

CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 4. CALIFORNIA HORSE RACING BOARD
ARTICLE 4. OCCUPATIONAL LICENSES
RULE 1497. CONFIDENTIALITY OF APPLICATIONS
ARTICLE 5. RACING OFFICIALS
RULE 1548. RULINGS BY THE STEWARDS

The California Horse Racing Board (Board) proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1497, Confidentiality of Applications, to address unforeseen conflicts with disclosure statements contained in the Board's occupational license application. "Section A: General Information" of the Board's Application for License, CHRB-4, states that all information in that section, including address and phone number, is considered public record and may be disclosed pursuant to a Public Records Act request. Within Section A, applicants must list an address of record, which may be a P.O. Box, mail service box, business address, or other address of their choosing. There is also a separate area of the Application for License which is designated so that any information listed below will be kept confidential. This is where an applicant must list a personal/physical address if a P.O. Box or mail service box was listed in Section A. The section marked as confidential also asks for phone number, social security number or employer identification, and driver's license number.

The Board frequently receives Public Records Act requests for licensee information. Questions often arise around the treatment of personal addresses and/or phone numbers that are listed in the public portion of the application. Technically release of that information conflicts with Board Rule 1497, which states that personal addresses and phone numbers are confidential and shall not be disclosed to the public. The proposed amendment would remove from Rule 1497 the blanket prohibition that personal addresses and phone numbers shall not be disclosed and instead state that information marked or otherwise identified as confidential on the application will not be disclosed. This amendment is meant to preserve the confidentiality of personal addresses and phone numbers when an applicant wishes to keep such information private but allow for that confidentiality to be waived if a personal address and/or phone number is listed in Section A, the public portion of the application. The amendments would also make non-substantive, technical edits to this rule.

The Board proposes to amend Board Rule 1548, Rulings by the Stewards, to remove the requirement in subsection (a)(2) that rulings and orders issued by the stewards must include a licensee's social security number. Stewards' rulings and orders are public documents and social security numbers must be redacted pursuant to the Information Practices Act before they can be released or posted on the Board's website. The inclusion

of a licensee's social security number in rulings or orders is unnecessary, and for the protection of the licensee's information, the Board would prefer to remove the requirement that it be included altogether. The amendments would also change the wording of subsection (a)(2) to be consistent with the other subsections. The proposed amendment would reword subsection (a)(3) for clarity by requiring the ruling or order to include the rule or regulation violated, rather than the offense charged. Other non-substantive, technical edits would also be made.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **December 9, 2024**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Email: repimentel@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19460, Business and Professions Code (BPC). Reference: Sections 19420, 19435, 19440, 19460 and 19466, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Information Practices Act of 1977 (IPA), Civil Code section 1798 et seq., protects privacy of individuals by providing limits on the collection, management, and dissemination of personal information by state agencies. Section 1798.61(a) of the IPA does not prohibit the release of names and addresses of licensees.

The Board proposes to amend Board Rule 1497, Confidentiality of Applications, to align with current Board practices regarding the confidentiality of information contained on an application and comply with the IPA. Board Rule 1497 currently states that personal addresses and phone numbers are confidential and shall not be disclosed to the public. However, when an applicant indicates a personal address or phone number on the

license application, that information is considered public record according to the IPA and the notice in Section A of Application for License, CHRB-4. The proposed amendment would remove personal addresses and phone numbers from the list of confidential information and add the stipulation that information marked or otherwise identified as confidential on the application not be disclosed. Other non-substantive, technical edits would also be made.

The Board proposes to amend Board Rule 1548, Rulings by the Stewards, to align with current Board practices regarding the confidentiality of information contained in rulings and orders issued by stewards by removing the requirement to include social security numbers. It would change the wording of subsection (a)(2) to be consistent with the other subsections. The proposed amendment would reword subsection (a)(3) for clarity by requiring the ruling or order to include the rule or regulation violated, rather than the offense charged. Other non-substantive, technical edits would also be made.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed regulatory action would align Board Rules 1497 and 1548 with current practices and the IPA to ensure confidentiality of private information. The proposed changes to Board Rule 1497 would also help prevent confusion among applicants regarding the information provided on their applications that is confidential.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that Board Rule 1497 is the only regulation that sets forth the conditions under which information provided on an application is not considered confidential. Similarly, the Board concluded that Board Rule 1548 is the only regulation that specifies the contents of a ruling or order. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action would align Board Rules 1497 and 1548 with current practices and the IPA to ensure confidentiality of private information.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action will not create or eliminate jobs within the state, will not create new businesses or eliminate existing businesses within the state, will not result in the expansion of businesses currently doing business with the state, and will not benefit the health and welfare of California residents, worker safety, or the state's environment.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulatory action would align Board Rules 1497 and 1548 with current practices and the IPA to ensure confidentiality of private information.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Rick Pimentel, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Email: repimentel@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Sandra Shinn, Manager
Regulations and Industry Applications Unit
Telephone: (916) 869-3255
Email: skshinn@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Rick Pimentel or the alternative contact person at the address, phone number, or email address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Rick Pimentel at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Rick Pimentel at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is www.chrb.ca.gov.