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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.



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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