not aware of any detrimental effect the proposed rules will have on public health, safety, and environment.

(K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**

This rule impact statement was prepared on December 5, 2016.