

COMMISSIONERS
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1018 KANAWHA BLVD. E.
SUITE 511
CHARLESTON, WEST VIRGINIA

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EXECUTIVE SECRETARY

JOHN T. POFFENBARGER
MEMBER

WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER, IV
GOVERNOR

November 9, 1984

The Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, West Virginia 25305.

Dear Mr. Manchin:

Transmitted is one original and one copy of the agency's approved version of Legislative Rule No. 808 governing "Twin Trifecta" wagering for the Thoroughbred Rules of Racing.

You are advised that sixteen (16) copies of this filing have been forwarded to the Legislative Rule Making Review Committee.

Very truly yours,

Alfred K. Hays
Alfred K. Hays
Executive Secretary

encls.

FILED
1984 NOV -9 PM 4:17
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: TWIN TRIFECTA WAGERING

Type of Rule: Legislative Interpretive Procedural

Agency Racing Commission Address 1018 Kanawha Blvd. E.
Suite 511.
Charleston, WV 25301.

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

Do Not Apply!!

3. Objectives of these rules:

To implement Twin Trifecta Wagering at the thoroughbred and greyhound race tracks in West Virginia

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

The State would realize \$1600 per performance in additional pari-mutuel revenue when implemented. At the present, Wheeling Downs greyhound track is averaging 415 performances per year.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Based on the 415 performances cited, the City of Wheeling stands to gain \$200 per performance in additional revenues or a yearly total of \$83,000 to their existing share of the take-out.

C. Economic Impact on Citizens/Public at Large.

Dog owners (purse structure) would increase approximately \$600. per performance.

This form of wagering is attractive to the wagering public as there exists an accumulated pari-mutuel pool pay-off. Daily winnings could range from \$1500 to \$10,000 and winning accumulated pools could result in pay-offs up to as much as \$150,000.

Date November 9, 1984

Signature of Agency Head or Authorized Representative

Alfred K. Hays

(PROPOSED)

WEST VIRGINIA LEGISLATIVE RULES
RACING COMMISSION

TWIN TRIFECTA WAGERING

Chapter 19-23
Series I
(1935)

INDEX

- Section 1. General
- Section 2. Application and Enforcement
- Section 3. TWIN TRIFECTA WAGERING

FILED
1984 NOV -9 PM 4: 18
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

(PROPOSED)

1984 NOV -9 PM 4: 18

WEST VIRGINIA LEGISLATIVE RULES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Chapter 19-23
Series I
(1935 amended)

SUBJECT: Thoroughbred Rule No. 808
TWIN TRIFECTA WAGERING

Section 1. General

1.1. Scope - This legislative rule establishes and defines the rules and regulations for the implementation of this wagering format. This rule is designed to assist and govern the racing associations who implement it and to guide the wagering public through the procedures. The filing of these regulations further protects the Associations, State and public from misinformation and fraudulent claims.

1.2. Authority - This rule is issued under the authority of Chapter 19, Article 23, Section 6(3) and Chapter 19, Article 23, Section 12(a) of the West Virginia Code. Additional authority is granted under Administrative Regulation No. 7 of the West Virginia Rules of Racing.

1.3. Filing Date - This rule was promulgated on August 9, 1984 by the members of the Racing Commission and the initial filing was made to the Secretary of State's Office on September 25, 1984. Final filing to the Secretary of State's Office and to the Legislative Rule Making Review Committee was made on November 9, 1984.

1.4. Effective Date - This rules shall become effective upon passage by the legislature.

Section 2. APPLICATION AND ENFORCEMENT

2.1. Application - This rule shall apply to any licensed racing association authorized to conduct pari-mutuel wagering under the laws of this State and to any person (patron) participating and purchasing a Twin Trifecta pari-mutuel ticket.

2.2. Enforcement - The enforcement of this rule is vested with the West Virginia Racing Commission

Section 3. TWIN TRIFECTA WAGERING

3.01. The Twin Trifecta is a form of pari-mutuel wagering in which the bettor selects the three runners that will finish 1st, 2nd and 3rd in each of the two designated races in the exact order as officially posted.

3.02. Twin Trifecta tickets shall be sold by the licensee only from automatic issue machines.

3.03. Each bettor purchasing Twin Trifecta tickets shall designate his three selections as the first three runners for finish in that order in the first race of the designated two races.

3.04. After the wagering closes for the first half of the Twin Trifecta the commission will be deducted from the pool in accordance with the laws of the State of West Virginia. The remaining pool will then be divided into two separate pools of equal amounts.

3.05. The monies in the first part of the divided pool will be distributed to the holders of Twin Trifecta tickets selecting the first three runners, in order, on the first designated Twin Trifecta race, in accordance with the established pari-mutuel practice.

The terms, "First Part of Divided Pool", shall mean one-half of the net distributable pool of the total monies wagered in the Twin Trifecta on the current days program only and, specifically excluded therefrom shall be any carry over of any special cumulative second race Twin Trifecta pool from any previous day's program.

3.06. The second part of the divided pool will be placed in a separate pool to be distributed to holders of "Second Half" Twin Trifecta tickets selecting the first three runners, in exact order, on the second designated Twin Trifecta race.

3.07. In the first half of the Twin Trifecta only, if no ticket is sold on a winning combination of a Twin Trifecta pool, the net pool shall then be apportioned equally between those having tickets selecting the first and second place runners. If no ticket is sold selecting the first and second runners in the Twin Trifecta pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first in the Twin Trifecta race. Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third.

3.08. Should no selection be made as above mentioned, those having selected the second runner for second and the third runner

for third with any other runners, contrary to win, place and show pool practice, the aggregate number of tickets as mentioned in this paragraph shall divide the net pool and be paid the same pay-off price.

3.09. In the event of a dead heat or dead heats in either the first or second race of the Twin Trifecta, all Twin Trifecta tickets selecting the correct order of finish counting a runner in a dead heat as finishing in any position dead heated, shall be winning tickets, and contrary to the usual practice, the aggregate number of winning tickets shall be divided into the net pool and be paid the same pay-off price.

3.10. After the official declaration of the first three runners to finish in the first race of the Twin Trifecta, each bettor holding a winning ticket must, prior to the running of the second Twin Trifecta race, exchange such winning ticket for both the monetary value established by the mutuels department and a Twin Trifecta exchange ticket at any window and at such time shall select the three runners to finish in the second race of the Twin Trifecta in exact order as officially posted. No further money shall be requested of the holders of the winning ticket in order to make the exchange.

3.10.1. Other than the auditor of pari-mutuels, no person shall have access to the information that is shown on the computer printouts or any other source concerning the number of tickets sold in the first half of the Twin Trifecta or the number or amount of tickets selecting winners of the first half of the Twin Trifecta prior to the time the officials have determined the second half of the Twin Trifecta of each performance to be official.

3.11. No Twin Trifecta exchange ticket upon the second race shall be issued except upon surrender of the Twin Trifecta tickets from the first race as described in these rules. Twin Trifecta windows, for the purpose of cashing and exchanging winning tickets, shall be open for the purpose of making exchange as described only after the first race has been declared official and such windows shall close when wagering closes for the second race of the Twin Trifecta races.

3.12. If a winning Twin Trifecta ticket from the first race is not presented for cashing and exchange within the time provided, 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.

3.13. If a runner is scratched in the first race of the Twin Trifecta races, all Twin Trifecta tickets on the scratched runner will be refunded. If a runner is scratched in the second race of the Twin Trifecta races, public address announcement will be made and reasonable time will be given for exchange of tickets on the scratched runner.

3.14. 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 or night and combined with that program's second race Twin Trifecta pool. Distribution of this special cumulative second race Twin Trifecta pool will be made only upon the accurate selection, in the exact order, of the first three officially declared finishers of the second Twin Trifecta race.

3.15. If for any reason, the second half of the Twin Trifecta is not declared "official", the winning ticket holders who have cashed their ticket of the first half and have received an exchange ticket, will be entitled to the remaining amount of the current programs divided pool.

3.15.1. In the event that racing is cancelled for any program prior to the running of the second half of the Twin Trifecta, the second part of that program's divided pool will be evenly distributed to all holders of second half Twin Trifecta exchange tickets. The cumulative Twin Trifecta pool will remain undistributed and be carried over for use in the next Twin Trifecta.

3.16. Sales of the Twin Trifecta tickets other than from parimutuel machines or from an individual to another shall be deemed illegal and prohibited.

3.17. The Twin Trifecta pool shall be held entirely separate from all other pools, and is no part of a daily double, perfecta, trifecta or other wagering pool.

3.18. If in the final performance of the meeting there is no Twin Trifecta ticket issued selecting in the exact order of finish the officially declared first three finishers of the second Twin Trifecta race, the second race pool shall be apportioned in accordance with the first half Twin Trifecta rules. (Paragraph 7) If the final performance of the meeting is cancelled, then the Twin Trifecta jackpot pool shall be distributed during the first performance of the succeeding meet.

3.19. If the maximum amount permitted to accumulate in the Twin Trifecta jackpot pool (\$250,000 or more) has been reached, the monies accumulated will be distributed the following performance. If there is no Twin Trifecta ticket issued selecting in the exact order of finish the officially declared first three finishers of the second Twin Trifecta race, the second race pool shall be apportioned in accordance with the first half Twin Trifecta rules (paragraph 7).

NOTICE OF AGENCY APPROVAL

Legislative Rule No. 843, Thoroughbred Rules of Racing

JACKPOT OR SUPERFECTA WAGERING

The above titled legislative rule constitutes the official rule approved by the West Virginia Racing Commission on the 29th day of September, 1984 and filed pursuant to law in the Office of the Secretary of State, State of West Virginia. This legislative rule is hereby submitted to the Legislative Rule-Making Review Committee.

Alfred K. Hays

Alfred K. Hays
Executive Secretary

SEP 29 RECD

DATE ENTERED

COMMISSIONERS
ROGER R. RAMEY
CHAIRMAN



1018 KANAWHA BLVD. E
SUITE 811
CHARLESTON, WEST VIRGINIA

RAYMOND A. HINERMAN
MEMBER

ALFRED K. HAYS
EXECUTIVE SECRETARY

WEST VIRGINIA RACING COMMISSION

JOHN T. POFFENBARGER
MEMBER

JOHN D. ROCKEFELLER, IV
GOVERNOR

October 26, 1984

The Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Manchin:

Transmitted is one original and one copy of the agency's approved version of Legislative Rule No. 843 governing Jackpot and Superfecta wagering for Thoroughbred racing.

You are advised that sixteen (16) copies of this filing have been forwarded to the Legislative Rule Making Review Committee.

Very truly yours,

A handwritten signature in cursive script that reads "Alfred K. Hays".

Alfred K. Hays
Executive Secretary

encls.

1984 OCT 26 AM 10:08
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: JACKPOT OR SUPERFECTA WAGERING, Rule No. 843

Type of Rule: X Legislative _____ Interpretive _____ Procedural _____

Agency Racing Commission Address 1018 Kanawha Blvd. E.
Suite 511
Charleston, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ -0-
Personal Services	-0-	-0-	-0-	-0-	-0-
Current Expense	-0-	-0-	-0-	-0-	-0-
Repairs and Alterations	-0-	-0-	-0-	-0-	-0-
Equipment	-0-	-0-	-0-	-0-	-0-
Other	-0-	-0-	-0-	-0-	-0-

2. Explanation of above estimates.

No direct impact.

3. Objectives of these rules:

Under the original provisions of this rule, a total refund of the pari-mutuel pool resulted if any patron participating in the pool failed to select the winner to win. This provision could conceivably result in substantial monetary losses to all factions participating in the pari-mutuel take-out and to the patron as there is no consultation provision.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Based on an average daily pari-mutuel pool of \$30,000 for this type of wagering, the State shall earn \$900.00 in the rule's amended form.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

The amending of this rule, deleting the refund provision, shall grant to the racing association and horsemen approximately \$2,000 and to the County/City \$100.00. These figures are based on a \$30,000. pari-mutuel pool on a daily basis.

C. Economic Impact on Citizens/Public at Large.

The wagering public shall profit as their tickets will remain valid for consolation pay-off.

Date October 26, 1984

Signature of Agency Head or Authorized Representative

Raymond K. Hays

FILED

1984 OCT 26 AM 10:18

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(PROPOSED)

WEST VIRGINIA LEGISLATIVE RULES
RACING COMMISSION

JACKPOT OR SUPERFECTA WAGERING

Chapter 19-23
Series I
(1935)

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- Section 1. General
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- Section 3. JACKPOT OR SUPERFECTA WAGERING

(PROPOSED)

WEST VIRGINIA LEGISLATIVE RULES
RACING COMMISSION

Chapter 19-23
Series I
(1935 amended)

FILED
1984 OCT 26 AM 10:18
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SUBJECT: Thoroughbred Rule No. 843
Jackpot or Superfecta Wagering

Section 1. General

1.1. Scope - This legislative rule establishes and defines the rules and regulations for the implementation of this wagering format. This rule is designed to assist and govern the racing associations who implement it and to guide the wagering public through the procedures. The filing of these regulations further protects the Associations, State and public from misinformation and fraudulent claims.

1.2. Authority - This rule is issued under the authority of Chapter 19, Article 23, Section 6(3) and Chapter 19, Article 23, Section 12(a) of the West Virginia Code. Additional authority is granted under Administrative Regulation No. 7 of the West Virginia Rules of Racing.

1.3. Filing Date - This rule was promulgated on the 21st day of August, 1984 as an emergency rule and filed on the 21st day of August, 1984 with the Secretary of State's Office and the Legislative Rule Making Review Committee.

1.4. Effective Date - This rule became effective upon filing as an Emergency Rule, under the provisions set forth in Chapter 29A-3-14 of the West Virginia Code.

Section 2. Application and Enforcement

2.1. Application - This rule shall apply to any licensed racing association authorized to conduct pari-mutuel wagering under the laws of this State and to any person (patron) participating and purchasing a Jackpot or Superfecta pari-mutuel ticket.

2.2. Enforcement - The enforcement of this rule is vested with the West Virginia Racing Commission.

Section 3. JACKPOT OR SUPERFECTA WAGERING

3.01. The Jackpot or Superfecta is a form of pari-mutuel wagering in which each bettor selects, in order, the first, second, third and fourth placed runners in the designated Jack-

pot or Superfecta race. The pool shall be held entirely separate from all other pools, and is no part of a daily double, exacta, trizacta, trifecta or other wagering pool.

3.02 Tickets shall be sold in not less than two dollar denominations and only from machines capable of issuing four numbers.

3.03. Races in which Jackpot or Superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

3.04. The design of Jackpot or Superfecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

3.05. SCRATCH: If a runner is scratched or declared a nonstarter, no further tickets may be issued designating such runner and all tickets previously issued designating such runner shall be refunded and the money deducted from the gross pool.

3.06. Failure to select a winning combination, short finishes.

3.06.1. If there is a failure to select, in order, the first four runners, pay-off shall be made on tickets selecting the first three runners in order, failure to select the first three runners, pay-off to tickets selecting the first two runners, failure to select the first two runners, pay-off to tickets selecting the winner to win. Should no selection be made as above mentioned the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third and the runner finishing fourth.

Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing third combined with the runner finishing fourth.

Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the second runner for second, third runner for third and the fourth runner for fourth with any other runner and contrary to win, place and show pool practice, the aggregate number of tickets as mentioned in this paragraph shall divide the net pool and be paid the same payoff.

3.06.2. If less than four runners finish, pay-off shall be made on tickets selecting the actual finishing runners in order, ignoring the balance of the selection.

3.07. DEAD HEATS: In the event of a dead heat or dead heats, all tickets selecting the correct order of finish, counting a runner in a dead heat as finishing in either position dead heated, shall be winning tickets, and distribution shall be made in accordance with established pari-mutuel practice relative to dead heats.

3.08. This rule shall be prominently displayed throughout the betting area of each track conducting the Jackpot and Superfecta and printed copies of this rule shall be distributed by the track to patrons upon request.

PUBLIC HEARING

A public hearing was offered by the West Virginia Racing Commission on September 29, 1984, to receive comments and/or written statements on proposed legislative rule No. 843 "Jackpot or Superfecta Wagering" of the Thoroughbred Rules of Racing.

No comments were received from the general public and no one appeared at this time. It was, however, brought to the attention of the Commission that a phrase had been deleted from the original rule filing and required inclusion to effect the proper order of pay-off to the wagering public. This omission occurred in section 3.06.1 and adds the wording "second runner for second" to the third paragraph of this section.

As this amendment is not a substantive one and does not affect any interested party, the Commission did not deem it necessary to rehold a public hearing.



COMMISSIONERS

ROGER R. RAMEY
CHAIRMAN

John T. Poffenbarger
~~XXXXXXXXXXXX~~

MEMBER

RAYMOND A. HINERMAN
MEMBER

WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER, IV
GOVERNOR

OFFICES OF THE COMMISSION
511 BOULEVARD TOWERS
CHARLESTON WEST VIRGINIA
25301

ALFRED K. HAYS
EXECUTIVE SECRETARY

August 6, 1984

The Honorable A. James Manchin
Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary Manchin:

Transmitted this date is the final filing of Administrative Regulation 845-I of the West Virginia Racing Commission's Rules of Racing governing thoroughbred racing. This filing is in accordance with Administrative Regulations set forth in Chapter 29A of the Code of West Virginia, 1931, as amended.

You are notified that the required documents for filing have been forwarded to Legislative Services, Legislative Rule Making Review Committee.

Respectfully,

ALFRED K. HAYS
EXECUTIVE SECRETARY

attachments

cc: Legislative Services

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE Aug. 7-84
Administrative Law Division

FILED IN THE OFFICE OF
A. JAMES MANCHIN

SECRETARY OF STATE

Adm. Reg. 19-23
Series I

THIS DATE 8-7-84

Leg. Rule 845-I
Racing Comm.

Administrative Law Division

(1) The Pick Six is a form of pari-mutuel wagering. The Pick Six is not a parlay and has no connection with or relation to any other pari-mutuel pool made and conducted by an association, nor is the Pick Six connected with or related to any win, place and show pool shown on the totalisator board, nor is it governed by any Commission rules pertaining to the distribution of any other pari-mutuel pools. Each person participating in a Pick Six pool selects the entry or field for win in each of six contests designated by the association with the approval of the Racing Commission. The six contests so designated comprise the Pick Six for that performance. The association issues the Pick Six participant a ticket which reflects the participant's selection in the six designated contests.

(2) A validly issued Pick Six ticket timely surrendered to the association by the legal holder thereof shall be the only evidence of a person's participation in a Pick Six pari-mutuel pool. The acceptance of a Pick Six ticket by taking an issued ticket away from the window or terminal from which it is purchased shall constitute an acknowledgement by the purchaser of the correctness of the ticket and each purchaser of a Pick Six ticket agrees to be bound by the terms and provisions of this and all other applicable Commission rules and regulations and by the laws of the State of West Virginia pertaining to pari-mutuel wagering. Neither the association, totalisator company nor the State of West Virginia shall be liable to any person for any ticket which is not a winning ticket in accordance with the provisions of this rule nor shall they, or any of them, be liable to any person for any Pick Six ticket not delivered for any reason, including but not limited to, mechanical malfunction, electrical failure, machine locking, or other cause.

(3) In all horse racing contests, those horses constituting an entry of coupled horses or those horses grouped to constitute the field in a race included in the Pick Six shall race as a single wagering interest for the purpose of the Pick Six pari-mutuel pool calculations and payouts to a winner. However, if any wagering interest is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the Pick Six calculation and the pari-mutuel ticket shall not be withdrawn from that pool.

(4) a. Pick Six shall be composed of two separate and distinct pari-mutuel pools. Seventy-five percent of the gross amount of all sums wagered on Pick Six tickets on each performance shall be paid into a pari-mutuel pool to be known as "BIG SIX". The remaining twenty-five percent of the gross amount of all sums wagered on Pick Six tickets for that performance shall be paid into a pari-mutuel pool to be known as "THE SUPER SIX".

(b) Subject to the provisions of this rule pertaining to refunds and after the deduction of all legal sums therefrom, the net amount in the BIG SIX pool subject to distribution among winning ticket holders shall be distributed only among the holders of Pick Six tickets which correctly designate all six official winners of the six contests comprising the Pick Six for that performance.

(c) Subject to the provisions of this rule pertaining to refunds and after deduction of all legal sums therefrom, the net amount in THE SUPER SIX pool subject to distribution among winning ticket holders shall be distributed among the holders of Pick Six tickets which correctly designate the most official winners of the six contests comprising the Pick Six for that performance.

(d) In the event there is no Pick Six tickets issued which would entitle the ticket holder to THE BIG SIX, then, and in such event, the entire BIG SIX shall be carried over and included in the BIG SIX pool for the next performance. The BIG SIX shall be supplemented each performance by the amount added thereto from all previous performance's BIG SIX pools that have not been won by a holder of a Pick Six ticket which correctly selects all six official winners of the six contests comprising the Pick Six for any performance.

(e) In the event the accumulated BIG SIX has not been distributed prior to the closing day of the calendar year in which THE BIG SIX was generated, the accumulated BIG SIX and the net amount in THE SUPER SIX pool subject to distribution among winning tickets holders shall be distributed among closing day holders of Pick Six tickets which correctly designate the most official winners of the six contests comprising the closing day Pick Six. In the event of a cancellation of the closing day racing program, the accumulated BIG SIX pool will be distributed under the direction of the West Virginia Racing Commission. Contrary provisions in the paragraph notwithstanding, the Commission, after due notice and hearing, may impose reasonable limits on the carry over provisions relating to the BIG SIX if the best interests of the State of West Virginia are thereby served.

(f) In the event a pari-mutuel ticket designates as the selection to win in any one or more of the six races comprising the Pick Six Sweepstakes a single wagering interest which is scratched or excused by the Stewards, the holder of such ticket shall automatically receive as his alternate selection in the race that horse upon which the most money was wagered to win. In the event two or more horses have the identical amounts wagered upon them to win, the holder of such

ticket shall automatically receive as his alternate selection in the race that horse upon which the most money was wagered to win and to place. In the event two or more horses have the identical amounts wagered upon them to win and to place, the holder of such ticket shall automatically receive as his selection in the race that horse upon which the most money was wagered to win, to place and to show. In the event two or more horses have the identical amounts wagered upon them to win, to place and to show, the holder of such ticket shall automatically receive each such horse as his alternate selections.

(g) In the event one or more of the contests comprising the Pick Six is cancelled for any reason, the distribution of the net amount subject to distribution in the SUPER SIX pool shall be among the holders of pari-mutuel tickets which correctly designate the most official winners in all of the remaining contests comprising the Pick Six in such performances, except, that in the event there is officially cancelled or declared as no contest three or more of the six contestants comprising the Pick Six, all pari-mutuel tickets on the Pick Six for that performance shall be refunded, and the Pick Six shall be cancelled for that performance. No person shall win BIG SIX unless that person holds a Pick Six ticket which correctly designates all six official winners of the six contests comprising the Pick Six for that performance. The cancellation of one or more contests comprising the Pick Six in any performance shall result in the contribution to the SUPER SIX pool of the amount contributed that day to the BIG SIX. The contribution to that performance's BIG SIX pool will then be distributed along with the remainder of the SUPER SIX pool to the winners of the SUPER SIX pool. Any contributions to THE BIG SIX pool from prior performances will remain in THE BIG SIX pool to be carried over and included in THE BIG SIX pool for the next performance as prescribed in (d) above.

(5) In the event of a dead heat for win between two or more contestants in any Pick Six race, all such contestants in the dead heat for win shall be considered as the winner in the race for the purpose of distribution of BIG SIX and the SUPER SIX pools.

(6) Other than the auditor of pari-mutuels, no person shall have access to the information that is shown on the computer printouts or any other source concerning the number of tickets sold in the Pick Six or the number or amount of tickets selecting winners of the Pick Six races prior to the time the officials have determined the last contest comprising the Pick Six of each performance to be official.

(7) No pari-mutuel ticket for Pick Six shall be sold, exchanged or cancelled after the time of the close of mutuel windows for wagering in the first of the six contests comprising the Pick Six, except for such refunds on Pick Six tickets as are required under this rule.

Notwithstanding the provisions of the previous paragraph, the mutuel windows may be reopened after the time of the close for wagering in the first of the six contests comprising the Pick Six for the sole purpose of cancelling any ticket that was issued in error. A full written report is to be made by the mutuel manager and totalisator manager with their signatures thereon and submitted to the auditor of pari-mutuels within twenty-four (24) hours detailing the circumstances involved. In any event the mutuel windows shall not be reopened for cancelling tickets after the start of the first of the six contests comprising the Pick Six.

PROMULGATION HISTORY

October 19, 1983

West Virginia Racing Commission Administrative Regulation 19-23, Rule No. 845 filed as a legislative rule on emergency basis with Secretary of State and Legislative Rule Making Committee.

January 19, 1984

Subsequent to the implementation of this rule, contents of the language regarding refund procedures on scratched horses was determined to be ambiguous. An amended version of Rule 845 was refiled on emergency basis this date. Additionally, initial filing of this rule was made with the Secretary of State.

February 21, 1984

Public hearing conducted as advertised in the Commission Office. No one appeared at this hearing and no written statements were submitted for the Commission's consideration.

March 30, 1984

Major revisions made to Rule 845 by the Racing Commission, prompted by patron misunderstanding:

1. Effected a uniform scratch procedure throughout the running of the Pick Six. The original procedure of permitting refunds up to and including the first contest was deleted in entirety. This amendment simplified and clarified the original provisions of this rule.
2. A duplication of rule numbers existed in the Thoroughbred Rules of Racing. Consequently, Rule No. 845 was amended to Rule No. 845-I.

April 3, 1984

Reinitiated entire rule making procedure, filing this date Rule 845-I on emergency basis and negating all previous filings.

June 11, 1984

Accepted on emergency status by Legislative Rule Making Committee

June 26, 1984

Initial filing made with Secretary of State

July 31, 1984

Conducted Public Hearing in accordance with notice. No one in attendance and no written protests filed. Rule adopted by Racing Commission.

August 6, 1984

Final filings made with Secretary of State and LRMC.



COMMISSIONERS

ROGER R RAMEY
CHAIRMAN

ROBERT S. STRAUCH, M.D.
MEMBER

RAYMOND A. HINERMAN
MEMBER

WEST VIRGINIA RACING COMMISSION

JOHN D. ROCKEFELLER, IV
GOVERNOR

OFFICES OF THE COMMISSION

511 BOULEVARD TOWERS
CHARLESTON WEST VIRGINIA
25301

ALFRED K. HAYS
EXECUTIVE SECRETARY

June 26, 1984

The Spirit of Jefferson
Charles Town
West Virginia 25414

Attn: Legal Notices

Please publish the attached legal notice in the next edition of your newspaper as a Class I Legal Ad and mail to this office a certificate of publication and the invoice in triplicate.

Very truly yours,

A handwritten signature in cursive script that reads "Valerie DiGiorgi".

Valerie DiGiorgi
Asst. Executive Secretary

attachment

NOTICE OF HEARING

PLEASE TAKE NOTICE that the West Virginia Racing Commission will conduct a public hearing on Tuesday, July 31, 1984, to receive comment on its proposal to adopt Rule No. 845-I of the West Virginia Rules of Racing governing Thoroughbred Racing. (Pick Six Wagering)

This hearing shall be conducted in the Offices of the Commission, 511 Boulevard Tower, 1018 Kanawha Boulevard, East, Charleston, West Virginia, at 10:00 a.m.

Individuals appearing before the Commission at this time are required to contact the Racing Commission office in advance.

Dated this 30th day of June, 1984.

PUBLIC HEARING

In accordance with a Public Notice of Hearing advertised in the legal section of the Spirit of Jefferson Advocate and dated June 30, 1984, said hearing was held in the office of the Commission, 1018 Kanawha Boulevard East, Suite 511, Charleston, West Virginia on July 31, 1984.

The purpose of this hearing was to receive comments on the Racing Commission's proposal to adopt Administrative Regulation 845-I, Series 1, procedural guidelines for Pick Six Wagering.

There being no one in attendance at such hearing from the public sector to comment on this rule adoption and no formal written statements submitted for consideration, the Commission unanimously voted for its full adoption and implementation.

Dated this 1st day of August, 1984

Alfred K. Hays
Alfred K. Hays, Executive Secretary