

CHAPTER 3769-3. WAGERING REQUIREMENTS

3769	Heading	3769	Heading
3-01	Win, place, show wagering and entries	3-22	Trifecta wagering
3-02	Exotic wagering and entries	3-23	Superfecta wagering
3-03	Totalizator	3-24	Twin trifecta wagering
3-04	Lock parimutuel machines	3-25	Tri-super wagering
3-05	Provision to prohibit wagering	3-26	Twin-super wagering
3-06	Approximate odds board	3-27	Win three pools
3-07	Numbering mutuel windows and mutuel transactions	3-28	Pick (N) pools
3-08	Records to be maintained	3-29	Pick eight wagering -- repealed
3-09	Minus pools	3-30	Quinella double and perfecta double wagering
3-10	Incorrect payments	3-31	Pick seven wagering -- repealed
3-11	Emergency situations	3-32	Telephone account wagering
3-12	Win, place, and show calculations	3-33	Emergency substitute common pool procedure
3-13	No money wagered on win horse in win pool	3-34	Pick (n) pools
3-14	No wagers on 1st and/or 2nd horse in place pool	3-35	Super high five wagering
3-15	No wagering on 1st, 2nd, 3rd horse in show pool	3-36	Exacta (n) pool
3-16	Dead heats in the win pool	3-37	Pick (n) position (x) pools
3-17	Dead heats in the place pool	3-38	Team wager pool
3-18	Dead heats in the show pool	3-39	Future wager pool
3-19	Daily double pool calculations	3-40	Fortune pick (n) pool
3-20	Quinella wagering	3-99	Penalties the commission may impose
3-21	Perfecta or exacta wagering		

3769-3-01. Win, place, show wagering and entries

(A) The horse racing act legalizes and permits the parimutuel form of wagering in Ohio but only on the premises of permit holders. Wagering may be in several distinct pools; namely, on horses to finish first, which is designated the "win" pool; on horses to finish first or second, which is designated the "place" pool; and on horses to finish first, second, or third which is designated the "show" pool. Any other type of pool is called an "exotic pool."

(B) From each win, place, and show pool at any race track conducting parimutuel wagering, there shall be deducted eighteen per cent. The remainder, less breakage, shall be the net pool for distribution.

(C) All horses from the same stable or of the same ownership engaged in the same race must race as an entry and a single wagering interest unless otherwise permitted by the commission. However, when a trainer enters more than one horse of different ownership in any type race the horses may be uncoupled as an entry and considered to be separate betting interests. No trainer may have more than two betting interests in any one race other than a stakes race. In all win, place, and show pools, if two or more horses in a race are coupled as an entry or field in one betting interest, there shall be no refunds, unless all of the horses so coupled are excused before off time.

(D) All pools shall be calculated in accordance with the accepted practice in the calculation of mutuel pools as herein provided.
Effective: 1-1-85; 4-3-86; 5-21-90; 9-5-94; 9-1-08

3769-3-02. Exotic wagering and entries

(A) "Exotic wagering" is defined as any betting or wagering that is separate and distinct from the win, place and show pools. Types of exotic wagering include but are not limited to daily double, quinella, perfecta, and trifecta pools. Types of exotic wagering not covered by these rules may be instituted by the permit holder for a trial period of six months or longer from the initial wagering day of the experimental exotic pool, only after the submission of written rules to the commission, accompanied by a full explanation, and only after the commission's interim approval thereof. Upon final approval by the racing commission and incorporation into these official rules, any permit holder may use such exotic wagering without further permission. Permit holders may not vary from the final approved rule without express approval of the commission.

(B) From each exotic pool, there shall be deducted twenty-two and one half per cent; the remainder being the net pool for distribution, less breakage.

(C) Exotic wagering shall be conducted only by use of automatic mechanical, electric or electronic devices which print and issue tickets evidencing individual wagers and either locally print a permanent record of the tickets issued by each machine or transmit by automatic mechanical, electric, or electronic means the total number dollar value of such tickets for registry on a central aggregating device; and no such aggregating device shall be cleared of the figures so registered until the commission's representative then on duty shall have had a reasonable opportunity to record such figures.

(D) Unless prohibited by the racing commission for a specific type of exotic wagering, all entries as defined in paragraph (C) of rule 3769-1-35 of the Administrative code and all field horses as defined in rule 3769-1-12 of the Administrative Code may race coupled as one wagering interest in any exotic pool, provided they are likewise classified for win, place and show wagering. Horses

owned by different interests but trained by the same trainer may race uncoupled as separate wagering interests. No trainer may have more than [sic] two betting interests in any one race other than a stakes race.

(E) In all exotic pools, if two or more horses are coupled in an entry or field as one wagering interest, there shall be no refunds on such interest unless all of the horses so coupled are excused before off time. Contrary to win, place, show, and dead heat payoff calculations where two or more parts of a field or entry may participate, all exotic pool calculations must use separate wagering interests in determining proper payoff combinations. If two or more field or entry horses finish in payoff positions, the highest placed position takes precedence.

(F) In any rule of Chapter 3769-3 of the Administrative Code where an example of exotic pool payout or priority of payout is given such as (1-2-3) or (1-2-3-all), the "1" is defined as the horse placed first, "2" the horse placed second, "3" the horse placed third, and "4" the horse placed fourth in the official order of finish regardless of initial post position, head number or saddle cloth. In any exotic pool where a payoff includes the "all" condition such as 1-2-3-all or 1-2-all, the word "all" is defined as all horses or entries, other than those already participating in the payoff, which started the subject race regardless of whether they failed to finish for any reason, were declared a non-starter for equipment failure or other reason or were disqualified or placed back for a rule violation.

(G) In any exotic form of wagering in which a carryover pool is generated, there must be a mandatory distribution of such carryover jackpot on the "final day of the meeting" as defined in paragraph (I) of this rule. In addition, the permit holder after written application to, and with the express approval of the racing commission, may schedule additional "mandatory payout" days. Such mandatory distribution days may be based on (a) a specified size of carryover jackpot; (b) a fixed number of days between mandatory payouts; or (c) a fixed number of days between mandatory payouts with a guaranteed minimum payout. A full explanation of the method used in determining and scheduling such additional mandatory payout days shall be well advertised and available to the public.

(H) If a carryover jackpot under paragraph (G) of this rule is won before a scheduled, advertised mandatory distribution, the permit holder will still proceed with a mandatory distribution on the scheduled date. The mandatory distribution will be guaranteed at no less than the advertised amount. If the mandatory distribution carryover pool is less than the advertised approved amount, permit holders will add whatever funds are necessary to guarantee that the winner will receive a total payoff of no less than the specified amount after commissions (multiple winners would share a payoff of no less than the approved amount after commissions).

(I) For all exotic carryover jackpots "final day of the meeting" shall mean:

(1) The last scheduled racing date under the permit holder's permit, unless another permit is scheduled to commence within twenty-one days at the same facility and the other permit holder has agreed to continue the carryover pool; or,

(2) The last scheduled racing date (under a permit holder's permit) before a scheduled hiatus of more than twenty-one days.

(J) If, on the final day of the meeting, a carryover pool cannot be distributed because of the specific rules for that particular exotic wager or race or program cancellation or any other reason approved by the stewards, it shall be invested on the next business day in an account, bearing interest at no less than the average rate available locally. The accumulated carryover jackpot, plus such interest as has accrued, shall be carried over to the next subsequent racing date and thereon distributed in a mandatory payoff of the same type exotic wager. *Effective: 1-1-85; 5-21-90*

3769-3-03. Totalizator

No permit shall be issued to an applicant unless a totalizator system approved by the commission is installed for parimutuel wagering. Each permit holder shall provide and maintain in good working order a telephone system connecting the stewards' stand with the office of the parimutuel plant and any other stations which the commission and/or permit holder deem necessary. The permit holder shall also provide a telephone in the judges stand which permits the stewards to contact an off track location without going through a switchboard. Each permit holder shall provide and maintain in good working order a system of bells which shall be rung from the stewards' stand or tote room to signal the close of wagering. On all races other than those races on which there is a common pari-mutuel pool that is processed and priced by other than the permit holder's totalizator system. A button shall also be provided in the stewards' stand and or tote room which, when pressed, will lock ticket-issuing machines and close wagering, for each race other than those races on which there is a common pari-mutuel pool that is processed and priced by other than the permit holder's totalizator system. A steward and the totalizator operator shall be in verbal communication one minute prior to scheduled post time for each race other than those races on which there is a common pari-mutuel pool that is processed and priced by other than the permit holder's totalizator system. The race shall not start if there is no verbal communication between the judge and the totalizator operator. At tracks where the next previous year's daily average handle was two hundred fifty thousand or more, the term "totalizator of approved design" shall be one which displays to the public on a board or television screen, running totals of amounts wagered, in each of the win, place and show pools on each entry in each race. No totalizator may be deemed one of approved design unless it is capable of registering by automatic, mechanical, electric or electronic means on central aggregators all wagers made on each horse, entry, or the field, in each of the win, place and show pools, and displaying the totals so registered in such a way as to permit ready tabulation thereof by the commission's representative. The totals so registered on such aggregator shall not be cleared therefrom until such representative has had reasonable opportunity to record them. *Effective: 1-1-85; 5-21-90; 3-1-96; 1-1-09*

3769-3-04. Lock parimutuel machines

Except for advanced wagering on subsequent races, wagering must close and parimutuel machines will be locked by electrical control at the time the starting gate opens at the start of a race. *Effective: 1-1-85; 5-21-90*

3769-3-05. Provision to prohibit wagering

(A) If less than six separate entries start, permit holders may prohibit show wagering. In all races with less than five entries which start, they may prohibit both place and show wagering. If, after betting has opened, a late scratch reduces the number of

betting interests to five or less, the show pool may be canceled at the discretion of the permit holder and the gross show pool refunded. If late scratches reduce the betting interests to four or less, the place and show pools may be canceled at the discretion of the permit holder and the gross place and show pools refunded.

(B) In the case of stakes with less than five entries which start, permit holders, may at their option provide that there shall be no wagering; and in such case an additional race with wagering may be added to the program. However, the stewards in any race may waive the requirement that there must be a place or show pool.

(C) In races with six or less wagering interests that start, permit holders may prohibit exotic wagering that requires more than two horses in one race to calculate a payoff. In races with less than five entries that start, all exotic wagering may be prohibited.

(D) If a late scratch or scratches reduce the numbers of wagering interests to six or less, the exotic pools requiring more than two horses to complete a payoff may be canceled at the discretion of the permit holder and the gross exotic pool refunded. If the number of wagering interests is reduced to five or less, the permit holder may cancel any exotic pool that requires more than one horse in one race to calculate a payoff and refund the gross exotic pool to holders of such tickets.

(E) A permit holder with the consent of the stewards, may bar wagering on any horse or entry in any race, heat or dash. In such event a public announcement shall be made prior to the acceptance of any wagers with respect to such race, heat or dash. Under such circumstances the horse or entry barred shall be considered for the purpose of such wagering not to have been a participant in such race. A horse or entry barred in one heat or dash of a race is not barred in subsequent heats or dashes of the same race unless the permit holder, with the consent of the stewards, again determines to do so and suitable public announcement is made thereof. *Effective: 1-1-85; 5-21-90*

3769-3-06. Approximate odds board

(A) Each permit holder must display an approximate odds board or alternate display device and post thereon the opening line and not less than three additional complete quotations or lines of odds for the purpose of informing the public of the actual wagering on each horse as disclosed by an accurate take-off of the win pool at the time such odds are posted and also a final line after the close of wagering. No quotation or line shall exceed a total of one hundred ten plus the commission per cent for the win pool.

(B) A copy of the opening line and all additional lines of odds, as well as amounts of money wagered on each horse at the time each line of odds is posted, shall be furnished and delivered to a representative of the commission by the permit holder following each race. *Effective: 1-1-85; 5-21-90*

3769-3-07. Numbering mutuel windows and mutuel transactions

(A) All sellers' and cashiers' windows in mutuel departments of permit holders shall be numbered and the number designating each window shall be displayed at such window in direct view of patrons. In addition, the mutuel clerk at each window shall wear a name tag which properly identifies himself/herself and which is readily readable by any person with normal eyesight.

(B) A single mutuel ticket, with a total purchase value of one hundred dollars or more to win on any individual horse, shall only be cancelled within six transactions from the time it was issued and only at the window at which it was sold. Such tickets beyond six transactions shall be referred to the mutuel manager or his/her designee. The mutuel manager or the designee shall provide the racing commission with a written explanation if the single mutuel ticket is cancelled. *Effective: 1-1-85; 5-26-85; 5-21-90; 1-1-04; 2-2-08*

3769-3-08. Records to be maintained

The permit holder shall maintain complete records of all wagering so the commission may, upon review, ascertain for any race the opening line and subsequent odds fluctuations, the amount and at which windows wagers were placed on any betting interest, and such other information as the commission may from time to time require. A copy of such wagering records shall be retained by each permit holder and safeguarded for a period of not less than one year from the close of the meeting and may not be destroyed without permission of the commission. *Effective: 1-1-85; 5-21-90*

3769-3-09. Minus pools

(A) No winning wager in any pool shall be paid off at less than the amount of the wager plus ten per cent thereof, except that if a minus pool occurs in any type of wagering, a winning wager shall be paid off at not less than the amount of the wager plus five per cent.

(B) When a minus pool occurs, the permit holder is required to pay the amount of the minus pool from the commission he is permitted to retain, and the total gross breakage from all other pools shall be reduced by the amount of the minus pool. When a minus pool exists at the close of the racing day, the amount of that minus pool shall not be utilized to reduce net breakage from the next day's racing. *Effective: 1-1-85; 5-21-90*

3769-3-10. Incorrect payments

(A) If an error is made in calculating the price of a correct ticket combination or in calculating an incorrect ticket combination which results in an overpayment, any such overpayments made shall be deemed final and the recipients entitled to retain the overpayment. If the error is discovered before all such incorrect transactions are completed, the error may be corrected, accompanied by a public announcement, and only the correct tickets and/or prices paid thereafter.

(B) In the event of an error in calculations which results in an underpayment and payments have already been made, the amount of such underpayment shall be promptly ascertained and confirmed by a commission representative. Upon such confirmation, the underpayment shall be transferred to the next corresponding pool on the same day's racing program. In the event the amount of the underpayment cannot be ascertained and confirmed before the conclusion of the day's racing program, the underpayment shall be escrowed by the permit holder and distributed in the next corresponding pool on the daily program run next. Any and all

underpayments shall be promptly and fully reported to the commission. Any underpayment not distributed or undistributable prior to the end of the meet shall be held in trust and transferred into the next corresponding pool of the next meeting of the permit holder in question. *Effective: 1-1-85; 5-21-90*

3769-3-11. Emergency situations

In the event any emergency situation arises in connection with the operation of the parimutuel department not provided for by these rules, the parimutuel manager shall make an immediate decision and inform the state steward and the commission representative of his action and render a full report to the commission the following day. Public announcement shall be made describing such emergency situation and the decision made thereon. *Effective: 1-1-85; 5-21-90*

3769-3-12. Win, place, and show calculations

(A) The parimutuel pools shall be calculated and distributed as follows. In any race, the win, place and show pools shall be treated separately and calculated independently of each other or any other pool.

(B) Win pool:

The net pool shall be divided by the amount wagered on the horse finishing first, to determine the payoff per dollar, including profit and wager.

(C) Place pool:

(1) The amounts wagered on horses finishing first and second shall be deducted from the net pool to determine the profit which shall be divided in half, and each half shall be divided by the amount wagered on one of the horses thus determining the profit per dollar, to which profit the wager shall be added in totaling the payoff.

(2) When two horses in the field or coupled as an entry run first and second, the place pool shall be distributed in the same manner as a win pool.

(3) When only one horse finishes, the place pool, if any, shall be distributed in the same manner as a win pool.

(D) Show pool:

(1) The amounts wagered on the horse finishing first, second, and third shall be deducted from the net pool to determine the profit, which shall be divided into three equal parts. Each part shall be divided by the amount wagered on one of the horses, thus determining the profit per dollar, to which profit the wager shall be added in totaling the payoff.

(2) When two horses in the mutuel field or coupled as an entry finish first and second, first and third, or second and third, two-thirds of the profit shall be allocated to the tickets representing wagers on the field or entry and the remaining one-third to the wagers on the other horse.

(3) When three horses in the mutuel field or coupled as an entry run first, second, and third, the place and show pools shall be distributed in the same manner as a win pool.

(4) When only two horses finish, the show pool, if any, shall be distributed in the same manner as a place pool.

(5) When only one horse finishes, the show pool, if any, shall be distributed in the same manner as a win pool.

(E) In any race in which no horse finishes, all money wagered on the race shall be refunded upon presentation and surrender of pari-mutuel tickets sold thereon.

(F) No disqualified horse shall be considered in any mutuel payoff except when an exotic pool has an "all" payoff as defined in paragraph (F) of rule 3769-3-02 of the Administrative Code. *Effective: 1-1-85; 5-21-90*

3769-3-13. No money wagered on win horse in win pool

If a horse should be adjudged to have finished first in a heat or race and no money has been wagered on the horse in the win pool, the net win pool shall be distributed to those who wagered in the win pool on the horse adjudged to have finished second, or to the classes of wagerers who wagered on the horses adjudged to have finished in a dead heat for second position; and if no money has been wagered on such horse or horses, then to those who wagered in the win pool on the horse adjudged to have finished third, or to the classes of wagerers who wagered on the horses adjudged to have finished in a dead heat for third position. If none of the above apply, then a complete refund of the gross win pool shall be made to those who purchased win tickets. *Effective: 1-1-85; 5-21-90*

3769-3-14. No wagering on 1st and/or 2nd horse in place pool

If a horse should be adjudged to have finished first or second in a heat or race, or to be one of the two or more horses adjudged to have finished in a dead heat for first or second position and no money has been wagered on such horse in the place pool, the net place pool shall be distributed to the other class, or among the other classes of purchasers of place tickets entitled to participate in the distribution of the place pool; and, if no money has been wagered on the above classes, then to those who wagered in the place pool on the horse adjudged to have finished third, or to the classes of wagerers who wagered on the horses adjudged to have finished in a dead heat for third position. If none of the above, a complete refund of the gross place pool will be made to those who purchased place tickets. *Effective: 1-1-85; 5-21-90*

3769-3-15. No wagering on 1st/2nd/3rd horse in the show pool

If a horse should be adjudged to have finished first, second or third in a heat or race, or to be one of two or more horses adjudged to have finished in a dead heat for first position, second position, or third position, and no money has been wagered on such horse in the show pool, the net show pool shall be distributed among the other classes of purchasers of show tickets entitled to share in the distribution of the show pool using normal pari-mutuel practices as herein provided. If none of the above classes apply, a complete refund of the gross show pool shall be made to those who purchased show tickets. *Effective: 1-1-85; 5-21-90*

3769-3-16. Dead heats in win pool

(A) If two or more horses finish in a dead heat for first position, the amounts of money wagered on such horses in the win pool shall be deducted from the net win pool to determine the profit, which shall be divided into as many equal parts as there are horses in the dead heat. Each part shall be divided by the amount wagered on one of said horses to determine the profit per dollar, to which profit the wager shall be added in totaling the payoff. In the event that no money is wagered in the win pool on one of such horses, the remaining class or classes of such purchasers shall share in a similar distribution of the net win pool.

(B) If two parts of an entry or field finish in a dead heat for first position, the pool shall be calculated as a win pool. *Effective: 1-1-85; 5-21-90*

3769-3-17. Dead heats in place pool

(A) If two or more horses finish in a dead heat for first position, they alone share in the place pool. The amounts of money wagered on such horses in the place pool shall be deducted from the net place pool to determine the profit, which shall be divided into as many equal parts as there are horses in the dead heat. Each part shall be divided by the amount wagered on one of said horses to determine the profit per dollar, to which profit the wager shall be added in totaling the payoff.

(B) If two or more horses should be adjudged to have finished in a dead heat for second position, the winnings remaining (after deduction from the net place pool and allocation of the amounts of their wagers to those who wagered in the place pool on the horse adjudged to have finished first and to those who wagered on each of the two horses adjudged to have finished in a dead heat for second position) shall be divided as followed: one-half of such winnings shall be allotted to those who wagered on the horse adjudged to have finished first, and the remaining one-half shall be divided into as many equal parts as there are horses adjudged to have finished in a dead heat for second position, and one of such equal parts shall be allotted to each of the class of purchasers of place tickets who wagered on one of such horses adjudged to have finished in such dead heat for second position.

(C) If one horse of an entry or field finishes first and another horse of the same entry or field finishes in a dead heat for second with a horse not in the entry or field, the winnings remaining (after deduction from the net place pool and allocation of the amount of their wagers to those who wagered in the place pool on the horse that finished first and to the horse that finished in a dead heat for second with the entry or field horse) shall be divided as follows: three-fourths of such winnings shall be allotted to those who wagered on the entry or field and the remaining one-fourth shall be allotted to those who wagered on the horse adjudged to have finished second in the dead heat with the entry or field horse. *Effective: 1-1-85; 5-21-90*

3769-3-18. Dead heats in show pool

(A) If two horses finish in a dead heat for first, two-thirds of the profit shall be allocated equally to the tickets representing wagers on the horses finishing in the dead heat for first and one-third to the wagers on the horse finishing third.

(B) If more than two horses finish in a dead heat for first, the profit shall be divided into as many equal parts as there are horses adjudged to have finished first and one such part shall be allocated to each class of purchasers of show tickets who wagered on one of the horses adjudged to have finished in such dead heat for win.

(C) If two or more horses should be adjudged to have finished in a dead heat for second position, the winnings remaining (after deduction from the net show pool and allocation of the amounts of their wagers to those who wagered in the show pool on the horse adjudged to have finished first and to those who wagered on each of the two or more horses adjudged to have finished in a dead heat for second position) shall be divided as follows: one-third of such winnings shall be allotted to those who wagered on the horse adjudged to have finished first, and the remaining two-thirds shall be divided into as many equal parts as there are horses adjudged to have finished in a dead heat for second position, and one of such equal parts shall be allotted to each of the class of purchasers of show tickets who wagered on one of such horses adjudged to have finished in such dead heat for second position.

(D) If two or more horses should be adjudged to have finished in a dead heat for third position, the winnings remaining (after deduction from the net show pool and allocation of the amount of their wagers to those who wagered in the show pool on the horse adjudged to have finished first, to those who wagered in said pool on the horse adjudged to have finished second and to those who wagered on each of the two or more horses adjudged to have finished in a dead heat for third position) shall be divided as follows:

One-third of such winnings shall be allotted to those who wagered on the horse adjudged to have finished first, one-third thereof shall be allotted to those who wagered on the horse adjudged to have finished second, and the remaining one-third shall be divided into as many equal parts as there are horses adjudged to have finished in a dead heat for third position. One of such equal parts shall be allotted to each of the classes of purchasers of show tickets who wagered on one of such horses adjudged to have finished in such dead heat for show position.

(E) When one horse in the mutuel field or coupled as an entry finishes first or second, and another part of the entry or field finishes third in a dead heat with a horse not in the entry or field, one-half of the profit shall be allocated to the tickets representing wagers on the field or entry, one-third to the non-entry horse finishing first or second, and the remaining one-sixth to the wagers on the horse finishing third in the dead heat with the field or entry.

(F) If two horses of an entry or field finish first and second, and another horse of the same entry or field finishes in a dead heat for third with a horse not in the entry or field, five-sixths of the net profit shall be allocated to the tickets representing wagers on the entry or field and the remaining one-sixth shall be allocated to those wagers on the horse finishing in a dead heat for third.

(G) If horses which are part of an entry or field finish first and second, and a horse not coupled in the same entry or field finishes in a dead heat for either first or second, two-thirds of the net pool shall be allocated to the tickets representing wagers on the horses of the entry or field and one-third to the tickets representing wagers on the horse not coupled. *Effective: 1-1-85; 5-21-90*

3769-3-19. Daily double pool calculations

(A) The object of the daily double is to select on one ticket, and in one combination, the winners of two consecutive races as officially posted. These races will be clearly designated on the program.

(B) The daily double is calculated as an entirely separate pool and, in general, is calculated as a win pool.

(C) If no ticket is sold combining the two winners of the daily double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the daily double and those having tickets including the winner in the second race of the daily double in the same manner in which a place pool is calculated and distributed.

(D) If no ticket is sold on the winner of the first race of the daily double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the second race of the daily double. Likewise, if no ticket is sold on the winner of the second race of the daily double or any combination, the entire pool is apportioned to the holders of tickets on the winner of the first race of the daily double. If there are none, the daily double shall be canceled and the gross pool refunded to holders of daily double tickets.

(E) If a dead heat to win should result in either the first or second race of the daily double, the total pool is calculated as a place pool. In case of a dead heat for the winner of the first race of the daily double, the posting of payoff prices will be made after the winner of the second race of the daily double is official.

(F) In the event any horse or horses in the first half of the daily double should be excused by the stewards after the horses have left the paddock for the post, or after the betting on the daily double has been closed, or should any horse or horses in the first half of the daily double be declared a non-starter for any reason by the stewards, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(G) If a horse is scratched from the second half of the daily double before it becomes a starter in the second half, but after the first half of the daily double has been run, all daily double tickets combining the scratched horse in the second race of the daily double with the actual winner of the first race of the daily double shall be paid a price equivalent to that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winner of the first race of the daily double with all horses in the second race of the daily double. The total payoff on all tickets combining the winner of the first race of the daily double with the scratched horse in the second race of the daily double as determined by the method set forth in this rule shall be deducted from the net daily double pool.

(H) The possible payoff prices shall be posted, displayed, or announced to the public before the start of the second race of a daily double, and as soon as possible after the horses in the race of the second half of a daily double have entered upon the track on the way to the post.

(I) If for any reason the second race of the daily double is canceled or declared "no race" by the stewards after the first daily double race is declared official, then the net daily double pool shall be distributed to the wagering combinations which include the horse or betting interest which finished first in the first daily double race. If none were sold, then the net pool will be distributed to those combinations which include the horse or wagering interest which finished second in the first race and; if none, then the daily double will be canceled and the complete pool will be refunded to those holding daily double tickets.

(J) Daily double wagering will close at the start of the first race of the daily double and a complete report of the wagering will be provided to the representative of the racing commission prior to the second race of the double.

(K) At every location on the premises of each permit holder at which daily double tickets may be sold, a board or alternate display device shall be maintained within view of patrons who may purchase daily double tickets at such location, upon which, as a preliminary to the sale of daily double tickets, opening lines of approximate odds with respect to both of the two races of the daily double shall be posted, unless official programs carry such opening lines of approximate odds.

(L) Unless one or more horses shall be adjudged to have finished in a dead heat for first position in the first race of a daily double, or unless subsequent to the running of the first race of the daily double, the stewards shall order a horse or horses withdrawn from the second race of the daily double, the payoff prices of the daily double tickets representing the horse adjudged to have finished first in the first race of the daily double and each of the horses which are expected to participate in the second race of the daily double shall be video displayed or posted at a location designated for such purpose; and, if such prices so posted shall not be legible from the grandstand, they shall be announced over a loud speaker system if such a system has been installed and is in working order.

(M) If one or more horses have been adjudged to have finished in a dead heat for first position in the first race of a daily double, or if, subsequent to the running of the first race of a daily double and prior to the displaying and announcing of payoff prices on the daily double, pursuant to paragraph (L) of this rule, the stewards shall order a horse or horses withdrawn from the second race of the daily double, then because of the complicated calculations involved, the payoff prices of the daily double tickets need not be posted or announced as required in paragraph (L) of this rule. However, announcement of the fact that such prices will not be posted or displayed and the reason thereof will be made immediately after the first race. If any payoff prices on the daily double shall have been posted or announced prior to the ordering by the stewards of the withdrawal of a horse or horses, and if such posted prices become incorrect and should be erased, the reason for such erasure shall be displayed, and a statement that such prices will not be applicable shall be announced. *Effective: 1-1-85; 5-21-90*

3769-3-20. Quinella wagering

(A) The object of the quinella is to select in one combination, on a single ticket, the first two horses or separate wagering interests (if there are entries or fields) to finish in a race as officially posted. The order in which the horses finish is immaterial.

(B) The quinella is calculated as an entirely separate pool and, except for the contingencies below, is calculated in the same general manner as a win pool.

(C) If a horse in a race on which there is quinella wagering is excused by the stewards, all monies wagered on combinations which include this horse shall be deducted from the quinella pool and refunded to the purchaser of tickets on the horse unless such horse is part of a field or entry (see paragraph (E) of rule 3769-3-02 of the Administrative Code).

(D) If no ticket is sold combining the horses, or separate wagering interests, that finish first and second, then the net pool shall be calculated as a place pool between those having tickets including the horse (wagering interest) that finished first and those having

tickets including the horse (wagering interest) that finished second. If no tickets are sold on one such combination, then the net pool will be distributed as a win pool to those holding tickets on the other combination.

(E) In the event that a race on which there is a quinella wagering should result in a dead heat for second place, the payoffs will be calculated in the same manner as a place pool. In such a race, if there is a dead heat in the win, the net quinella pool shall be calculated and distributed as a win pool to the holders of such tickets as selected both horses adjudged to have finished in said dead heat. If more than two horses are adjudged to have finished first in a dead heat for win, the amounts wagered on all combinations of any two of the horses adjudged to have finished in such dead heat shall be deducted from the net pool to determine the profit which shall be divided into as many equal parts as there are combinations of any two horses. Each part shall be divided by the amount wagered on one such combination to determine the profit per dollar, to which profit the wager shall be added in totaling the payoff.

(F) In a quinella pool, if two horses which are part of a field or entry finish in a dead heat for first then the quinella pool is calculated as a win pool for the holders of those tickets selecting the field or entry and the next separate betting interest as officially posted. If such field or entry horses finish in a dead heat for second, the quinella pool is calculated as a win pool for the holders of tickets who selected the non-field or entry winning horse and the field or entry.

(G) If no ticket was sold that would require distribution of a quinella pool to a winner or winners as defined above, the permit holder shall make a full refund of the quinella pool to those who purchased quinella tickets. *Effective: 5-1-79; 1-1-85; 5-21-90*

3769-3-21. Perfecta or exacta wagering

(A) The object of the perfecta, also known as an exacta, is to select on a single ticket and, in a single combination, the two horses or separate wagering interests (if there are fields or entries) that subsequently finish first and second in a single race in the exact order of finish as officially posted.

(B) The perfecta is calculated as an entirely separate pool and, except for the contingencies below is calculated in the same general manner as a win pool.

(C) In the event no ticket is sold in the perfecta pool coupling the horses finishing first and second in the exact order of official result, the net pool shall be calculated as a win pool for those who select ticket combinations in the exact order of official result in the following order of priority:

- (1) (1-all) if none, then
- (2) (All-2) if none, then
- (3) (All-all) (refund)

(D) In case of a dead heat between two separate wagering interests for first place, the net perfecta pool shall be distributed as a place pool to those holders of tickets containing both interests in either position. In case of a dead heat between two separate wagering interests for second place, the perfecta pool shall be calculated as a place pool, the holders of the tickets combining the winning horse and the two horses finishing second participating in the payoff.

(E) In the event of a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. If no tickets combine the winning horse with either of the place horses in the dead heat, the perfecta pool shall be calculated and distributed as a place pool to holders of tickets selecting the winning horse to finish first and those selecting either of the place horses in the dead heat to finish second. If entry or field horses run first and second or in a dead heat for first, then the next separate wagering interest is considered as the other half of the winning perfecta combination(s).

(F) If a horse in a race on which there is perfecta wagering is excused by stewards, all monies wagered on combinations which include this horse shall be deducted from the perfecta pool and refunded to the purchaser of tickets on the horse, unless such horse is part of a field or entry (see paragraph (E) of rule 3769-3-02 of the Administrative Code).

(G) If no ticket is sold that would require distribution of a perfecta pool to a winner or winners as defined above, the permit holder shall make a full refund of the perfecta pool to those who purchased perfecta tickets. *Effective: 9-1-83; 1-1-85; 5-21-90*

3769-3-22. Trifecta wagering

(A) The object of the trifecta is to select, in one combination and on one ticket, in exact order, the first, second and third place horses (or first, second and third separate wagering interests if entry or field horses are entered) as officially posted in the designated trifecta race.

(B) The trifecta is calculated as an entirely separate pool and, except for the contingencies below, is calculated in the same general manner as a win pool.

(C) If a horse is scratched or excused from racing, no further tickets shall be sold designating such horse and all tickets sold designating such horse shall be refunded immediately and the money deducted from the gross pool, except in the case of tickets with multiple bets, when the combinations containing the scratch horse shall be refunded after the race is official. The money thus refunded will be deducted from the gross pool.

(D) When there is no ticket sold in the trifecta pool coupling the horses finishing first, second and third, in the exact order of official result, the net pool shall be apportioned equally to those who select correct ticket combinations in the following order of priority:

- (1) (1-2-all) if none, then
- (2) (1-all-all) if none, then
- (3) (All-all-all) (refund)

Failure to select the first horse to win shall cause a full refund of the trifecta pool to those who purchased trifecta tickets.

(E) In the event of a dead heat for first place in a trifecta, the payoff price shall be calculated as in a place pool. The winning combinations shall include the first two horses finishing in either position and the horse finishing third.

(1) In the event of a dead heat for second position in a trifecta, the payoff prices will be calculated as in a place pool. The winning combinations shall include the horse finishing first, and the two horses finishing in a dead heat for second, as finishing in either position.

(2) In the case of a dead heat for third in a trifecta, the payoff prices will be calculated as in a place pool. The winning combinations shall include the horse finishing first, the horse finishing second, and either of the two horses finishing in a dead heat for third.

(3) In the case of a dead heat where there is no winning ticket on one dead heat combination, the entire net pool will go to the other winning combination(s).

(F) If entry or field horses are entered in a trifecta and finish in two or three of the first three positions or if such entry or field horses finish in a dead heat for the first, second or third position, then the next separate wagering interest or interests shall be selected so that the first three separate wagering interests are used in calculating the trifecta payoff for each eligible combination.

Effective: 1-1-84; 11-19-88; 5-21-90

3769-3-23. Superfecta wagering

(A) The object of the superfecta is to select in exact order, on one ticket and in one combination, the first, second, third, and fourth horses (or separate betting interests if field or entries are involved), as officially posted, of a single designated race. Permit holders may give different names to this type of wagering but must notify the commission of the names selected.

(B) The superfecta is calculated as an entirely separate pool and except for the contingencies below is generally calculated as a win pool.

(C) If a horse or horses are scratched or excused by the stewards, all money wagered on combinations which include such horses will be deducted from the superfecta pool and returned to the purchasers of such tickets unless such horse or horses are part of a field or entry and other horses remain in the entry or field.

(D) If no ticket is sold combining the first four horses in exact order as officially posted, then payoffs shall be made to those who select correct ticket combinations in the following order of priority:

(1) (1-2-3-all) if none, then (2) (1-2-all-all) if none, then (3) (1-all-all-all) if none, then (4) (All-all-all-all) refund

Failure of anyone to select the first horse to win will result in a complete refund of the superfecta pool to all purchasers of superfecta tickets.

(E) If, for any reason, less than four horses finish, the pay-off shall be made to those holding tickets selecting the horse or horses that do finish in exact order and priority of paragraph (D) of this rule.

(F) In the event of a dead heat or dead heats, all superfecta tickets selecting the correct order of finish, counting a horse in a dead heat as finishing in any position involved in the dead heat, shall be winning tickets, and distribution shall be made as in a place pool. If fields or entries are involved in the dead heat, the first four separate wagering interests shall comprise the winning combination(s). *Effective: 5-21-90*

3769-3-24. Twin trifecta wagering

(A) The object of the twin trifecta is to select, in one combination on one ticket, the first three horses (or the first, second and third separate wagering interests if there are entry or field horses entered), in exact order as officially posted, in the first designated race. Then, after exchanging such winning tickets, to select three horses to finish in exact order as officially posted, in the second designated race. Permit holders may give different names to this wager, but should notify the commission of such choice of names. Not more than two races may elapse between the first and second races of this wager, and such races must be clearly designated in the program.

(B) The twin trifecta will be calculated as an entirely separate pool and will be calculated in the general manner of a win pool.

(C) After wagering closes for the first race of the designated two races of the twin trifecta, all applicable commissions will be deducted from the pool in accordance with the laws of the state of Ohio. The remaining net pool will then be divided into two separate pools of equal amounts.

(D) The money in the first part of the divided pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order of finish, in the first designated twin trifecta race. The term "first part of divided pool" shall mean one half of the net distributable pool of the total money wagered in the twin trifecta on the current day's program only. Specifically excluded therefrom shall be any carryover of any twin trifecta pool from any previous day's program.

(E) The second half of the divided pool will be placed in a separate pool to be distributed to the holders of "second half" twin trifecta tickets selecting the first three horses, in exact order, on the second designated twin trifecta race.

(F) In the first race of the twin trifecta only, except on mandatory payout days, if there is a failure to select the first three horses, in exact order of finish, no exchange tickets will be issued and only monetary payoffs shall be made on twin trifecta tickets selecting horses in the following order of priority:

(1) (1-2-all) if none, then

(2) (1-all-all)

Failure of any ticket to select one of the above combinations will result in a complete refund of that day's twin trifecta pool to all persons holding current twin trifecta tickets (all-all-all). Any ticket within the applicable order of priority as aforesaid shall be deemed a winning ticket entitling the holder thereof to the applicable payoff from the first part of the divided pool. On mandatory payout days only, if no ticket selects the first three horses in exact order, the above order of priority will be used to issue an exchange ticket as well as pay the applicable share of the first part of the divided pool.

(G) After the official declaration of the first three horses to finish in the first race of the twin trifecta, each bettor holding a winning ticket must, prior to the running of the second designated race of the twin trifecta, exchange such winning ticket for both: (1) the monetary value from the first part of the divided pool, as established by the mutuel department of the permit holder, and (2) a

twin trifecta exchange ticket which designates the bettor's selection of the three horses for finish in that order in the second designated race of the twin trifecta. No further money shall be required of the holder of the winning ticket in order to make the exchange. Until the second race of the twin trifecta has been declared official, no person shall disclose the number of winning twin trifecta tickets eligible for exchange in the second twin trifecta race, nor shall any person disclose any information regarding those tickets during the exchange process.

(H) No twin trifecta exchange tickets upon the second race of the twin trifecta shall be issued except upon surrender of the winning twin trifecta ticket from the first race of the twin trifecta as described in this rule. Windows for the purpose of cashing and exchanging twin trifecta tickets shall be open only after the first race of the twin trifecta has been declared official and such windows shall close when wagering closes for the race designated as the second race of the twin trifecta.

(I) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided above, the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution of the second race twin trifecta pool.

(J) If a horse is scratched or declared a nonstarter in the first race of the twin trifecta, all twin trifecta tickets issued which include the scratched horse will be refunded. If a horse is scratched late in the second race of the twin trifecta, public address announcements will be made and a reasonable time, as determined by the mutuel manager and presiding judge, will be given for exchange of tickets on the scratched horse. If such an announcement and reasonable time cannot be made, the stewards may provide for the distribution of the second part of the program's divided pool as provided for in paragraph (M) of this rule. A horse which is declared a non-starter in the second race of the twin trifecta shall be deemed a starter for the purposes of paragraphs (L) and (N) of this rule.

(K) In the event of a dead heat or dead heats in either the first or second half of the twin trifecta, all twin trifecta tickets selecting the correct order of finish counting a horse in a dead heat as finishing in any position deadheaded shall be winning tickets. In the case of a dead heat occurring in either the first or last half of the twin trifecta, the pools shall be calculated as a place pool.

(L) In the event there is no twin trifecta ticket issued accurately selecting the officially declared first three finishers of the second twin trifecta race in the exact order, such second race pool, as divided earlier, shall be held for the next consecutive racing day program and combined with that program's second race twin trifecta pool. This sum shall be termed the "carryover jackpot." Distribution of this special cumulative second race twin trifecta pool shall be made only upon the accurate selection, in exact order, of the first three officially declared finishers of the designated second race of the twin trifecta except on designated mandatory payout performances (see paragraph (N) of this rule).

(M) If, for any reason, the second half of the twin trifecta contest is officially cancelled or officially declared "no contest", all exchange tickets and outstanding first half winning twin trifecta tickets shall be entitled to the remaining amount of the current program's divided pool. The carryover pool will remain undistributed.

(N) On a mandatory distribution performance, the current carryover jackpot plus the second half pool from the program will be combined and distributed to the holders of exchange tickets who selected horses in exact official order of finish in the following order of priority:

- (1) (1-2-3) if none, then
- (2) (1-2-all) if none, then
- (3) (1-all-all) if none, then
- (4) (all-all-all)

(O) On a scheduled mandatory distribution performance, if there are no first half tickets selecting one of the combinations in paragraph (F) of this rule, then aside from the refund of all twin trifecta tickets referred to in paragraph (F) of this rule, the current carryover jackpot will not be distributed, but will carry over to the next racing day. That next day must also be designated a mandatory distribution performance for which the same order of priority rules in paragraph (F) of this rule apply. When advertising a mandatory distribution performance, permit holders should include a disclaimer covering this one exception.

(P) On a scheduled mandatory payout day, if the second half of the twin trifecta contest is officially cancelled or declared "no contest", all exchange tickets will be entitled to share in the carryover pool.

(Q) Sales of twin trifecta tickets other than from the permit holder's ticket-issuing machines or from one individual to another shall be deemed illegal and prohibited. Exchange tickets shall be nontransferable. Holders of transferred exchange tickets shall not be entitled to any winnings. Persons involved in the unauthorized transfer of exchange tickets shall be subject to ejection from the parimutuel facility. *Effective: 6-6-88; 11-19-88; 5-21-90; 6-1-93; 9-1-94; 6-1-95; 1-1-04*

3769-3-25. Tri-super wagering

(A) The object of the tri-super is to select in one combination, and on one ticket, three horses or separate betting interests (if field or entry horses are involved), that will finish first, second, and third in exact order, as officially posted, in the first designated race. Then, after exchanging such winning tickets, select four horses or betting interests that will finish first, second, third, and fourth in exact order in the second designated race, as officially posted. Permit holders may give different names to this type of wagering but should notify the commission of such choice of names. Not more than one race may elapse between the first and second races of this wager and such races must be clearly designated in the program.

(B) The tri-super is calculated as an entirely separate pool and is calculated as a win pool.

(C) After wagering closes on the first half of the tri-super, the commission on the pool will be deducted in accordance with the laws of the state of Ohio and the remaining net pool will be divided into two separate pools of equal amounts.

(D) The money in the first part of the divided pool shall be distributed to the holders of tickets selecting the first three horses in exact order of the first race of the designated tri-super. The term "first part of divided pool" refers to one-half of the net pool of the total money wagered in the tri-super on the current day's program only, and specifically excludes any cumulative pool from previous days' programs.

(E) The second half of the net pool will be placed in a separate pool, called the carryover pool, for those holders of "second-half" tickets that select the first four horses in exact order in the second designated race.

(F) In the first designated race only, except on mandatory payout days, if no ticket is sold selecting the first three finishers in exact order, no exchange tickets will be issued and only monetary payoffs will be paid to those winners selecting finishers in the following order of priority:

- (1) (1-2-all) if none, then
- (2) (1-all-all)

Any ticket within the applicable order of priority as aforesaid shall be deemed a winning ticket entitling the holder thereof to the applicable payoff from the first part of the divided pool. If none of the above combinations produce a winning ticket, the tri-super shall be canceled for the day and a complete refund of the day's tri-super pool shall be made to all holding valid tri-super tickets (all-all-all). On mandatory payout days only, if no ticket selects the first three horses of the first race of the tri-super in exact order, the above order of priority will be used to issue an exchange ticket as well as pay the applicable share of the first part of the divided pool.

(G) In the event of a dead heat in either the first or second race of the tri-super, all tickets with the correct order of finish counting a horse in the dead heat as finishing in any position dead-heated shall be a winning ticket and the payoff shall be calculated as a place pool. In the case of a dead heat where there is no winning ticket on one dead heat combination, the entire net pool will go to the other winning combination(s).

(H) After the first race of the designated tri-super is declared official, each bettor holding a winning ticket must, prior to the second designated race, exchange such ticket for the monetary value as determined by the mutuel department and a tri-super exchange ticket selecting the first four finishers of the second designated race in exact order. No further money shall be required to make such exchange. Until the second race of the tri-super has been declared official, no person shall disclose the number of winning tri-super tickets eligible for exchange in the second tri-super race, nor shall any person disclose any information regarding those tickets during the exchange process.

(I) No tri-super exchange ticket can be issued except upon surrender of a winning ticket from the first race of the tri-super as described above. If a winning ticket from the first race is not presented for cashing and exchange before the closing of the second race, the holder may still collect the monetary value but forfeits all right to any distribution of the second race pool of the tri-super.

(J) If a horse is scratched or declared a non-starter in either race of this wager before the running of the first race, all tri-super tickets on the scratched horse or horses will be refunded and a reasonable time will be made available for new selections. If a horse is scratched in the second race after the first race has become official and the exchange has begun, then all tri-super exchange tickets on the scratched horse or horses may be re-exchanged. If a horse is scratched late in the second race of the tri-super, public address announcements will be made and a reasonable time, as determined by the mutuel manager and state steward, will be allowed for such exchange. If such an announcement and reasonable time cannot be made, the stewards may provide for the distribution of the second part of the programs divided pool as provided for in paragraph (L) of this rule. A horse which is declared a non-starter in the second race of the tri-super shall be deemed a starter for the purposes of paragraphs (K) and (N) of this rule.

(K) In the event there is no tri-super exchange ticket selecting the first four horses in exact order as officially posted, the second half of the divided pool shall be held for the next consecutive racing program and placed in the carryover pool. Distribution of this pool will be only to those who select the first four runners of the second designated race of the tri-super in exact order as officially posted, unless there is a "mandatory" payout.

(L) If, for any reason, the second half of the tri-super contest is officially cancelled or officially declared "no contest", all exchange tickets and outstanding first half winning tri-super tickets shall be entitled to the remaining amount of the current program's divided pool. The carryover pool will remain undistributed.

(M) On a scheduled mandatory payout performance, first half tickets must select one combination in order of priority in paragraph (F) of this rule. If there are no first half tickets with such selections, then aside from the refund of all tri-super tickets referred to in paragraph (F) of this rule, the carryover jackpot will not be distributed but will carry over to the next racing day. The next day will also be designated a mandatory payoff performance for which the same order of priority in paragraph (F) of this rule will apply. When advertising such a mandatory payoff distribution, permit holders should include a disclaimer covering this one exception.

(N) On a scheduled mandatory distribution performance, the current carryover jackpot plus the second half pool from the current program will be combined and distributed equally to holders of exchange tickets selecting horses in exact official [sic] order of finish in the following order of priority:

- (1) (1-2-3-4) if none, then
- (2) (1-2-3-all) if none, then
- (3) (1-2-all-all) if none, then
- (4) (1-all-all-all) if none, then
- (5) (All-all-all)

(O) On a scheduled mandatory payout day, if the second half of the tri-super contest is officially cancelled or declared "no contest", all exchange tickets and outstanding first half winning tri-super tickets will be entitled to share in the carryover pool.

(P) Sales of tri-super tickets other than from the permit holder's ticket-issuing machines or from one individual to another shall be deemed illegal and prohibited. Exchange tickets shall be nontransferable. Holders of transferred exchange tickets shall not be entitled to any winnings. Persons involved in the unauthorized transfer of exchange tickets shall be subject to ejection from the parimutuel facility. *Effective: 5-21-90; 3-20-95; 1-1-04*

3769-3-26. Twin-super wagering

(A) The object of the twin-super is to select the four horses, or separate betting interests (if field or entry horses are involved), that will finish first, second, third, and fourth in exact order, as officially posted, in the first designated race. Then, after exchanging such winning tickets, select four horses or betting interests that will finish first, second, third, and fourth in exact order in the second

designated race, as officially posted. Permit holders may give different names to this type of wagering but should notify the commission of such choice of names. Not more than one race may elapse between the first and second races of this wager and such races must be clearly designated in the program.

(B) The twin-super is calculated as an entirely separate pool and is calculated as a win pool.

(C) After wagering closes on the first half of the twin-super, the commission on the pool will be deducted in accordance with the laws of the state of Ohio and the remaining net pool will be divided into two separate pools of equal amounts.

(D) The money in the first part of the divided pool shall be distributed to the holders of tickets selecting the first four horses in exact order of the first race of the designated twin-super. The term "first part of divided pool" refers to one-half of the net distributable pool of the total money wagered in the twin-super on the current day's program only and specifically excludes any cumulative pool from previous days' programs.

(E) The second half of the distributable pool will be placed in a separate pool, called the carryover pool, for those holders of "second-half" tickets that select the first four horses in exact order in the second designated race.

(F) In the first race of the twin-super only, except on mandatory payout days, if no ticket is sold selecting the first four horses in exact order, as officially posted, no exchange tickets will be issued and only monetary payoffs will be made to those having tickets selecting, in the following order of priority:

(1) (1-2-3-all) if none, then

(2) (1-2-all-all) if none, then

(3) (1-all-all-all)

Any ticket within the applicable order of priority as aforesaid shall be deemed a winning ticket entitling the holder thereof to the applicable payoff from the first part of the divided pool. If none of the above produce a winning ticket, a complete refund of the twin-super pool for the day will be made to those holding valid twin-super tickets (all-all-all-all) and the twin-super will be canceled for that racing program. On mandatory payout days only, if no ticket selects the first four horses of the first race of the twin-super in exact order, the above order of priority will be used to issue an exchange ticket as well as pay the applicable share of the first part of the divided pool.

(G) In the event of a dead heat in either the first or second race of the twin-super, all tickets with the correct order of finish counting a horse in a dead heat as finishing in any position dead-heated, shall be a winning ticket and the payoff shall be calculated as a place pool. In the case of a dead heat where there is no winning ticket on one dead heat combination, the entire net pool will go to the other winning combination(s).

(H) After the first race of the designated twin-super is declared official, each bettor holding a winning ticket must, prior to the second designated race, exchange such ticket for the monetary value as determined by the mutuel department and a twin-super exchange ticket selecting the first four finishers of the second designated race in exact order. No further money shall be required to make such exchange. Until the second race of the twin-super has been declared official, no person shall disclose the number of winning twin-super tickets eligible for exchange in the second twin-super race, nor shall any person disclose any information regarding those tickets during the exchange process.

(I) No twin-super exchange ticket can be issued except upon surrender of a winning ticket from the first race of the twin-super as described above. If a winning ticket from the first race is not presented for cashing and exchange before the closing of the second race, the holder may still collect the monetary value but forfeits all right to any distribution of the second race pool.

(J) If a horse is scratched or declared a non-starter in either race of this wager before the running of the first race, all twin-super tickets on the scratched horse or horses will be refunded and a reasonable time will be made available for new selections. If a horse is scratched in the second race after the first race has become official and the exchange has begun, then all twin-super exchange tickets on the scratched horse or horses may be re-exchanged. Public address announcements will be made and a reasonable time, as determined by the mutuel manager and state steward, will be allowed for such exchange. If such an announcement and reasonable time cannot be made, the stewards may provide for the distribution of the second part of the program's divided pool as provided for in paragraph (L) of this rule. A horse which is declared a non-starter in the second race of the twin-super shall be deemed a starter for the purposes of paragraphs (K) and (N) of this rule.

(K) In the event there is no twin-super exchange ticket selecting the first four horses in exact order as officially posted, the second half of the divided pool shall be held for the next consecutive racing program and placed in the carryover pool. Distribution of this pool will be only to those who select the first four horses of the second designated race in exact order as officially posted unless there is a mandatory payout.

(L) If, for any reason, the second half of the twin-super contest is officially cancelled or officially declared "no contest", all exchange tickets and outstanding first half winning twin-super tickets shall be entitled to the remaining amount of the current program's divided pool. The carryover pool will remain undistributed.

(M) On a scheduled mandatory payout performance, first half tickets must select one combination in order of priority in paragraph (F) of this rule. If there are no first half tickets with such selections, then aside from the refund of all twin-super tickets referred to in paragraph (F) of this rule, the carryover jackpot will not be distributed but will carry over to the next racing day. The next day will also be designated a mandatory payoff performance for which the same order of priority in paragraph (F) of this rule will apply. When advertising such a mandatory payoff distribution, permit holders should include a disclaimer covering this one exception.

(N) On a scheduled mandatory distribution performance, the current carryover jackpot plus the second-half pool from the current program will be combined and distributed equally to holders of exchange tickets in exact official order of finish in the following order of priority:

(1) (1-2-3-4) if none, then

(2) (1-2-3-all) if none, then

(3) (1-2-all-all) if none, then

(4) (1-all-all-all) if none, then

(5) (All-all-all)

(O) On a scheduled mandatory payout day, if the second half of the twin-super contest is officially cancelled or declared "no contest", all exchange tickets and outstanding first half winning twin-super tickets will be entitled to share in the carryover pool.

(P) Sales of twin-super tickets other than from the permit holder's ticket-issuing machines or from one individual to another shall be deemed illegal and prohibited. Exchange tickets shall be nontransferable. Holders of transferred exchange tickets shall not be entitled to any winnings. Persons involved in the unauthorized transfer of exchange tickets shall be subject to ejection from the parimutuel facility. *Effective: 5-21-90; 3-20-95; 1-1-04*

3769-3-27. Win three rules

(A) The win three requires selection of the first-place finisher in each of three specified contests.

(B) The net win three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then;

(2) As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then;

(3) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then;

(4) The entire pool shall be refunded on win three wagers for those contests.

(C) If there is a dead heat for first in any of the three contests involving:

(1) Contestants representing the same betting interest, the win three pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the win three pool shall be distributed as follows.

(a) As a profit split to those whose selections finished first in each of the three contests; but if there are no such wagers, then;

(b) As a single price pool to those who selected the first place finisher in any two of the three contests; but if there are no such wagers, then;

(c) As a single price pool to those who selected the first place finisher in any one of the three contests; but if there are no such wagers, then;

(d) The entire win three pool shall be refunded.

(D) Should a betting interest be scratched from a leg of the win three all bets with the scratched betting interest will be handled as follows:

(1) If the scratch (which herein after includes being declared a non-starter or a non-betting starter) was made prior to the start of the first leg, all bets containing such scratched betting interest shall be refunded to determine the gross pool and removed from further consideration in the pool;

(2) If the scratch was made in the second leg after the start of the first leg, a consolation payoff shall be computed for those bets combining the winners of the first and third legs with the scratched betting interest as follows: from the gross pool shall be deducted the statutory takeout and then the amount represented by the bets on combinations involving betting interests scratched from the third leg (reduced by the take-out thereon). The resulting remainder shall be divided by the amounts bet on the combination of such first and third leg winners with all betting interests (less breaks) to determine the consolation price per dollar payable to those bets combining winners of the first and third legs with the betting interest scratched in the second leg. The break shall not be deducted from the pool.

(3) If a betting interest is scratched in the third leg after the start of the first leg, a consolation payoff shall be computed as for those bets combining the winners of the first and second legs with such scratched betting interest as follows: from the gross pool shall be deducted the statutory take-out and then the amount represented by bets on combinations involving betting interests scratched from the second leg (reduced by the rate of the take-out thereon). The resulting remainder shall be divided by the amount bet on the combination of such first and second leg winners with all betting interests in the third leg (less breaks) to determine the consolation price per dollar payable to those bets combining winners of the first and second legs with a betting interest scratched in the third leg. The breaks shall not be deducted from the pool.

(4) If betting interests are scratched in both the second and third legs after the start of the first leg, a consolation payoff shall be computed for those bets combining the winner of the first leg with the betting interests scratched in both the second and third legs as follows: from the gross pool shall be deducted the takeout and the remainder shall be divided by the amount bet on the winner of the first leg combined with all other betting interests (less breaks) to determine the consolation price per dollar payable to those tickets combining the winner of the first leg with the scratch betting interests from both the second and third legs.

(E) If all three win three contests are cancelled or declared "no contest", the entire pool shall be refunded on win three wagers for those contests.

(F) If one or two of the win three contests are cancelled or declared "no contest", the win three pool will remain valid and shall be distributed in accordance with paragraph (B) of this rule.

G. If the win three pool is distributed according to paragraphs (C)(2)(b) or (c) a public announcement shall be made as to the possible winning three combinations. *Effective: 1-1-85; 6-6-88; 11-19-88; 5-21-90; 5-4-92; 1-1-09*

3769-3-28. Pick (N) pools

(A) The pick (n) requires selection of the first-place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the scheduling of pick (n) contests, the designation of one of the methods prescribed in paragraph B of this rule and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) format require prior approval from the commission.

(B) The pick (n) pool shall be apportioned under one of the following methods:

(1) Method 1, pick (n) with carryover: The net pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) contests; and the remainder shall be added to the carryover.

(2) Method 2, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) contests; and the major share shall be added to the carryover.

(3) Method 3, pick (n) with no minor pool and no carryover: The net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) Method 4, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) contests. If the greatest number of first-place finishers selected is one, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) Method 5, pick (n) with minor pool and no carryover: The major share of net pick (n) pool shall be distributed to those who selected the first-place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all pick (n) contests, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the pick (n) contests. If there are no winning wagers, the pool is refunded.

(6) Method 6, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool shall be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, shall be distributed to those who selected the first-place finisher of each of the pick (n) contests, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) contests, the major net pool shall be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) contests, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more than one ticket selects the first-place finisher of each of the pick (n) contests the jackpot net pool shall be added to the jackpot carryover. The minor share of the net pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of pick (n) contests, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) contests, the minor net pool of the pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) contests.

(C) If there is a dead heat for first in any of the pick (n) contests involving:

(1) Contestants representing the same betting interest, the pick (n) pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(D) Should a betting interest in any of the pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(E) The pick (n) pool shall be cancelled and all pick (n) wagers for the individual performance shall be refunded if:

(1) At least two contests included as part of a pick 3 are cancelled or declared "no contest."

(2) At least three contests included as part of a pick 4, pick 5 or pick 6 are cancelled or declared "no contest."

(3) At least four contests included as part of a pick 7, pick 8 or pick 9 are cancelled or declared "no contest."

(4) At least five contests included as part of a pick 10 are cancelled or declared "no contest."

(F) If at least one contest included as part of a pick (n) is cancelled or declared "no contest", but not more than the number specified in paragraph E of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.

(G) If the condition of the course warrants a change of racing surface in any of the legs of the pick (n) races, and such change was not known to the public prior to the closing of wagering for the pick (n) pool, the stewards shall declare the changed leg(s) a "no contest" for pick (n) wagering purposes only. A "no contest" race is not to be considered as a contested race.

(H) The pick (n) carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the pick (n) carryover is frozen, one hundred percent of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) contests for that performance.

(I) A written request for permission to distribute the pick (n) carryover on a specific performance may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(J) Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) Upon written approval from the commission as provided in paragraph H of this rule.

(2) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of pick (n) wagering to another, or when the pick (n) is discontinued.

(3) On the closing performance of the meet or split meet.

(K) If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and performance so designated by the commission.

(L) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(M) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(N) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific performances. *Effective: 1-1-85; 5-21-90; 1-1-93; 8-1-94; 1-1-09*

3769-3-29. Pick eight wagering

Repealed. *Effective: 1-1-85; 5-21-90; 1-1-93*

3769-3-30. Quinella double and perfecta double wagering

(A) The object of these wagers is to select a quinella as defined in paragraph (A) of rule 3769-3-20 or a perfecta as defined in paragraph (A) of rule 3769-3-21 of the Administrative Code in each of two consecutive races prior to the first race of the consecutive races with no exchange of tickets between the first and second race. Permit holders may use other names for these wagers but the commission must be notified of such name changes.

(B) These pools are entirely separate pools and are generally calculated as a win pool.

(C) If a horse is scratched prior to the first race of each type of wager, all tickets sold on the scratch horse will be refunded.

(D) In either wager, if a horse is scratched after the first race is run, all tickets combining winning combination(s) in the first race with the scratched horse in the second shall become consolation tickets and will be paid that fraction of the net pool derived by dividing the net pool by the total purchase price of all tickets combining the winners of the first race of the particular wager. The total payoff on all tickets combining the winners of the first race of either wager with the scratched horse in the second race of either wager as determined by the method set forth in this rule shall be deducted from the net pool.

(E) In either wager, if there is a dead heat for win or place in the first race, combinations eligible for payoffs in regular quinellas (see paragraphs (D) and (E) of rule 3769-3-20) and perfectas (see paragraphs (D) and (E) of [sic] rule 3769-3-21 of the Administrative Code) respectively will be considered eligible for participation in the second race of the quinella double or perfecta double.

(F) In the event of a dead heat for win or place in the second race of these wagers, the pool will be calculated and distributed as a place pool to those having selected the first race correctly and those having selected the combinations in the second race that would be eligible for a payoff in either a regular quinella or perfecta respectively.

(G) If, for any reason, the first race is canceled or declared no contest, in either wager, a full and complete refund of the appropriate pool shall be made.

(H) If the second race of either wager is canceled, the pool shall be calculated as a win pool and distributed to those holding tickets combining the winning horses in the first race of the wager. *Effective: 1-1-85; 5-21-90*

3769-3-31. Pick seven wagering

Repealed. *Effective: 1-1-85; 8-1-91; 1-1-93*

3769-3-32. Telephone account wagering

(A) Holders of horse racing permits issued by the Ohio state racing commission may manage a telephone account wagering system for the purpose of keeping telephone deposit accounts and accepting telephone wagers.

(1) Individuals who have a deposit account with the telephone account wagering system shall be permitted to wager by telephone. The telephone account wagering system shall accept wagers up to the amount posted to the credit of such account at the time the wager is placed. Any racing official whose appointment must be approved by the commission, or any licensee who is denied

access to the grounds pursuant to rules 3769-2-08 and 3769-4-06 of the Administrative Code may not open or have in his/her name a telephone account.

(2) The permit holder shall accept telephone wagering accounts in the name of a natural person only. The permit holder shall not accept any corporate, partnership, joint, trust, beneficiary or custodial telephone wagering account.

(3) The telephone deposit account is non-transferable.

(4) An applicant for a deposit account shall give his/her name, address, telephone number, and social security number. Said applicant shall also supply a secret code word. Applicants for deposit accounts must present adequate proof that they have attained the age of eighteen. Any person who gives any false name or other information when applying for a deposit account may have the account cancelled without notice by the permit holder.

(a) The address provided in writing by the account holder to the permit holder is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence.

(b) The mailing of checks or other correspondence to the address given by the account holder shall be the sole risk of the account holder.

(5) At the time of applying for a telephone deposit account, each person shall select a code word to be used as identification when wagering. Both the permit holder and the account holder have the right to change this code word at any time without explanation by informing the other party in writing of said change and the effective date thereof.

(6) Each deposit account shall have a unique identifying account number. Such number may be changed at any time provided the permit holder informs the account holder in writing of the change.

(7) The permit holder reserves the right to refuse deposits to accounts for any reason whatsoever.

(8) The permit holder has the right to suspend any account or to close any account at any time provided that when an account is closed, the permit holder shall return to the account holder such moneys as are on deposit at the time of said action.

(9) All persons shall adhere to such other methods of identification as the commission may require.

(B) An account holder shall receive at the time the account is opened an identification card, a summary of the rules, an explanation of the procedures then in force for depositing to, withdrawing from and closing the account; a telephone number to be utilized by account holder to be kept confidential; a description of the mechanics of wagering; and such other information as the commission may deem appropriate. As part of its rules, the permit holder may, with the approval of the commission, impose a reasonable service fee.

(C) Deposits to and withdrawals from existing accounts shall be permitted only in such form and by such procedures as the permit holder may require. Signed requests for withdrawals from existing accounts will be processed within seven days of the date of the request and the withdrawal amount sent to the account holder.

(1) Checks may be offered for a deposit in a deposit account, however, the check shall not be posted to the credit of the account holder until cleared by the bank upon which the check is drawn.

(2) Moneys deposited with the permit holder for telephone wagering shall not bear any interest to the account holder.

(D) In the event an account holder is deceased, funds in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate and such tax releases, probate court authorizations and other documents required by applicable laws.

(E) Telephone wagers shall be accepted on those days that the permit holder is conducting live racing at its track as designated by the commission.

(1) Notwithstanding any other rules, the managing employee of the permit holder's telephone account wagering system may at any time, upon prior approval of the commission, declare the telephone account wagering system closed for receiving telephone wagers on any pari-mutuel pool, race, group of races, or closed for all wagering.

(2) The permit holder has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(3) Except as otherwise provided in the administrative code [sic], all telephone wagers are final and no wager shall be cancelled at any time after the wager has been accepted by the telephone account wagering system, unless the race on which the wager was made is cancelled. Should equipment in use in the telephone account wagering system have ready cancellation capability of single wagers, cancellations may be permitted but only during the single wagering conversation in which the wager to be cancelled was made. Once a wagering conversation has ended, all wagers made in such conversations are final and irrevocable.

(F) All wagering conversations will be recorded by the permit holder and the tapes of said conversation kept for a period of forty five days following the close of each meet. These wagering conversation tapes shall be made available immediately to any member of the Ohio state racing commission or any commission employee upon request.

(G) Payment on winning pari-mutuel telephone wagers shall be posted to the credit of the account holder automatically as soon as practicable after the race is declared official.

(H) The permit holder shall, within thirty days of the close of each meet, or at any time there is no racing at that track for a period of more than thirty days, provide written statements of account activity to all account holders. In addition, an account holder has the right to request and be provided a statement at any time. Unless written notice to the contrary is received by the permit holder within twenty-one days of the date that any such statement is mailed to an account holder, said statement will be deemed accepted as correct in any and all particulars.

(I) Except to a member of the Ohio state racing commission or any Ohio state racing commission employee, no employee of the permit holder shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the telephone account wagering system.

(J) The commission shall determine the acceptability of the telephone account wagering system's equipment configuration. Any telephone communication system, whether touch tone, voice response, or operator controlled, must be linked to the permit holders [sic] totalization system in a manner approved by the commission.

(K) No televised racing signal, used in conjunction with telephone account wagering, shall be sent into any area within fifty miles of a commercial permit holder's race track during the hours that live racing is being conducted that day at such race track, and one hour prior thereto, unless the permit holder at such track gives its prior written consent to the transmission of the racing signal into the involved fifty mile area.

(L) From each telephone wager, there shall be deducted the same percentage as is deducted on a wager made in person at the permit holder's race track. *Effective: 1-1-93; 1-1-95*

3769-3-33. Emergency substitute common pool procedures

(A) When data line transmission failure occurs which results in partial or no commingling with a host track, thus not permitting a manual merge, all associations shall pay host track parimutuel payouts for all applicable pools except for multiple race pools, superfecta pools and super high five pools and superfecta pools where there shall be a refund of all wagers. The associations shall immediately notify the commission in writing when a data line transmission failure occurs.

(B) All associations underpayments, due to the failure to commingle with a host track when paying host track parimutuel payouts, shall be deposited in a separate interest bearing escrow account. All accrued interest shall remain in the escrow account. The associations shall also be permitted to draw from their escrow account to cover all or part of an overpayment due to an inability to commingle. If the escrow account is not sufficient to cover said overpayment, the association shall be held liable for the overpayment. A full report of such actions shall be submitted to the executive director of the commission. Before the escrow account can be accessed the associations must have written approval from the executive director of the commission.

(C) If a surplus exists in the escrow account on December thirty first of any calendar year, it may be distributed by the commission to horse racing-related programs which include, but are not limited to, equine and drug testing research, special wagering formats and promotions. *Effective: 1-1-85; 12-5-94; 3-1-96; 9-15-97; 2-2-08; 1-1-09*

3769-3-34. Pick (n) pools

(A) The place pick (n) requires selection of the first or second-place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the scheduling of place pick (n) contests, the designation of one of the methods prescribed in paragraph (B) of this rule, the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved place pick (n) format require prior approval from the commission.

(B) The place pick (n) pool shall be apportioned under one of the following methods:

(1) Method 1, place pick (n) with carryover: The net place pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first or second-place finisher in each of the place pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first or second-place finisher in the greatest number of place pick (n) contests; and the remainder shall be added to the carryover.

(2) Method 2, place pick (n) with minor pool and carryover: The major share of the net place pick (n) pool and the carryover, if any, shall be distributed to those who selected the first or second-place finisher in each of the place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first or second-place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first or second-place finisher of all place pick (n) contests, the minor share of the net place pick (n) pool shall be distributed as a single price pool to those who selected the first or second-place finisher in the greatest number of place pick (n) contests; and the major share shall be added to the carryover.

(3) Method 3, place pick (n) with no minor pool and no carryover: The net place pick (n) pool shall be distributed as a single price pool to those who selected the first or second-place finisher in the greatest number of place pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) Method 4, place pick (n) with minor pool and no carryover: The major share of the net place pick (n) pool shall be distributed to those who selected the first or second-place finisher in the greatest number of place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first or second-place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first or second-place finisher in a second greatest number of place pick (n) contests, the minor share of the net place pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first or second-place finisher in the greatest number of place pick (n) contests. If the greatest number of first or second-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) Method 5, place pick (n) with minor pool and no carryover: The major share of net place pick (n) pool shall be distributed to those who selected the first or second-place finisher in each of the place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first or second-place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first or second-place finisher in all place pick (n) contests, the entire net place pick (n) pool shall be distributed as a single price pool to those who selected the first or second-place finisher in the greatest number of place pick (n) contests. If there are no wagers selecting the first or second-place finisher in a second greatest number of place pick (n) contests, the minor share of the net place pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first or second-place finisher in each of the place pick (n) contests. If there are no winning wagers, the pool is refunded.

(C) If there is a dead heat for first in any of the place pick (n) contests involving:

(1) Contestants representing the same betting interest, the place pick (n) pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the place pick (n) pool shall be distributed as a single price pool with a winning wager including each betting interest participating in the dead heat.

(D) If there is a dead heat for second in any of the place pick (n) contests involving:

(1) Contestants representing the same betting interest, the place pick (n) pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the place pick (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first or any betting interest involved in the dead heat for second.

(E) Should a betting interest in any of the place pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(F) The place pick (n) pool shall be cancelled and all place pick (n) wagers for the individual performance shall be refunded if:

(1) At least two contests included as part of a place pick 3 are cancelled or declared "no contest."

(2) At least three contests included as part of a place pick 4, place pick 5 or place pick 6 are cancelled or declared "no contest."

(3) At least four contests included as part of a place Pick 7, place pick 8 or place pick 9 are cancelled or declared "no contest."

(4) At least five contests included as part of a place pick 10 are cancelled or declared "no contest."

(G) If at least one contest included as part of a place pick (n) is cancelled or declared "no contest", but not more than the number specified in paragraph (F) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the place pick (n) carryover but not the carryover from previous performances.

(H) The place pick (n) carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the place pick (n) carryover equals or exceeds the designated cap, the place pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the place pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the place pick (n) carryover, shall be distributed to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance.

(I) A written request for permission to distribute the place pick (n) carryover on a specific performance may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(J) Should the place pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first or second-place finisher in each of the place pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests. The place pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:

(1) Upon written approval from the commission as provided in paragraph I of this rule.

(2) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of place pick (n) wagering to another, or when the place pick (n) is discontinued.

(3) On the closing performance of the meet or split meet.

(K) If, for any reason, the place pick (n) carryover must be held over to the corresponding place pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The place pick (n) carryover plus accrued interest shall then be added to the net place pick (n) pool of the following meet on a date and performance so designated by the commission.

(L) With the written approval of the commission, the association may contribute to the place pick (n) carryover a sum of money up to the amount of any designated cap.

(M) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(N) The association may suspend previously-approved place pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended place pick (n) wagering is reinstated. An association may request approval of a place pick (n) wager or separate wagering pool for specific performances. (1-1-09)

3769-3-35. Super high five wagering

(A) The super high five requires selection of the first five finishers, in their exact order, for a single contest. The super high five pool shall be apportioned under the following method. "The super high five with carryover". The net super high five pool and carryover, if any, shall be distributed as a single priced pool to those who selected the first five finishers, in their exact order, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool known as the super high five consolation pool, if any, shall be distributed as a single price pool as prescribed in paragraph B of this rule and the remainder shall be added to the carryover.

(B) The net super high five pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combination finished in correct sequence as the first five betting interests; but if there are no such wagers, then;

(2) As a single price pool to those whose combination included, in correct sequence, the first four betting interests; but if there are no such wagers, then;

(3) As a single price pool to those whose combination included, in the correct sequence, the first three betting interests; but if there are no such wagers, then;

(4) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then;

(5) As a single price pool to those whose combination correctly selected the first- place betting interest only; but if there are no such wagers, then;

(6) The entire pool shall be refunded on the super high five wagers for that contest.

(C) If less than five betting interests finish and the contest is declared official, the payoff shall be made from the super high five consolation pool, and shall be made to holders of tickets correctly selecting the actual finishing horses in exact order, ignoring the balance of the selection. In this event, the previous days carryover will be carried over to the next regularly scheduled super high five race.

(D) If there is a dead heat for first involving:

(1) Contestants representing five or more betting interests, all of the wagering combinations selecting five betting interests which correspond with any of the betting interests involved in the dead heat shall share in the profit split.

(2) Contestants representing four betting interests, all of the wagering combinations selecting the four dead-heated betting interests, irrespective of order, along with the fifth-place betting interest shall share in a profit split.

(3) Contestants representing three betting interests, all of the wagering combinations selecting the three-dead heated betting interests, irrespective of order, along with the fourth-place and fifth-place betting interest shall share in a profit split.

4) Contestants representing two betting interests, irrespective of order, along with the third-place, fourth-place and fifth-place betting interests shall share in a profit split.

(E) If there is a dead heat for second involving:

(1) Contestants representing four or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the four betting interests involved in the dead heat for second shall share in a profit split.

(2) Contestants representing three betting interest, all of the wagering combinations correctly selecting the winner, the three dead-heated betting interests, irrespective of order, and the fifth-place betting interest shall share in the profit split.

(3) Contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place and fifth-place betting interest shall share in a profit split.

(F) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with two of the betting interests involved in the dead heat for third shall share in the profit split.

(G) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(H) If there is a dead heat for fifth, all wagering combinations correctly selecting the first four finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fifth shall share in a profit split.

(I) The super high five race shall have a minimum of at least eight starters or there shall be a refund of all wagers. Coupled entries and mutuel fields shall be prohibited in super high five contests.

(J) A written request for permission to distribute the super high five carryover on a specific performance may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(K) Should the super high five carryover be designated for distribution on a specific date and performance in which there are no wagers selecting the first five finishers in exact order, then the entire pool shall be distributed as a single price pool as prescribed in paragraph B of this rule. In the event no ticket has been sold correctly selecting the winning horse to finish first, then the gross super high five pool will be refunded, and the carryover distributed equally to all closing day super high five ticket holders. The super high five shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) Upon written approval from the Commission as provided in paragraph J of this rule.

(2) Upon written approval from the Commission if the super high five is discontinued.

(3) On the closing performance of the meet or split meet.

(L) If, for any reason, the super high five carryover must be held over to the corresponding super high five pool of a subsequent meet, the carryover shall be deposited in an interest bearing account approved by the commission. The super high five carryover plus the accrued interest shall be added to the net super high five pool of the following meet on a date and performance so designated by the commission. *Effective: 1-1-09*

3769-3-36. Exacta (n) pools

(A) The Exacta(n) requires selection of the first two finishers, in their exact order, in each of a designated number of contests. The association must obtain written approval from the commission concerning the scheduling of exacta(n) contests, the designation of one of the methods prescribed in paragraph B of this rule, and the amount of any cap to be set on the carryover. Any changes to the approved exacta(n) format require prior approval from the commission.

(B) The exacta(n) pool shall be apportioned under one of the following methods:

(1) Method 1, exacta(n) with no minor pool and no carryover: The net exacta(n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta(n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the exacta(n) contests, the net exacta(n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of exacta(n) contests. If there are no winning wagers, the entire pool shall be refunded on exacta(n) wagers for those contests.

(2) Method 2, exacta(n) with no minor pool and carryover instead of a refund: The net exacta(n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta(n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the exacta(n) contests, the net exacta(n) pool and the carryover shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of exacta(n) contests. If there are no winning wagers, the net exacta(n) pool shall be added to the carryover.

(3) Method 3, exacta(n) with no minor pool and carryover: The net exacta(n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in the exact order, in each of the exacta(n) contests, based upon the official order of finish. If there are no winning wagers, the net exacta(n) pool shall be added to the carryover.

(4) Method 4, exacta(n) with minor pool and no carryover: The major share of the net exacta(n) pool shall be distributed as a single price pool to those who selected the first and second finishers, in exact order, in each of the exacta(n) contests, based upon the official order of finish. The minor share of the net exacta(n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the second greatest number of exacta(n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the exacta(n) contests, the major share of the net exacta(n) pool shall be combined with the minor share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of exacta(n) contests. If there are no wagers selecting the first and second place finishers, in exact order, in a second greatest number of exacta(n) contests, the minor share of the net exacta(n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta(n) contests. If there are no winning wagers, the pool shall be refunded on exacta(n) wagers for those contests.

(5) Method 5, exacta(n) with minor pool and carryover: The major share of the net exacta(n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta(n) contests, based upon the official order of finish. The minor share of the net exacta(n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the second greatest number of exacta(n) contests, based on the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the exacta(n) contests, the minor share of the net exacta(n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of exacta(n) contests, and the major share shall be added to the carryover. If there are no wagers selecting the first and second place finishers, in exact order, in a second greatest number of exacta(n) contests, the minor share of the net exacta(n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta(n) contests, or if there are no such winning wagers, added to the carryover.

(6) Method 6, exacta(n) with minor pool based upon any one exacta, and no carryover: The major share of the net exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta (n) contests, based upon the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net exacta (n) pool) who selected the first and second place finishers, in exact order, in at least one of the exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the exacta (n) contests, the major share of the net exacta (n) pool shall be combined with the minor share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in at least one of the exacta (n) contests. If there are no winning wagers, the pool is refunded.

(7) Method 7, exacta (n) with minor pool based upon any one exacta, and carryover: The major share of the net exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta (n) contests, based upon the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net exacta (n) pool) who selected the first and second place finishers, in exact order, in at least one of the exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the exacta (n) contests, the major share shall be added to the carryover. If there are no wagers selecting the first and second place finishers, in exact order, in any of the exacta (n) contests, the minor share of the net exacta (n) pool shall also be added to the carryover.

(8) Method 8, exacta (n) with minor pool based upon individual exactas, and no carryover:

(a) The major share of the net exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta (n) contests, based upon the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool based upon the sum of the dollar value of wagers for each of the exacta (n) contests considered separately, in which the first and second place finishers, in exact order, were correctly selected, based on the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net exacta (n) pool) who selected the first and second place finishers, in exact order, in one or more of the exacta (n) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of exacta (n) contests in which the recipient correctly selected the winning combination.

(b) If there are no wagers selecting the first and second place finishers, in exact order, in all exacta (n) contests, the major share shall be combined with the minor share and the entire net exacta (n) pool shall be distributed in accordance with the rules in the preceding paragraph for distributing the minor share of the net exacta (n) pool. If there are no winning wagers, the pool shall be refunded.

(9) Method 9, exacta (n) with minor pool based upon individual exactas, and carryover:

(a) The major share of the net exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta (n) contests, based upon the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool based upon the sum of the dollar value of

wagers, for each of the exacta (n) contests considered separately, in which the first and second place finishers, in exact order, were correctly selected, based on the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net exacta (n) pool) who selected the first and second place finishers, in exact order, in one or more of the exacta (n) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of exacta (n) contests in which the recipient correctly selected the winning combination.

(b) If there are no wagers selecting the first and second place finishers, in exact order, in all exacta (n) contests, the minor share shall be distributed in accordance with the rules in the preceding paragraph for distributing the minor share of the net exacta (n) pool, and the major share shall be added to the carryover; except that if there are no winning wagers in either the major or the minor pool, that performance's pool shall be refunded and the carryover shall be carried over.

(10) Method 10, exacta (n) with minor pool based upon individual exactas, and carryover; 100% carryover if no winning wagers:

(a) The major share of the net exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta (n) contests, based upon the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool based upon the sum of the dollar value of wagers, for each of the exacta (n) contests considered separately, in which the first and second place finishers, in exact order, were correctly selected, based upon the official order of finish. The minor share of the net exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net exacta (n) pool) who selected the first and second place finishers, in exact order, in one or more of the exacta (n) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of exacta (n) contests in which the recipient correctly selected the winning combination.

(b) If there are no wagers selecting the first and second place finishers, in exact order, in all exacta (n) contests, the minor share shall be distributed in accordance with the rules in the preceding paragraph for distributing the minor share of the net exacta (n) pool, and the major share shall be added to the carryover. If there are no winning wagers, the minor share shall also be added to the carryover.

(C) Dead heats. In the event of a dead heat in any of the exacta (n) contests, the net exacta(n) shall be distributed to winning wagers in the following precedence, based upon the official order of finish, for each exacta contest within the exacta(n) wager:

(1) If there is a dead heat for first in any of the exacta (n) contests involving contestants representing the same betting interest, the exacta (n) pool shall be distributed as a single price pool to those selecting the coupled entry or mutual field combined with the next separate betting interest in the official order of finish for that contest.

(2) If there is a dead heat for first in any of the exacta (n) contests involving contestants representing two or more betting interests, the exacta (n) pool shall be distributed as a single price pool with a winning wager including each betting interest involved in the dead heat.

(3) If there is a dead heat for second in any of the exacta (n) contests involving contestants representing the same betting interest, the exacta (n) pool shall be distributed as if no dead heat occurred.

(4) If there is a dead heat for second in any of the exacta (n) contests involving contestants representing two or more betting interests, the exacta (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first together with any betting interest involved in the dead heat for second.

(D) Scratches:

(1) Should a betting interest in any contest of the exacta (n) be scratched or excused from the contest prior to the first exacta (n) contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the exacta (n) pool and refunded.

(2) Should a betting interest in any contest of the exacta (n) be scratched or excused from the contest after the first exacta (n) contest has been declared official, all money wagered on combinations including this betting interest shall remain in the exacta (n) pool and the ticket holder may still collect the monetary value of any distribution evidenced by the ticket containing the scratched betting interest.

(3) If, due to a late scratch, the number of betting interests in a contest of the exacta (n) is reduced to fewer than two, for purposes of the exacta (n) such contest shall be declared "no contest" and the exacta (n) pool shall be subject to the rules set forth in paragraph E of this rule.

(E) Cancelled contests:

(1) If any of the exacta (n) contests are cancelled or declared "no contest" prior to the first exacta (n) contest being declared official, the entire exacta (n) pool shall be refunded on exacta (n) wagers for those contests.

(2) If all remaining exacta (n) contests are cancelled or declared "no contest" after the first exacta (n) contest is declared official, the net exacta (n) pool shall be distributed as a single price pool to wagers selecting the winning combination in the first exacta (n) contest, but not the exacta (n) carryover. However, if there are no wagers selecting the winning combination in the first exacta (n) contest, the entire exacta (n) pool shall be refunded on Exacta (n) wagers for those contests.

(3) If any of the remaining exacta (n) contests are cancelled or declared "no contest" after the first exacta (n) is declared official, the net exacta (n) pool shall be distributed in accordance with rules governing distribution of the minor share where there is no winner of the major share.

(F) Mandatory distribution:

(1) A written request for permission to distribute the exacta (n) carryover on a specific performance may be submitted to the Commission. The request shall contain justification for the mandatory distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. The association must notify the commission at least ten days prior to implementation. If the exacta (n) pool cannot be distributed during a designated performance, the mandatory distribution shall resume on the next scheduled mandatory distribution performance.

(2) If the exacta (n) carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the net exacta (n) pool and the carryover pool:

(a) As a single price pool to those who selected the first and second place finishers, in exact order, in each of the exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in all exacta (n) contests, then;

(b) As a single price pool to those who selected the first and second place finishers, in exact order, in at least one of the Exacta (n) contests, based upon the official order of finish.

(c) If there are no wagers which correctly selected the first and second place finishers, in exact order, in at least one of the exacta (n) contests, based upon the official order of finish, then all exacta (n) tickets shall become winners and receive 100% of that performance's net exacta (n) pool and the Exacta (n) carryover pool as a single price pool.

(G) If, for any reason, the exacta (n) carryover must be held over to the corresponding exacta (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The exacta (n) carryover plus accrued interest shall then be added to the net exacta (n) pool of the following meet on a date and performance so designated by the commission. *Effective: 1-1-09*

3769-3-37. Pick (n) position (x) pools

(A) The pick (n) position (x) pool requires selection of the first (x) finishers, in their exact positions, in each of a designated number of (n) contests. For example, in a four position pool (x equals four), the bettor chooses four finishers in each contest. If the bettor has chosen one, two, three and four, and the actual finishers are four, two, three, and one, the bettor has correctly chosen two positions, (the second and third place finishers).

(B) The association must obtain written approval from the commission concerning the scheduling of pick (n) position (x) contests, the designation of one of the methods prescribed in method 3 and method 6 of this rule, the percentages of the net pool apportioned between the major share of the position (x) pool and the minor share(s) of the position (x) pool, and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) position (x) format require prior approval from the commission.

(C) Unless otherwise stated, the major share of the net pick (n) position (x) pool, (hereafter known as "position (x) pool") shall be distributed as a single price pool to those who selected all (x) finishers, in exact position, in a minimum specified number of positions in the (n) contests (considered as a whole) that comprise the position (x) pool, based upon the official order of finish. The minimum specified number of positions may be all (x) positions in all (n) contests (for instance, four positions in each of six contests, for a total of 24 positions) or a lessor specified number (for instance, 22 or more accurate positions within the six contests taken as a whole.)

(D) The pick (n) position (x) pool shall be apportioned under one of the following methods:

(1) Method 1, position (x) with no minor pool and no carryover:

(a) The net position (x) pool shall be distributed in accordance with the method for distributing the major share as described in paragraph B of this rule.

(b) If there are no wagers qualifying for the major share, the net position (x) pool shall be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number positions in position (x) contests.

(c) If there are no winning wagers, the entire pool shall be refunded on position (x) wagers for those contests.

(2) Method 2, position (x) with no minor pool and carryover instead of a refund:

(a) The net position (x) pool shall be distributed in accordance with the method for distributing the major share as described in paragraph B of this rule.

(b) If there are no wagers qualifying for the major share, the net position (x) pool and the carryover shall be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests.

(c) If there are no winning wagers, the net position (x) pool shall be added to the carryover.

(3) Method 3, position (x) with no minor pool and carryover:

(a) The net position (x) pool shall be distributed in accordance with the method for distributing the major share as described in paragraph B of this rule.

(b) If there are no wagers qualifying for the major share, the net position (x) pool shall be added to the carryover.

(4) Method 4, position (x) with minor pool and no carryover:

(a) The major share of the net position (x) pool shall be distributed in accordance with the method for distributing the major share as described in paragraph B of this rule.

(b) The minor share of the net position (x) pool shall be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(c) If there are no wagers qualifying for the major share, the major share of the net position (x) pool shall be combined with the minor share for distribution as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests.

(d) If there are no wagers correctly selecting any finishers, in exact position, in position (x) contests, other than winners of the major share of the net position (x) pool, the minor share of the net position (x) pool shall be combined with the major share for distribution as a single price pool to those who qualified for the major share.

(e) If there are no winning wagers, the pool shall be refunded on position (x) wagers for those contests.

(5) Method 5, position (x) with minor pool and carryover:

(a) The major share of the net position (x) pool shall be distributed in accordance with the method for distributing the major share as described in paragraph B of this rule.

(b) The minor share of the net position (x) pool shall be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(c) If there are no wagers qualifying for the major share, the minor share of the net position (x) pool shall be distributed as a single price pool to those who correctly selected finishers, in exact position, in the greatest number of positions in position (x) contests, and the major share shall be added to the carryover.

(d) If there are no wagers correctly selecting any finishers, in exact position, other than winners of the major share of the net position (x) pool, the minor share of the net position (x) pool shall be combined with the major share for distribution as a single price pool to those who qualified for the major share, or if there are no such winning wagers, added to the carryover.

(6) Method 6, position (x) with minor pool(s) and carryover:

(a) The major share of the net position (x) pool shall be distributed in accordance with the method for distributing the major share as described in paragraph B of this rule.

(b) A principal minor share of the net position (x) pool may be designated, and distributed as a single price pool, to those who correctly selected finishers, in exact position, in the greatest number of position in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(c) Additional minor shares of the net position (x) pool may be designated, and distributed as single price pools, to those who correctly selected the designated number, or range, of finishers, in exact position, in position (x) contests (but less than the number of positions qualifying for the major share), based upon the official order of finish.

(d) Those qualifying for the principal minor share may also qualify for one of the additional minor shares. When this occurs, the two unbroken prices shall be summed before surcharging or rounding the prices for breakage. For example:

(i) Suppose there are five dollars of wagers correctly selecting twelve positions, three dollars of wagers selecting thirteen positions, and two dollars of wagers selecting fourteen positions, and fourteen is the greatest number of positions correctly selected.

(ii) Suppose that the principal minor share of the net pool is twenty-thousand dollars and sixteen cents (\$20,000.16). Further, one of the other minor shares is designated for a range of twelve to fifteen positions, and this share of the net pool is ten-thousand dollars and eighty cents (\$10,000.80). (These amounts are chosen only to illustrate the following steps.)

(iii) Then the principal minor share is divided among those selecting fourteen positions, and the other minor share is divided among all the wagers selecting twelve, thirteen, and fourteen positions, so the fourteen-position winners receives the sum of two winning prices.

(iv) The principal minor share twenty-thousand dollars and sixteen cents (\$20,000.16) divided among the two dollars of fourteen position winners yields an unbroken price of ten-thousand dollars and eight cents (\$10,000.08) per dollar, and the other minor share ten-thousand dollars and eighty cents (\$10,000.80) divided among the ten dollars of twelve, thirteen and fourteen position winners yields an unbroken price of one-thousand dollars and eight cents (\$1,000.08) per dollar.

(v) The sum ten-thousand dollars and eight cents (\$10,000.08) plus one-thousand dollars and eight cents (\$1,000.08) equals eleven-thousand dollars and sixteen cents (\$11,000.16) is the combined unbroken price for choosing fourteen finishers.

(vi) If the rounding for breakage is to the next lower ten cents (.10), the final broken prices are eleven-thousand dollars (\$11,000.00) for fourteen finishers, and one-thousand (\$1,000.00) for twelve or thirteen finishers.

(e) The commission shall approve the number of minor shares, and the designated number, or range, of finishers, in exact position, in position (x) contests qualifying as the winning selection in any such minor share.

(f) If there are no wagers qualifying for the major share, the major share shall be added to the carryover. If there are no wagers qualifying for a designated minor share, the minor share of the net position (x) pool shall be combined with the major share for distribution as a single price pool to those who qualified for the major share, or if there are no such winning wagers, added to the carryover.

(7) Method Seven, position (x) with minor pools(s) based upon any one contest, and no carryover:

(a) The major share of the net position (x) pool shall be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor shares of the net position (x) pool shall be distributed as single price pools to those (including recipients of the major share of the net position (n) pool) who selected all (x) finishers, in exact position, in at least one of the position (x) contests, based upon the official order of finish, as follows:

(c) There may be separate minor pools for those who selected all (x) finishers, in exact positions of finish, in the most position (x) contests, those who selected all (x) finishers, in exact positions of finish, in the second most position (x) contests, and so forth down to those who selected all (x) finishers, in exact positions of finish, in one position (x) contest. Not all such minor shares need to be designated for the wager.

(d) If there are no wagers qualifying for the major share, the major share of the net position (x) pool shall be combined with the highest level minor share for distribution as a single price pool. If there are no wagers qualifying for a designated minor share of the net position (x) pool, that minor share shall be combined with the next lower minor share for distribution as a single price pool.

(e) If there are no winning wagers, the pool is refunded.

(8) Method eight, position (x) with minor pool(s) based upon any one contest, and carryover:

(a) The major share of the net position (x) pool and the carryover, if any, shall be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor shares of the net position (x) pool shall be distributed as single price pools to those (including recipients of the major share of the net position (x) pool) who selected all (x) finishers, in exact position, in at least one of the position (x) contests, based upon the official order of finish, as follows:

(c) There may be separate minor pools for those who selected all (x) finishers, in exact positions of finish, in the most position (x) contests, those who selected all (n) finishers, in exact positions of finish, in the second most position (x) contests, and so forth down to those who selected all (x) finishers, in exact positions of finish, in one position (x) contest. Not all such minor shares need to be designated for the wager.

(d) If there are no wagers qualifying for the major share, the major share shall be added to the carryover.

(e) If there are no wagers selecting all finishers, in exact position, in a number of the position (x) contests that qualify for a designated minor share, that minor share of the net position (n) pool shall also be added to the carryover.

(9) Method nine, position (x) with minor pool(s) based upon any one contest, and carryover:

(a) The major share of the net position (x) pool and the carryover, if any, shall be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor shares of the net position (x) pool shall be distributed as single price pools to those (including recipients of the major share of the net position (x) pool) who selected all (x) finishers, in exact position, in at least one of the position (x) contests, based upon the official order of finish:

(c) There may be separate minor pools for those who selected all (x) finishers, in exact positions of finish, in the most position (x) contests, those who selected all (x) finishers, in exact positions of finish, in the second most position (x) contests, and so forth down to those who selected all (x) finishers, in exact positions of finish, in one position (x) contest. Not all such minor shares need to be designated for the wager.

(d) If there are no wagers qualifying for the major share, the major share shall be added to the carryover.

(e) If there are no wagers selecting all finishers, in exact position, in a number of the position (x) contests that qualify for a designated minor share, that minor share of the position (x) pool shall be added to the next lower minor share of the position (x) pool. If there is no lower designated minor share of the position (x) pool, the minor share shall also be added to the carryover.

(10) Method ten, position (x) with minor pool based upon any one contest, and carryover; one hundred (100) percent carryover if no winning wagers:

(a) The major share of the net position (x) pool and the carryover, if any, shall be distributed as a single price pool to those who selected all (x) finishers, in exact position, in each (or a specified minimum number) of the position (x) contests, based upon the official order of finish.

(b) The minor share of the net position (x) pool shall be distributed as a single price pool based upon the sum of the dollar value of wagers, for each of the position (x) contests considered separately, in which all (x) finishers, in exact position, were correctly selected, based upon the official order of finish. The minor share of the net position (x) pool shall be distributed as a single price pool to those (including recipients of the major share of the net position (x) pool) who selected all (x) finishers, in exact position, in one or more of the position (x) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of position (x) contests in which the recipient correctly selected the winning combination.

(c) If there are no wagers qualifying for the major share, the major share shall be added to the carryover. If there are no winning wagers, the minor share shall also be added to the carryover.

(E) Apportionment of net position (x) pool between major and minor pools: The commission shall approve the method of apportioning the net position (x) pool between winners of the major share of the position (x) pool and winners of the minor share(s) of the position (x) pool. Example; (utilizing method eight): A four position pool (x equals four) consisting of five contests (n equals five.) The major share goes to those who correctly choose all twenty positions. Assume the commission has approved three minor shares: The highest minor share goes to those who have picked all positions, in exact order, in four of the contests. The next minor share goes to those who have picked all positions, in exact order, in three of the contests. The final minor share goes to those who have picked all positions, in exact order, in one or two of the contests. One apportionment of payouts could be forty percent of the net position (x) pool for the major share, and twenty percent of the net position (x) pool for each of the three minor shares. Another apportionment of payouts could be fifty percent of the net position (x) pool for the major share, twenty-five percent for the highest minor share, fifteen percent to the next minor share, and ten percent to the final minor share.

(F) Dead heats. In the event of a dead heat in any of the position (x) contests, based upon the official order of finish:

(1) For purposes of determining whether a wager correctly selected the finishers, in exact position, contestants in a dead heat are deemed to jointly occupy both or all positions in the dead heat. For example, if five and six finish in a dead heat for first, then a selection of five for either first or second is correct, and a selection of six for either first or second is also correct.

(2) Each share of the net position (x) pool shall be distributed as a single price pool regardless of dead heats.

(G) Scratches.

(1) If, due to a late scratch, the number of betting interests in a contest of the position (x) pool is reduced to fewer than (x), for purposes of the position (x) pool only, such contests shall be declared "no contest" and the position (x) pool shall be subject to the rules set forth in the "cancelled contests" section of this rule.

(2) Should a betting interest in any contest of the position (x) pool be scratched or excused from the contest, no more wagers shall be accepted selecting that scratched contestant.

(3) Existing wagers that select a scratched betting interest shall be handled under one of the following methods. The commission shall make its determination of which of these alternatives shall apply at the time of approving the wagering pool, which alternative shall remain in effect until and unless changed by the commission.

(a) Method one, substitute a higher contestant number:

(i) The next higher live contestant number that is not already part of the wager shall be substituted for the scratched contestant number. If no higher contestant number is eligible, the search shall then proceed upward from contestant number one.

(ii) If a wager selects more than one scratched contestant for a contest, the substitutions shall begin with the lowest scratched contestant number in the wager and proceed in order to the highest.

(iii) Substitution shall be performed on the basis of single wagers, regardless of whether a wager was placed as part of any type of multiple wager format such as "box" or "wheel"

(iv) The totalizator shall produce reports showing each of the wagering combinations with substituted contestants which became winners as a result of the substitution, in addition to the normal winning combination.

(b) Method two, substitute favorite contestant number:

(i) The actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched contestant for all purposes, including pool calculations.

(ii) If the win pool total for two or more favorites is identical, the substitute selection shall be the contestant with the lowest contestant number not already selected in the wager as part of the contest.

(iii) If such favorite has already been selected in the wager as part of the contest, the next favorite(s) shall be used, as evidenced by the total amounts wagered in the win pool, ordered from the highest amount to the lowest.

(iv) If a wager selects more than one scratched contestant for a contest, the substitutions shall begin with the lowest scratched contestant number in the wager and proceed in order to the highest.

(v) Substitution shall be performed on the basis of single wagers, regardless of whether a wager was placed as part of any type of multiple wager format such as "box" or "wheel".

(vi) The totalizator shall produce reports showing each of the wagering combinations with substituted contestants which became winners as a result of the substitution, in addition to the normal winning combination.

(c) Method three, scratched contestant wins.

(i) The scratched contestant is deemed to be a correct selection of a winning finisher, for purposes of the position (x) pool only.

(ii) The totalizator shall produce reports showing each of the wagering combinations which became winners as a result of the scratch contestants, in addition to the normal winning combination.

(d) Method four, scratched contestant loses.

(i) The scratched contestant is deemed to be a loser, for purposes of the position (x) pool only.

(ii) Other correctly selected finishers in a wager shall continue to count toward winning, as usual.

(H) Cancelled contests.

(1) If any of the position x contests are cancelled or declared "no contest" prior to the first position (x) contest being declared official, the entire position x pool shall be refunded on position (x) wagers for those contests.

(2) If all remaining position (x) contests are cancelled or declared "no contest" after the first position (x) contest is declared official, the entire net position (x) pool, but not the position (x) carryover, shall be distributed as a single price pool to wagers selecting the winning combination in the first position (x) contest. However, if there are no wagers selecting the winning combination in the first position (x) contest, the entire position (x) pool shall be refunded on position (x) wagers for those contests.

(3) If any of the remaining position (x) contests are cancelled or declared "no contest" after the first position (x) is declared official, the net position (x) pool shall be distributed in accordance with rules governing distribution of the minor shares where there is no winner of the major share. If there is more than one minor share, the entire net position (x) pool, but not the position (x) carryover, shall be divided amongst the minor shares, in accordance with the apportionment section of this rule, in proportion to the designated percentages, or by some other method approved by the commission.

(4) If any of the remaining position (x) contests are cancelled or declared "no contest" after the first position (x) is declared official, and the net position (x) pool has been designated for distribution in accordance with the mandatory distribution section of this rule, the rules governing mandatory distribution shall apply.

(I) Carryover cap. The position (x) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the position (x) carryover equals or exceeds the designated cap, the position (x) carryover will be frozen until it is won or distributed under other provisions of this position (x) rule. After the position (x) carryover is frozen, the part of the net pool that ordinarily would be added to the position (x) carryover shall be distributed to those whose selection finished in the highest level of the minor shares of the position (x) for that performance.

(J) Mandatory distribution.

(1) A written request for permission to distribute the position (x) carryover on a specific performance may be submitted to the commission. The request shall contain justification for the mandatory distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. The association must notify the commission at least ten days prior to implementation. If the position (x) pool cannot be distributed during a designated performance, the mandatory distribution shall resume on the next approved mandatory distribution performance.

(2) If the position (x) carryover is designated for distribution on a specified date and performance, and if there are no wagers qualifying for the major share, then the following precedence shall be followed in determining winning wagers for the net position x pool and the carryover pool:

(a) If the method chosen in paragraph C of this rule is method seven through ten, then:

(b) The major share and the position (x) carryover shall be distributed as a single price pool to those who selected all (x) finishers, in exact position, in the most individual position n contests, based upon the official order of finish. Designated minor shares may still be awarded;

(c) If the method chosen in paragraph C of this rule is one through six, then:

(d) The major share and the position (x) carryover shall be distributed as a single price pool to those who correctly selected the most finishers, in their exact positions, in the position n contests, based upon the official order of finish. Designated minor shares may still be awarded.

(e) If there are no wagers which qualified for distribution of the major share, then all position (x) tickets shall become winners and share one hundred percent of that performance's net position (x) pool and the position (x) carryover pool as a single price pool.

(3) The position (x) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the commission as provided in paragraph I of this rule.

(b) Upon written approval from the commission when there is a change in the carryover cap or when the position (x) wager is discontinued.

(c) On the closing performance of the meet.

(4) If, for any reason, the position (x) carryover must be held over to the corresponding position (x) pool of a subsequent meet, the carryover shall be deposited in an interest bearing account approved by the commission. The position (x) carryover plus accrued interest shall then be added to the net position (x) pool of the following meet on a date and performance so designated by the commission.

(K) Coupled entries and mutuel fields.

(1) Coupled entries and mutuel fields may be permitted in position (x) contests with the written approval of the commission.

(2) Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of position (x) pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then the scratches section of paragraph F of this rule shall apply.

(3) For the purpose of position (x) price calculations only, coupled entries and mutuel fields shall be calculated as a single finishing contestant, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat. For example, if the actual order of finish in a contest is 1/2/1a/3/4, then the finishers used for that contest of the position x would be 1/2/3/4.

(L) With the written approval of the commission, the association may contribute to the position (x) carryover, or to the major or minor shares of the position (x) pool, a sum of money up to the amount of any designated cap. *Effective: 1-1-09*

3769-3-38. Team wager pool

(A) The team wager pool requires selection of a designated "team" in each of a designated number of contests. Winning bets shall be determined based upon the official order of finish in each contest and the standing of each team with respect to the official order of finish. For purposes of the team wager, finishers from the same team shall be bracketed together to determine a single betting interest, as set forth in Paragraph C.

(B) Prior to the start of the contests that comprise the team wager, all participants in each of the contests shall be divided by the association between or among each of the team wager teams, and the roster of each team made public, as well as the number of points to be awarded to the team whose member is the first finisher in a designated contest, the second finisher, and so forth until no more points are awarded in that contest.

(C) At the conclusion of all contests that comprise the team wager, the number of points for each team shall be compiled, and the team with the most points shall be declared the "winning team."

(D) The team wager pool shall be apportioned under either of the following methods:

(1) Winning margins team wager:

(a) In the "winning margins team wager", the total number of points awarded in the team wager shall be divided by the association into a series of brackets comprised of a series of point ranges ("winning margin") by which one team (Team A) might defeat the other team (Team B); a series of point ranges by which team B might defeat team A; and a tie between the teams. Each bracket shall constitute a separate betting interest in the winning margins team wager.

(b) The net winning margins team wager pool shall be distributed as a single price pool to those who selected the correct bracket. If there are no wagers selecting the correct bracket, the entire pool shall be refunded.

(c) Example: Points are assigned to each of the first four finishers in each contest [four points for the first finisher down to one point for the fourth finisher, for a total of 10 points awarded in each contest, based upon the official order of finish, with a total of six contests in the team wager, resulting in a total of sixty points in all. The brackets could be designated as: Team A's winning margin is 1-10 points; 11-20 points; 21-30 points; 31-40 points; 41-50 points; 51-60 points. Team B's winning margin is 1-10 points; 11-20 points; 21-30 points; 31-40 points; 41-50 points; 51-60 points. The two teams tie, and the margin is 0 Points. In this example, there are thirteen separate betting interests. If, in this example, finishers representing Team A come in first and third in one contest, and finishers representing Team B come in second and fourth in that contest, Team A would have 4+2=6 points and Team B would have 3+1=4 points. The current winning margin (after this first contest) would be Team A by two points.)

(2) Team double wager:

(a) In the "team double wager", the commission shall approve two different methods of determining the winning tickets qualifying for a share of the net pool.

(b) The commission shall also approve the manner of apportioning the net team double wager pool, and the conditions under which the pool shall be refunded or otherwise apportioned if there are no winning wagers.

(c) Example: A "daily-double"-style pool consisting of having to correctly select the bracket of the winning margin, as above, as well as a bracket based upon and including the total points achieved by the winning team.

(E) Brackets:

(1) The brackets may be comprised of the margins by which the winning team defeats the team that finishes second; the total number of points achieved by the winning team; or other method of determining the brackets, as approved by the commission.

(2) Such factors as the number of teams in the team wager; the method by which teams are designated; the number of points to be awarded in each contest; the number of contests comprising the team wager; and the method by which the "brackets" constituting each betting interest in the team wager are designated, shall all be subject to approval of the commission.

(F) Coupled entries; fields. With approval of the commission, coupled entries may be permitted in contests comprising the team wager, but may only participate as part of the same team. With approval of the commission, fields may be permitted in contests comprising the team wager, but may only participate as part of the same team.

(G) Dead heat. If there is a dead heat including any finisher(s) for which points are awarded in the team wager, the total amount of points in the dead heat positions shall be combined and divided equally amongst the betting interests that have finished in the dead heat.

(H) Scratches:

(1) Should an entry in any contest of the team wager be scratched or excused from the contest, all money wagered on combinations including this entry shall remain in the team wager pool and the ticket holder may still collect the monetary value of any distribution evidenced by the ticket containing the scratched betting interest.

(2) If, due to a scratch or excused entry, the number of entries assigned to a team in a contest of the team wager is reduced to fewer than the number of positions in the final order of finish for which the team is eligible to receive points, for purposes of the team wager pool such contest shall be declared "no contest" and wagers involving any betting interests that are no longer capable of being achieved shall be refunded. *Effective: 1-1-09*

3769-3-39. Future wager pool

(A) The future wager requires selection of the first place finisher in a specified contest.

(B) The association shall apply in writing to the commission for approval to offer the future wager on the specified contest and shall not offer the wager until the commission approval has been granted. The written application shall include the date and time for the pool to be opened and closed, a description of the system for compiling the pool and calculating odds and payout prices, and the time interval for displaying the odds.

(C) The association, or in the case of interjurisdiction common pool wagering the host track, shall name the contestants included in each betting interest on which future wagers may be made and shall assign a program number to each betting interest.

(D) The amount wagered on the betting interest which finishes first in the specified race is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered in the future pool on that betting interest.

(E) The net future pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:

(1) To those whose selection finished first; but if there are no such wagers, then;

(2) To those whose selection finished second; but if there are no such wagers, then;

(3) To those whose selection finished third; but if there are no such wagers, then;

(4) The entire pool shall be refunded on future pool wagers for that contest.

(F) If there is a dead heat for first involving:

(1) Contestants representing the same betting interest, the future pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the future pool shall be distributed as a profit split.

(G) No refund shall be issued for future wager pool wagers on betting interests that do not start or finish the race. If the association becomes aware or is notified that a betting interest is ineligible or unable to start the race and the pool is still open, the association shall immediately close betting on that betting interest.

(H) The entire future wager pool shall be refunded if:

(1) The situation described in paragraph (E)(4) of this rule occurs; or,

(2) The specified race is declared no contest by the stewards having jurisdiction over the specified race; or,

(3) The specified race does not occur; or,

(4) For whatever reason, the future wager pool can not be determined and the payout price can not be calculated. *Effective: 1-*

1-09

3769-3-40. Fortune pick (n) pool

(A) The fortune pick (n) pool requires selection of the first place finisher in each of a designated number of contests. The permit holder must obtain written approval from the commission concerning the scheduling of fortune pick (n) contests, and the amount of any cap to be set on the carryover. Any changes to the approved fortune pick (n) format require prior approval from the commission.

(B) Fortune pick (n) with minor pool and carryover with unique wager: the entire net fortune pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all fortune pick (n) contests, the minor share of the net fortune pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of fortune pick (n) contests; and the major share shall be added to the carryover.

(C) Unique wager, as used in this rule, shall be defined as having occurred when the total amount wagered on a winning combination selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager.

(D) If there is a dead heat for first in any of the fortune pick (n) contests involving:

(1) Contestants representing the same betting interest, the fortune pick (n) pool shall be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the fortune pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(E) Should a betting interest in any of the fortune pick (n) contests be scratched, excused or determined to be a non-starter, all tickets sold containing the scratched horse shall be refunded. The money refunded will be deducted from the gross pool.

(F) The fortune pick (n) pool shall be cancelled and all fortune pick (n) wagers for the individual performance shall be refunded if:

(1) At least three contests included as part of a fortune pick six are cancelled or declared "no contest".

(2) At least four contests included as part of a fortune pick seven, pick eight, or pick nine are cancelled or declared a "no contest".

(3) At least five contests included as part of a fortune pick ten are cancelled or declared a "no contest".

(G) If at least one contest included as part of a fortune pick (n) is canceled or declared "no contest," but not more than the number specified in paragraph (F) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of fortune pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the fortune pick (n) carryover but not the carryover from previous performances.

(H) The fortune pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the fortune pick (n) carryover equals or exceeds the designated cap, the fortune pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the fortune pick (n) carryover is frozen, one hundred per cent of the net pool, part of which ordinarily would be added to the fortune pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of fortune pick (n) contests for that performance.

(I) A written request for permission to distribute the fortune pick (n) carryover on a specific performance may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(J) Should the fortune pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place finisher in each of the fortune pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of fortune pick (n) contests. The fortune pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) Upon written approval from the commission as provided in paragraph (I) of this rule;

(2) Upon written approval from the commission when there is a change in the carryover cap, a change from one type of fortune pick (n) wagering to another, or when the fortune pick (n) is discontinued;

(3) On the closing performance of the meet or split meet.

(K) If, for any reason, the fortune pick (n) carryover must be held over to the corresponding fortune pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest bearing account approved by the commission. The fortune pick (n) carryover plus accrued interest shall then be added to the net fortune pick (n) pool of the following meet on a date and performance so designated by the commission.

(L) With the written approval of the commission, the permit holder may contribute to the fortune pick (n) carryover a sum of money up to the amount of any designated cap.

(M) It is strictly prohibited to provide information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(N) The association may suspend previously approved fortune pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended fortune pick (n) wagering is reinstated. An association may request approval of a fortune pick (n) wager or separate wagering pool for specific performances.

(O) Fortune pick (n), as used in this rule, shall mean the selection of winners in six or more races during the course of an official racing program. . *Effective: 1-1-09*

3769-3-99. Penalties commission may impose

(A) For a violation of any rule in this chapter and unless a rule specifically precludes the stewards from doing so, the stewards, upon the concurrence of two such officials, may fine a licensee an amount not in excess of the amount permitted by section 3769.091 of the Revised Code and/or suspend licenses, upon the concurrence of two such officials, for a period not to exceed the length of time permitted by section 3769.091 of the Revised Code and/or refer the licensee to the commission for further action. Any fine or suspension may be appealed to the commission. Such appeal shall stay the fine or suspension until further action by the commission.

(B) In addition to any other penalty provided, or in the event no penalty has been provided, the commission, may, upon finding a licensee has violated a rule of this chapter, fine the licensee an amount not in excess of the amount prescribed by law and/or deny, suspend or revoke any Ohio state racing commission license held by the licensee and/or rule off any such licensee from all Ohio race tracks.

(C) Should the commission find a permit holder, or a representative of the permit holder has violated a rule in this chapter, they may fine said permit holder or the representative of the permit holder an amount not in excess of the amount prescribed by law and/or deny, suspend or revoke and license and/or permit held by said permit holder or representative of the permit holder and/or rule off any such permit holder's representative.

(D) Each day during which any violation of a rule in this chapter continues to occur shall be considered a separate offense and any person and/or permit holder continuing to violate said rule or rules may be penalized separately for each day the violation occurs.

(E) Any person who violates any provisions of the Horse Racing Act or any of the Ohio rules of racing for which no penalty is otherwise provided, may be denied a license under such rules. A licensee under such rules may be fined, may have his/her license suspended or revoked or may be ruled off. Any permit holder who violates any of the provisions of the Horse Racing Act or any of the Ohio rules of racing for which a penalty is not otherwise provided, may have the permit suspended or revoked, or may be denied a permit upon subsequent application therefor. *Effective: 1-1-85; 5-1-85; 5-21-90*