

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 1. COMMISSION POWERS AND JURISDICTION

325:1-1-7. Jurisdiction of Stewards to suspend or fine

(a) The Stewards' jurisdiction in any matter is continuous. The Stewards may deny, refuse to issue, or refer to the Commission for revocation, or suspend for not more than one year per violation the occupation license of any person whom they have the authority to supervise; or they may impose a fine not to exceed Ten Thousand Dollars (\$10,000) per violation; or they may exclude from all enclosures in this state; or they may suspend and fine and/or exclude; or they may order that a person be ineligible for a license. All such suspensions, fines, denials, refusals to issue, referrals or exclusions shall be reported immediately to the Commission.

(b) Upon a first offense for the following rule violations, the Stewards shall assess no less than the Stewards' maximum fine and suspension authorization to any person found to be in violation of Commission rules concerning:

- (1) a positive laboratory report involving a United States Drug Enforcement Agency Schedule I or II controlled substance, or
- (2) possession of a United States Drug Enforcement Agency Schedule I or II controlled substance within the enclosure, or
- (3) possession or use within the enclosure of a prohibited electrical or mechanical device. Any person whose racing record(s) reflects such prior rule violation(s) shall, upon a subsequent violation, be referred by the Stewards to the Commission with the Stewards' recommendation for specific fine and suspension above the Stewards' authorized fine and suspension maximums.

(c) The Stewards may suspend a horse from participating in races if the horse has been involved in violation(s) of the Rules promulgated by the Commission or the provisions of the Oklahoma Horse Racing Act under the following circumstances:

- (1) A horse is a confirmed Bleeder as determined by the Official Veterinarian, and the Official Veterinarian recommends to the Stewards that the horse be suspended from participation.
- (2) A horse is involved with:
 - (A) Any violation of substance laws and rules;
 - (B) Any suspension or revocation of an occupation license by the Stewards or the Commission or any racing jurisdiction recognized by the Commission; and/or any violation of prohibited devices, laws, and rules.

(d) The Stewards may refer any matter within their jurisdiction to the Commission.

325:1-1-8. Referral to the Commission [REVOKED]

~~The Stewards may refer with or without recommendation any matter within their jurisdiction to the Commission.~~

325:1-1-13. Notice to licensee

~~Whenever notice is required to be given by the Commission or the Stewards, such notice shall be given in writing by personal delivery to the person to be notified; or by electronic transmission, if the recipient has that technology or if the technology is not available to recipient, then by mailing, certified mail, return receipt requested, such notice to the last known address furnished to the Commission; or may be given as is provided for service of process in a civil~~

~~proceeding in the State of Oklahoma and pursuant to provisions of the Administrative Procedures Act, 75 O.S., § 309.~~

(a) Except as otherwise provided, the stewards or a racing commission designee shall provide written notice, at least ten (10) calendar days prior to a hearing, to a person who is the subject of a disciplinary hearing. The person may waive the ten (10) day notice by executing a written waiver.

(b) Notice given under this section shall include:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes or rules involved;

(4) A short, plain description of the alleged conduct that has given rise to the disciplinary hearing; and

(5) The possible penalties that may be imposed.

(c) If possible, the stewards or the racing commission designee shall hand deliver the written notice of the disciplinary hearing to the person who is the subject of the hearing. If the notice is not hand delivered, the stewards or a racing commission designee shall deliver the notice to the email address listed in the Commission's licensing files. If no email is provided, the notice shall be delivered to the last known physical address in the Commission's licensing files or, at the person's election, by text message to a provided phone number.

(d) If a disciplinary hearing involves an alleged medication violation which could result in the disqualification of a horse, the stewards or a racing commission designee shall provide similar notice of the hearing to the owner of the horse pursuant to the provisions of this section.

325:1-1-14. Location for information or filing with Commission Offices

When information is requested or a notice or Petition for Appeal in any matter is required to be filed with the Commission, ~~such~~ the request or notice shall be emailed to OHRCAAdmin@ohrc.org or delivered to an authorized representative of the Commission at the office of the Commission on or before the filing deadline. Offices of the Commission are currently located at: Oklahoma Horse Racing Commission, 2800 N. Lincoln Blvd, Suite 220, Oklahoma City, Oklahoma 73105.

325:1-1-17. Forms and instructions

Additions and deletions to this form, list, and instructions may be subject to change without notice. The following forms and instructions for their use have been adopted by the Commission:

- (1) Chain of Custody
- (2) Equine and Human Substance Testing
- (3) Fingerprint Card
- (4) Horse Identifier's Daily Report
- (5) Notices to Appear
- (6) Occupation Licensee's Notice of Prescribed Medication Use
- (7) Occupation License Applications/Renewal Applications
- (8) Oklahoma-Bred Registry
- (9) Oklahoma-Bred Claims
- (10) Open Claim Certificate
- (11) Organization Licensee Daily Report

- (12) Organization License Applications
- (13) Petition for Appeal
- (14) Physician's Certificate of Physical
- (15) Request for Information (Open Records)
- (16) Stewards' Reports
- (17) Subpoena (Steward and Commission)
- (18) Veterinarian Report
- (19) Recipient Mare Report
- (20) Request for Split Sample
- (21) Attorney Entry of Appearance
- (22) Attorney Withdrawal

325:1-1-21. Meeting notices

In accordance with the Oklahoma Open Meeting Act, 25 O.S., § 311, notice of the date, time, and place of Commission Meetings ~~will~~ shall be ~~mailed~~ emailed to each person, newspaper, wire service, radio station, and television station that has filed a written request with the Commission for notice of meetings. Persons or entities filing a written request for notice of meetings may print or download the notice from the Commission website or request to be added to a group e-mail to receive the notice as an e-mail attachment.