SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Racing Commission TITLE NUMBER: 178

CITE AUTHORITY WV Code § 29-23-6 (a) (3)

AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Greyhound

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Louis J. Graham

11.40

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COMMISSIONERS
ROBERT J. BURKE
CHAIRMAN
ROGER RAMEY
MEMBER
ALBERT SCHWABE, II
MEMBER

STATE OF WEST VIRGINIA
Department of Tax and Revenue
WEST VIRGINIA RACING COMMISSION
GASTON CAPERTON
GOVERNOR

MAILING ADDRESS:
P.O. BOX 3327
CHARLESTON, WV 25333-3327
PHONE (304) 348-2150
FAX (304) 348-6319
LOIS J. GRAHAM
EXECUTIVE SECRETARY

October 29, 1990

A public hearing was offered by the West Virginia Racing Commission on October 26, 1990, to receive comments and/or written statements on rules 45.37 and 45.38 of title 178, Series 2, of the greyhound rules of racing.

No comments were received from the general public and no one appeared at this time.

The rules have already been approved by the Racing Commission for adoption and has been through all phases of rule promulgation as prescribed by law.

Lois J. Graham
Executive Secretary

COMMISSIONERS
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CHAIRMAN
OLIVER KASTLE
MEMBER
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LOIS J. GRAHAM
EXECUTIVE SECRETARY

CONSENT TO PROPOSAL OF RULE

TO WHOM IT MAY CONCERN:

TITLE OF RULE: Greyhound Rules of Racing

TITLE NUMBER: 178

SERIES NUMBER: 2

Pursuant to West Virginia Code § 19-23-6(a)(3), the undersigned hereby consents to the proposal of the following rule.

Signed this 15th day of September, 1990.

Gaston Caperton

Gaston Caperton
Governor

312 MacCorkle Avenue, S.E.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Greyhound

Type of Rule: X Legislative _____ Interpretive _____ Procedural

Agency Racing Commission Address P.O. Box 3327
Charleston, WV 25333-3327

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

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

n/a

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

n/a

C. Economic Impact on Citizens/Public at Large.

n/a

Date: _____

Signature of Agency Head or Authorized Representative

Lois G. Graham

DATE: 9/7/90

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Racing Commission

LEGISLATIVE RULE TITLE:

1. Authorizing statute(s) citation Code 19-23-6 (a) (3)

2. a. Date filed in State Register with Notice of Hearing:
9-25-90

b. What other notice, including advertising, did you give of the hearing?
Sent Letters to Tri-State and Wheeling Management, Judges, Mutuel managers, tote managers and state auditors

c. Date of hearing (s): October 26, 1990

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received _____

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

f. Name and phone number of agency person to contact for additional information:
Lois J. Graham 348-2150
Racing Commission
P.O. Box 3327, Charleston, WV 25333-3327

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

   a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

   _____

   _____

   b. Date of hearing: _____

   c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

   _____

   d. Attach findings and determinations and reasons:

   Attached _____

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

RACING COMMISSION

Chapter 19-23
Series 2

1. The officers of the Commission shall consist of a Chairman who shall be a member of the Commission and who will serve until his successor is elected.

2. The Chairman shall preside at all meetings at which he is present. He may call a meeting of the Commission whenever he deems it advisable, and he shall call a meeting whenever requested to do so by any two (2) members thereof.

3. The principal office and meeting place of the Commission shall be at Charleston, West Virginia, but meetings may be held elsewhere in this State, either upon call of the Chairman, or by any two (2) members of the Commission.

4. A majority of the Commission shall constitute a quorum at any meeting for the transaction of business.

5. All notices of meetings of the Commission shall be given by mail addressed to the residence of the members and deposited in the mail at least forty-eight (48) hours in advance of the holding of the meeting, unless agreed to by every member of the Commission.

6. These rules govern all races run over the courses of the associations licensed by the West Virginia Racing Commission.

7. A rule may be adopted, changed, amended or rescinded by a majority of the full Commission.

8. The Rules of Racing herein prescribed apply to all persons, individuals, partnerships, associations or corporations, holding or conducting any meeting within the State of West Virginia licensed by the West Virginia Racing Commission at which greyhound racing shall be permitted and all other persons who participate in racing.

9. The members of this Commission, its officers, agents and employees, shall neither solicit nor accept gratuities, or anything of monetary value, from licensees, permit holders or any other person subject to the regulation and control of the West Virginia Racing Commission.

10. Regular meetings of the West Virginia Racing Commission shall be held annually and at such other times as are required at places in West Virginia designated by the Commission prior thereto, and notice of these regular meetings shall be given to the Secretary of State at least seven (7) days in advance to be made available to the public and news media.

Notice of the time, place and purpose of all special meetings of the West Virginia Racing Commission shall also be given to the Secretary of State at least seven (7) days in advance or as soon as practicable, to be made available to the public and news media.

As provided by statute, the notice provisions of this rule are not required in the event of an emergency requiring immediate official action.

This rule is adopted in accordance with West Virginia Code 6-9A-3.

Adm.Reg.19-23
Series 2

TITLE 178
LEGISLATIVE RULES
RACING COMMISSION

SERIES 2
GREYHOUND RULES

178-2-1. General.

1.1. Scope. -- These rules regulate greyhound racing in this state.
1.2. Authority. -- W. V. Code 19-23
1.3. Filing Date. -- December 8, 1989
1.4. Effective Date. -- December 8, 1989

178-2-2. Definitions.

2.1. "Added Money" means a sum by which the established purse is increased.

2.2. "Age" means the age of a greyhound is reckoned as beginning on the day it was whelped.

2.3. "Association" means a person or persons, partnership or corporate body licensed by the Commission to conduct a meeting where greyhound racing shall be permitted for any stake purse or reward.

2.4. "Authorized Agent" means an individual appointed by a written instrument signed by the owner and filed in accordance with the Rules of Greyhound Racing.

2.5. "Breeder" of a greyhound means the owner or lessee of his dam at the time of whelping.

2.6. "Breeding Place" means the location of whelping.

2.7. "Commission" means the West Virginia Racing Commission.

2.8. "Declaration" means the act of withdrawing an entered greyhound from a race ~~at least one half (1/2) hour~~ before the time for the ~~drawing~~ posting of post positions for the race in which said greyhound is entered.

2.9. "Equipment" as applied to a greyhound means muzzles, number blankets and all other paraphernalia common or otherwise which might be used on or attached to a greyhound while racing.

2.10. "Established Weight" means the racing weight established by the owner or trainer as the greyhound's best racing weight.

2.11. "Forfeit" means money due but lost because of an error, fault, neglect of duty, breach of contract or a penalty.

2.12. "Greyhound" means a greyhound registered with the

National Greyhound Association of Abilene, Kansas.

2.13. "Kennel Name" means any type of name other than the legal name or names of the owners. If a corporation is involved in the identity behind a kennel name, the licensing rules covering corporations must be complied with.

2.14 "Kennel Owner" may be a person or persons who are contracted by the Association to supply greyhounds for racing.

2.14.5 "Law or Laws" means chapter nineteen, article twenty-three, of the West Virginia Code, together with any and all amendments thereto.

2.15.6 "Lawful Authority" means any court of competent jurisdiction.

2.16.7 "Lead-Out" means the attendant that handles the greyhounds in the paddock and while enroute to the starting box.

2.17.8 "Lessee" means a person who holds a registered lease certificate for the racing of a greyhound in his name.

~~2.18.---Reserved~~

2.19. "Licensee" means any person granted an occupational license in connection with greyhound racing issued by the West Virginia Racing Commission.

2.20. "Lure" means a mechanical apparatus consisting of the following component parts: A stationary rail installed around the track; a motorized mechanism which travels on the rail; a pole which is attached to the mechanism and extends out over the track; and ~~a-reasonable-facsimile-of-a-rabbit~~ an object which shall be attached to the pole.

2.21. "Maiden" means a greyhound which has never, in any country, won an official race. Conditions referring to a Maiden means Maidens at the time of starting. A Maiden which has been disqualified after finishing first is still to be considered a Maiden.

2.22. "Matinee" means a schedule of races conducted upon a race track in daylight hours.

2.23. "Meeting" means an entire consecutive period for which permit to conduct greyhound racing has been granted by the Commission to any one association.

2.24. "Night Performance" means a schedule of races conducted upon a race track during night hours.

2.25. "Owner" means the person in whose name the greyhound is registered at the meeting in accordance with the rules and may be the sole owner, part owner or lessee. An interest in the winnings only of a greyhound does not constitute part ownership.

2.26. "Place" means First, Second or Third; and in that order is called Win, Place and Show.

2.27. "Post Position" means the position assigned to a greyhound for the start of the race.

2.28. "Post Time" means the time set for the arrival at the starting box for the greyhounds in a race and must be shown at a reasonable time prior to the race on a clock device, provided for

the purpose, prominently displayed and clearly readable from the grandstand.

2.29. "Program" means a schedule of races of either a matinee or night performance conducted in any racing day.

2.30. "Race Track" means the entire area licensed to the ~~Permittee~~ Licensee.

2.31. "Race" means a contest for purse, stakes or entry fees on any course and in the presence of duly appointed racing officials.

~~(a) Hurdle Race" means a race over a course in which jumps or hurdles are used.~~

(a) "Overnight Race" means a race for which entries close seventy-two (72) hours, or less, before the time set for the first race of the day on which such race is to be run.

(b) "Purse Race" means a race for money or other prizes for which the entrance money, if any, must be paid and every other condition complied with at the time of closing entries.

(c) "Race on the Flat" means a race over a course in which no jumps or other obstacles are placed.

(d) "Sweepstakes or Stakes" means a race publicly declared open to all complying with its conditions to be fulfilled wholly or in part subsequent to its closing and in which required fees are to be paid for each greyhound engaged. No overnight event, whatever may be its conditions, shall be considered a sweepstakes within the meaning of this rule.

2.32. "Recognized Meeting" means: (a) A meeting held under license of the West Virginia Racing Commission; (b) a meeting held in this or any other country under the sanction of a Commission or authority whose jurisdiction over racing of any nature is recognized by the West Virginia Racing Commission, and which gives effect to sentences imposed by the West Virginia Racing Commission upon those guilty of improper practices.

2.33. "Rules" means the Rules and Regulations of the West Virginia Racing Commission and any amendments or additions thereto.

2.34. "Scratch" means the act of withdrawing an entered greyhound from a race after the drawing for the post positions in that race has been completed.

2.35. "Starter" means a greyhound is a starter for the race when the doors of the starting box open.

2.36. "Subscription" means the act of nominating to a stake race.

2.37. "Tote and Tote Board" means the totalizator system.

2.38. "Trainer" means a person employed by an owner to condition greyhounds for racing.

2.39. "Weighing In" means the weight of the greyhound taken at first weighing in, in accordance with the rules.

2.40. "Weighing Out" means the weight of the greyhound previous to post time or time of the race in which it is entered.

2.41. "Weight Loser" means a greyhound recognized by the officials known to be a consistent weight loser while in the lockout kennel.

2.42. "Whelped" means the time of a greyhound's birth.

178-2-3. Calculation of time.

3.1. When the last day for doing anything under these rules falls on a Sunday, it may be done on the following Monday, unless a race to which such act relates is appointed for that day, in which case it must be done on the previous Saturday.

3.2. A "Month" means a calendar month, a "Day" means twenty-four (24) hours ending at midnight and a "Year" means a calendar year.

178-2-4. Administrative.

4.1. The rules of racing herein prescribed and any amendments or additions thereto apply to all persons, associations, partnerships or corporations holding, conducting or participating in and/or patrons at a meeting within the State of West Virginia, licensed by its Racing Commission

4.2. In reading the rules, unless the text otherwise requires, it shall be understood, without constant reference thereto, that they apply only in the State of West Virginia.

4.3. The Commission may rescind or modify any penalty or decision on infraction of the rules imposed or made by the racing officials.

4.4. The laws of the State of West Virginia and the rules promulgated by the Commission supersede the conditions of a race, or the regulations of a racing association.

4.5. Members of the West Virginia Racing Commission and its designated representatives shall have the right of full and complete entry to any and all parts of the grounds, and mutuel plants of the association licensed to conduct greyhound racing in West Virginia.

4.6. The Commission or the judges of any licensed meeting shall have the right to permit and direct any person or persons authorized by them or either of them to enter in or upon the kennels, rooms, trailers, vehicles or other places within the grounds of the associations, at which a licensed race meeting is held or at other tracks where greyhounds are kept which are eligible to race at said meeting, to inspect and examine the person of a trainer, kennel foreman, authorized agent, veterinarian or of any other person who has been granted a license by the Commission; and each licensee in accepting his license does thereby consent thereto.

4.7. Each person participating in and every patron of a licensed race meeting shall abide by said laws and rules, and accept the judges' decisions on any and all questions, subject to the right of appeal to the Racing Commission.

4.8. No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an association.

4.9. Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the association and the Racing Commission: Provided, that all licensed personnel ejected shall have the right of appeal to the Racing Commission.

4.10 The state judge shall sound the bell closing the pari-mutuel machines when the lure is called into motion by the state judge.

4.11. The holder of a claim, whether it be a mortgage, bill of sale, or lien of any kind against a greyhound, shall be required to file the same with the racing secretary previous to the time the greyhound starts. Failure to do so shall forfeit his rights in the winnings of the greyhound previous to the time his claim is properly filed.

4.12. No person who is the holder of a racing permit or a director, officer or any employee of a corporation, association, trust or partnership having or holding such permit for a commercial greyhound race meeting, or has any substantial financial interest in such corporation, association, trust or partnership, shall race or permit or cause to be raced any greyhound in which he has an interest, either direct or indirect, at any meeting where racing is conducted under such permit. A substantial interest is hereby defined as being ownership or interest, direct or indirect, of ten percent (10%) or more in the corporation, association, trust or partnership.

178-2-5. Financial responsibility.

Any official, owner, trainer or any person licensed by the West Virginia Racing Commission who shall obtain food, feed, shelter, drugs, transportation, services for greyhounds, veterinary services or supplies for himself or others, whether they be licensed or not, and fails to pay the person or persons from whom said services or supplies are obtained shall be guilty of conduct detrimental to the best interests of racing and may be suspended at the discretion of the judges or the Commission; however, neither the association nor the West Virginia Racing Commission shall be obliged to collect debts from persons or other personnel licensed by the Commission.

178-2-6. Minors.

6.1. The term "Minor" shall be determined by and be in accordance with the laws of the State of West Virginia.

6.2. No minor shall be sold a pari-mutuel ticket by any racing association nor shall he be employed in any manner about said track, excepting he be employed in such capacity as the Commission may approve.

6.3. No kennel may have in its employment, in any capacity, any employee under sixteen (16) years of age.

6.4. It shall be the responsibility of the racing association conducting a racing meet under a license issued by the West Virginia Racing Commission to assure that all children under the age of sixteen (16) years are properly supervised by an adult when admitted to the racing enclosure. In the event children under the age of sixteen (16) are permitted to be and remain unsupervised in the racing enclosure, the licensed racing association shall be fined two hundred fifty dollars ($250) per occurrence. No minor under the age of eight (8) years may be permitted in the restricted area, prior to twelve noon, on any race day, except in case of an emergency. Any minor eight (8) years of age or older may be admitted to a restricted area with the permission of the judges. Failure of any licensee or permit holder to properly supervise any minor admitted with the licensee or permit holder to a restricted area shall be fined not less than two hundred fifty dollars ($250) and/or suspended.

178-2-7 Telephone, telegraph, radio and television.

7.1. No telephone, telegraph, teletype, semaphore, signal device, radio, television or other method of electrical, mechanical, manual or visual communication, shall be installed within the enclosure of an association, until same has been approved by the Racing Commission.

7.2. Associations may allow telephone or telegraph wires on their respective grounds during their race meeting for the benefit of the public press or transacting ordinary business, but no information regarding the results of any race shall be transmitted out of a race track unless prior approval has been granted by the Racing Commission until the results are official, nor shall any message be sent over said wires transmitting money, or other things of value or directing the placing of any wager on the result of a race; nor shall any message be sent in cipher or code, nor unless the same is in plain and intelligible English, under penalty of forfeiture of license.

7.3. An approved type telephone or intercommunication system shall be provided by the association to maintain contact between the judges and other designated stations.

~~7.4. All instruments of communication other than those designed for the sole use of the Commission or those approved by the Commission for use during racing hours may be disconnected and not reconnected for use between the hours starting thirty (30) minutes before post time for the first race and the flashing of the "Official" sign following the last race.~~

7.~~6~~.4 No telephone calls, telegrams or messages of any kind for any person or persons attending or participating in the conduct of a race meeting shall be accepted nor shall any notice be given pertaining to such message or telephone call starting (30) minutes before post time for the first race and the flashing of the "official" sign following the last race ~~during the hours indicated in the preceding rule~~ unless permission is first given by the judges ~~or an officer~~ or the general manager of the racing association.

7.6.5 Each association shall furnish to the Commission a list showing the location of all radio and television equipment located within its plant, together with all telephone, teletype and telegraph wires to and within the grounds upon which its race track is located.

178-2-8. Associations.

8.1. Application for License; Filing. Application to the Commission for license to conduct a race meeting must be filed yearly with the Commission, signed by an executive officer of the association, at the time and place designated by the Commission. Said application shall be on the forms prescribed by the Commission.

8.2. Duty of Licensed Association. Each Association shall observe and enforce the rules of racing and all regulations and orders of the Commission. The license is granted on the condition that the association, its officials, its employees and its concessionaires shall respect any and all decisions and orders of the Commission.

8.3. Jurisdiction of the Commission. The jurisdiction of the Commission over matters related to subjects covered by law or the Rules and/or Regulations of the Commission is continuous throughout the year.

8.4. Each licensee shall file an annual balance sheet and profit and loss statement on or before the fifteenth day of April of each year unless otherwise authorized by the Commission covering all income and disbursements relating directly and indirectly to greyhound racing activities in the state, including, but not limited to, the following: Concessions, programs, parking, pari-mutuel wagering, breakage, etc.

8.5. All associations granted a license from this Commission shall, at least thirty (30) days before each meeting, submit the names of the officers and a complete list of administrative personnel, showing addresses, duties and compensations; and at least two (2) weeks after the start of each meeting, submit a complete list of all other employees, with addresses, duties and compensations. All additions or changes in the above personnel must be promptly reported to the Commission for its approval. An association failing to furnish such required information maybe fined two hundred fifty dollars ($250) for each day in violation.

8.6. The secretary of the corporation conducting racing in West Virginia shall provide to the Commission a list of all stockholders of the corporation within one (1) week after they have closed stock transfer books, prior to the annual meeting.

8.7. Each association conducting races on any tracks shall, before distribution, submit to the Commission the conditions for all races it proposes to hold, together with the stake, purse or reward, all of which shall be subject to the approval of the Commission. All proposed purses shall be exclusive of any entrance or starting fees that may be charged.

8.8. The minimum number of races per ~~day~~ performance at all race tracks under supervision of the West Virginia Racing Commission shall be ten (10), and the maximum number of races per ~~day~~ performance shall be ~~twelve (12)~~, fifteen (15) unless otherwise authorized by the Commission.

8.9. Each racing association shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the kennels, excepting those being duly licensed by the Commission.

8.10. Each racing association shall provide and maintain two (2) starting boxes on every race day of its meeting, and every day during the racing season on which it permits the ~~exercising~~ schooling of greyhounds on its racing strip; and an additional reserve unit of such starting boxes shall be provided and maintained on every race day.

8.11. Each racing association shall exclude from the restricted area, in the interest of public safety, all persons who are unauthorized.

8.12. Each racing association shall provide facilities within the racing enclosure for a minimum of ~~sixteen (16)~~ twenty (20) kennels with each kennel consisting of not less than fifty (50) crates ~~greyhounds, or twenty kennels consisting of not less than forty (40) greyhounds.~~

b. Each contracted kennel must maintain an active list of no less than thirty-five (35) greyhounds. If a kennel's active list drops below the required number (35) the kennel will be evaluated by the Commission.

8.13. All contracts with the respective kennels engaged to race at a scheduled race meeting shall be approved by the Commission. ~~and said contracts shall likewise include a provision for removal of any kennel from the racing enclosure not satisfactory to the Commission by reason of performance or activities deemed improper by the Commission.~~

8.14. The ~~minimum~~ purses for all races conducted at a scheduled race meeting shall be 3.75 percent of the wagering handle as per provided for by law. ~~determined by a percentage of the daily mutuel handle. The percentage shall be computed on the daily mutuel handle as follows: Three percent (3%) of the first two hundred thousand dollars ($200,000); two and eight tenths~~

~~percent-(2,8%)-of-the-next-seventy-five-thousand-dollars ($75,000);-two-and-six-tenths-percent-(2,6%)-on-all-in-excess-of two-hundred-seventy-five-thousand-dollars-($275,000),--A-flat three-percent-(3%)-in-effect-April-15,-1983,-unless-changed-by the-West-Virginia-Racing-Commission.--The-amounts-deducted-and placed-in-the-purse-account-shall-be-distributed-on-a-weekly basis-on-a-point-system-determined-by-grade-and-distance,-which shall-be-submitted-to-and-approved-by-the-Commission.~~

8.15. Each racing association shall pay the ~~test-barn~~ veterinarian assistants and judges approved by the Commission and assigned to duty on the grounds of said association, such rate of compensation as prescribed by the Commission.

8.16. No racing association conducting a race meeting under a license issued by the Commission shall permit bets to be made on the grounds of said association on any race run outside of said grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds, nor shall the association provide or permit to be provided any conveniences or facilities for the use of bookmakers, betting commissioners their agents or their employees. No facilities will be provided or permitted for the handling of "Come-Back" money at the track. The maintenance of credit accounts, the payment of commissions in any form, the providing of telephone or other communication services and any other form of aid to bookmakers, betting commissioners, their agents or their employees is prohibited and any licensee violating the provisions of this section shall have its license revoked or such other penalty imposed as the Commission, in its discretion, may determine. This rule is not intended to include wire service privileges or any other form of communication service privileges to legitimate and approved news outlets which do not service bookmakers, betting commissioners, or their agents or their employees, but approval of the Commission for such other form of communication service privileges must be obtained before the beginning of the race meeting for which the license is granted.

8.17. No racing association shall permit the making of handbooks on its grounds, and if such practices are found to exist, such association shall take immediate steps to eliminate the same under penalty of having its license revoked, in the discretion of the Commission, and any owner, trainer or other person interested in any greyhound or greyhounds at said meeting, who shall bet with or through any such handbook shall be ejected from the grounds, and refused admission to the grounds of all other licensed associations in West Virginia, and in the case of the owner of any greyhound, the entries of said owner shall be refused for all West Virginia tracks.

8.18. A stand for judges shall be maintained in a position commanding an uninterrupted view of the entire racing strip and shall be subject to approval by the Commission.

8.19. Post time for the first race at each meeting under the supervision of the West Virginia Racing Commission, shall first be approved by the Commission, and each race thereafter shall be run at intervals to be approved by the Commission, unless an emergency arises, and in that event the final decision shall be in the hands of the judge representing the Commission.

8.20. All forms of wagering such as daily doubles, perfectas, quinellas, superfectas and similar pool systems may only be used with the permission of the Commission.

8.21. Each association shall provide within its grounds an office and suitable parking space for the use, and to be at the disposal of the West Virginia Racing Commission and all its representatives. The office shall offer sufficient space for private consultation, shall be equipped with a telephone and it must also have sufficient space for the harboring of Commission records and supplies under lock, and the key shall be available only to the secretary of the Commission or the judge representing said Commission. The Commission employees shall have free access to all parts of the grounds while on duty.

8.22. Any racing association contemplating a change of any kind pertaining to the racing strip, or the erection of new buildings, stands or other structures, or the remodeling of any of these, which are to be used as a part of the facilities for conducting a race meeting, on the grounds of the association, shall notify the Racing Commission.

8.23. Each racing association's liability insurance coverage shall have an endorsement naming by position the following: Three (3) judges, racing secretary, paddock judge, clerk of scales, chart writer, starter, lead-outs, veterinarian, director of racing, patrol judge, kennel master, operator of the mechanical lure, mutuel manager, auditor of pari-mutuels, announcer, photofinish operator, director of security, photographer, ~~general inspector~~ state security officer and license clerk, as additional named insured; and to include personal liability coverage at the limits of the association policy, but not to be less than five hundred thousand dollars ($500,000.) limit per named official.

178-2-9. Officials.

9.1. Officials of a race meeting unless otherwise approved by the Commission are as follows: Three (3) judges, racing secretary, paddock judge, clerk of scales, chart writer, starter, lead-outs, veterinarians, director of racing, patrol judge, kennel master, operator of the mechanical lure, mutuel manager, auditor of pari-mutuel, announcer, photofinish operator, director of security, photographer, ~~general inspector~~ state security officer and license clerk. No racing ~~officer~~official shall serve in a dual capacity unless otherwise authorized by the Commission.

9.2. No person shall be approved by the Commission as judge or other racing official or employed in a performance observer

category unless within one (1) year prior thereto, he has taken and satisfactorily passed an optical examination.

9.3. Unless prior approval is obtained from the Commission, no person shall be approved as an official of any race track who is an officer of that race track, or who has any financial interest in that track, or who has any financial interest in greyhounds running on the track.

9.4. No official listed in Section 9.1 of these rules shall directly or indirectly wager money or any other thing of value on the result of a race.

9.5. Drinking of intoxicating liquor, by any racing official or track employee, or licensee, while on duty, is prohibited. Any person violating this rule may be relieved of his duties by the judges or a representative of the Racing Association.

9.6. Where a vacancy occurs among the racing officials, other than the judges, and the association has not notified the judges of the vacancy prior to the post time of the first race of the day, or should a vacancy occur during the running of the races, the judges shall fill the vacancy immediately.

9.7. All other officials herein designated shall be appointed by the association holding the meeting, with the exception of the ~~general inspector~~ state security officer, auditor of pari-mutuels, a license clerk and a state veterinarian, who shall be appointed by the Commission. The judges shall be appointed in accordance with Section 10.1 herein. All the appointments, however, are subject to the approval of the West Virginia Racing Commission, which reserves the right to demand a change of personnel for what the Commission, in its sole discretion, deems good and sufficient reason, the successor to the official so replaced to be subject to the approval of the Commission.

9.8. Racing officials shall report to the judges all observed violation of the rules.

178-2-10. Judges.

10.1. There shall be three (3) judges for each race meeting. One (1) of the judges for each race meeting shall be named by the Commission. The association holding the meeting shall name the second judge; and the two (2) judges so selected shall name the third. In the event of a disagreement between the two (2) judges in naming the third judge, it shall then become the duty of the West Virginia Racing Commission to make the third appointment. In the event a judge is temporarily incapacitated, or for some sufficient reason cannot serve, the Commission shall deputize someone to serve for him in his absence Provided, That, should the association judge be temporarily incapacitated or for some sufficient reason be unable to serve, the racing association shall deputize someone to serve for him in his absence.

10.2. The judges are strictly responsible to the Commission for the conduct of all recognized meetings in every detail, directly or indirectly, pertaining to the laws and rules of the Commission relating to racing.

10.3. The judges have general supervision and authority over all licensees and other persons attendant on greyhounds and also over the enclosures of any recognized meeting.

10.4. All entries and declarations are under the supervision of the judges, and they may, with notice, refuse the entries of any person or the transfer of any entries.

10.5. No person may refuse to testify before the judges at any formal hearing on any relevant matter within the authority of the judges, except in the proper exercise of a legal privilege or unless representation is requested by an attorney or their association.

10.6. A majority vote shall decide any question to which the authority of the judges extends.

10.7. The judges may suspend up to and including any indefinite period or they may fine not to exceed five hundred dollars ($500), or both, anyone whom they have authority to supervise. All such suspensions and fines must be reported to the Commission. The judges' jurisdiction to act in any matter occurring during the race meeting extends after the conclusion of the meeting.

10.8. On each racing day and those days when there is no racing but where entries are being taken for the next succeeding day of racing, one or more judges shall be on duty from the time the racing secretary's office opens until the entries are closed.

10.9. Any complaint against a racing official or officials shall be made to the judges in writing, signed by the complainant. All such complaints shall be reported to management and the Commission, together with the judges' action.

10.10. The judges may order an examination at any time of any greyhound entered for a race or which has run in a race.

10.11. When, in the opinion of the judges after conferring with management, representatives of the kennelmen and the track superintendent, the judges determine that the races cannot be run, they shall cancel said races.

10.12. Rulings of the judges or the Commission regarding the order of finish or award of purse money made after the result has been declared official, shall in no way affect the pari-mutuel payoff.

10.13. The judges or management shall have power to suspend or exclude from the stands and grounds improper and objectionable characters and, in case of such notices being disregarded, to enforce them by proper orders.

10.14. The judges shall have control over and free access to all stands, weighing rooms, enclosures and all other places in use for the purpose of racing.

10.15. The judges shall have the power to determine all questions arising with reference to entries and racing.

10.16. Persons entering greyhounds to run on licensed West Virginia tracks agree in so doing to accept the decision of the judges on any questions relating to a race or racing.

10.17. The judges may disqualify a greyhound.

10.18. The judges shall have the power to call for proof that a greyhound is neither itself disqualified in any respect, nor nominated by, nor the property, wholly or in part, of a disqualified person, and in default of such proof being given to their satisfaction, they may declare the greyhound disqualified.

10.19. The judges shall have the power at any time, to order an examination by such person or persons, as they think fit, of any greyhound entered for a race or which has run in a race.

10.20. The judges shall take notice of any questionable conduct with or without complaint thereof.

10.21. The judges shall investigate promptly and render a decision on every objection and on every complaint made to them.

10.22. The judges shall report all objections and complaints to the Commission as soon as received by them and shall make prompt report of their investigation and decision to said Commission.

10.23. The judges shall take notice of corrupt racing and other questionable transactions on the track. Complaint thereof may be made by any person, but in the failure of the complainant, if he be an owner, trainer or authorized agent, to substantiate the charge, he may be liable for a fine, suspension or both.

10.24. During each racing day all of the judges of the meeting shall be at the office building on the grounds of the association where the racing meeting is being held unless excused by the Commission, not later than weighing-in time, to exercise the authority and perform the duties imposed on the judges by the Rules of Racing.

10.25. A greyhound may be scratched after leaving the paddock for the post for any reason deemed by the judges necessary to protect the public or the animal. All money wagered on such greyhound shall be refunded.

(a) After a greyhound has been placed in the starting box, no refund shall be made and all wagers stand. In case of mechanical failure to the starting box when a greyhound or greyhounds are prevented from starting, a full and complete refund shall be made on said greyhound or greyhounds.

(b) The decision ~~of the starter~~ as to whether said greyhound or greyhounds were prevented from starting by a mechanical failure shall be determined by the judges final and such decision shall be ~~immediately reported to the judges~~ final.

10.26. The judges shall decide which greyhound wins and assign the respective places to as many greyhounds as they think

proper. In determining the places of the greyhounds at the finish of the race, the judges shall consider only the relative position of the respective muzzles of such greyhounds.

(a) In the event that a greyhound loses its muzzle or finishes with a hanging muzzle, the judges shall then consider only the relative position of the nose of such greyhound and the muzzles of the other greyhounds in the race.

10.27. The judges shall promptly display the numbers of the first three (3) greyhounds in each race in order of their finish. If the judges differ in their placing, the majority shall prevail.

10.28. Whenever it is considered advisable to consult a picture from the finish camera, the judges may post without waiting for a picture, such placements as are in their opinion unquestionable and after consulting the picture, make other placements. However, in no case shall the race be declared official until the judges have determined the greyhounds finishing first, second and third.

10.29. Nothing in these rules shall be construed to prevent the judges from correcting an error before the display of the sign "Official" or from recalling the sign "Official" in case it has been displayed through error.

10.30. Any greyhound may be placed on the schooling list by the judges at any time.

10.31. The judges shall each day make reports in writing to the Commission of all infractions of the rules and of all rulings of the judges upon matters coming before them during the meeting.

10.32. The judges may demand for inspection any license or papers and documents with respect to any contract; partnership agreement; or the credentials of an authorized agent.

178-2-10A.1 Racing Secretary.

10A.1 The racing secretary shall receive all entries and declarations, and shall be authorized to program three (3) T races per week. Any additional T races must have the approval of the Commission.

10A.2 The racing secretary shall inspect owners and trainer's licenses and all papers and documents dealing with trainers and owners, partnership agreements, appointment of authorized agents, adoption of kennel names and may demand production of same in order to satisfy himself as to their validity and authenticity and that the Rules of Greyhound Racing in regard thereto have been complied with, which papers shall be available to the Commission judge at all times.

10A.3. Conditions of races shall not conflict with the Rules of Greyhound Racing.

10A.4. The racing secretary shall each day, as soon as the entries have closed and have been compiled and the declarations have been made, post in a conspicuous place a list thereof.

10A.5. The racing secretary shall be solely responsible for

the accuracy of the program.

178-2-11. Paddock Judge.

11.1. No greyhound shall be permitted to start in a schooling or purse race that has not been fully identified and checked against the card index system of identification maintained by each association. The identification cards shall be filled in and completed by the paddock judge before greyhounds are entered for schooling or for a purse race.

11.2. The paddock judge shall fully identify and check against the card index system of identification maintained by the association all greyhounds starting in schooling and purse races. He shall report to the judges any greyhound or greyhounds who do not conform to the card index identification.

11.3. Under the supervision of the paddock judge, the kennel master shall unlock the kennels immediately before weigh-in time to see that the kennels are in perfect repair and that nothing has been deposited in any of the kennels for the greyhounds' consumption. He shall see that the kennels are sprayed, disinfected and kept in proper sanitary conditions. He or his assistant must receive the greyhounds from the trainer, one at a time, and see that each greyhound is placed in its kennel; and remain on guard from that time until the greyhounds are removed for the last race.

11.4. As each greyhound is weighed in, there shall be an identification tag attached to its collar indicating the number of the race in which the greyhound is entered and its post position. This tag shall not be removed until the greyhound has been weighed out and blanketed.

11.5. The paddock judge shall not allow anyone to weigh in a greyhound for racing unless he has in his possession a valid ~~owner's-or~~ trainer's license issued by the Commission.

11.6. After the greyhounds are placed in the lock-out kennels, no person other than the kennel master, Commission security guard, veterinarians or other persons approved by the Commission shall be allowed in or near the lock-out kennels. At no time shall less than two (2) such authorized persons be present in the lock-out kennels.

11.7. The paddock judge shall carefully compare the identification card with the greyhound while in the paddock before post time.

11.8. Before leaving the paddock for starting box, every greyhound must be equipped with a regulation muzzle and blanket. The muzzles and blankets used shall be approved by the paddock judge and shall be carefully examined by him in the paddock before the greyhound leaves for the post.

11.9. The paddock judge shall record as soon as the weights are exhibited, any over-weight or variation from the weight appearing on the weight sheet.

11.10. The paddock judge shall promptly report to the judges any infraction of the rules as to weight or weighing.

178-2-12. Timer.

12.1 Time of the race shall be taken from the opening of the doors of the starting box.

12.2. Each racing association shall be required to install an automatic film timing device approved by the Commission, upon which the time of each race is recorded. This time shall be the official time for the race. In the event of a mechanical failure, the judge shall use a stop watch for the official time. When the stop watch is used as the official time of the race, it shall be so announced to the public.

178-2-13. Starter.

13.1. The starter shall give such order and take all such measures, not in conflict with the Rules of Greyhound Racing, as are necessary to secure a fair start.

13.2. The greyhounds shall be started from a type of starting box approved by the Commission and there shall be no start until, and no recall after, the doors of the starting box have opened.

13.3. The starter shall report causes of delay, if any should occur, to the judges.

13.4. A false start, due to any faulty action of the starting box, break in the machinery or other cause, is void, and the greyhounds may be started again as soon as practicable, or the race may be cancelled at the discretion of the judges.

178-2-14. Clerk of scales.

14.1. The clerk of scales shall call the weight of the greyhounds in and out of a scale sealed by the duly authorized sealer of weights and measurers and shall exhibit the accurate weight of each greyhound on the weight board. The established racing weight, weigh-in and weighing-out (weight) shall be promptly posted on the weight board for the information of the public.

~~14.2. The clerk of scales shall record as soon as the weights are exhibited any overweight or variation from the weight appearing on the weight sheet.~~

14.2. The clerk of scales shall deliver to the Commission judge a copy of the weight sheet before each day's race.

14.3. All greyhounds must be weighed in and weighed out in a uniform manner.

~~14.5. The clerk of scales shall promptly report to the judges any infraction of the rules as to weight or weighing.~~

14.4. The clerk of scales shall keep a record of the weights and weight changes for each performance.

178-2-15. Chart writer.

15.1. The chart writer shall compile the information necessary for a program which shall be printed for each racing day and shall contain the names of the greyhounds that are to run in each of the races for that day. These names shall appear in the order of their post positions; the said post positions to be designated by numerals placed at the left and in lines with the names of the greyhounds in each race, which numerals shall also be prominently displayed on each greyhound.

15.2. All past performances as shown in the program shall be in order of the races or official schooling held; the last performance appearing on the first line, etc.

15.3. Program or form sheet must also contain name, color, sex, date of whelping, breeding, established racing weight, number of starts in official races and number of times finishing first, second and third, names of owner and/or lessee, name of trainer, distance of race, track record and such other information as will enable the public to properly judge the greyhound's ability.

15.4. In case the name of a greyhound is changed, the new name, together with the former name, shall be published in the official entries and program until the greyhound has started six (6) times.

178-2-16. Lead-outs.

16.1 Owners, trainers or attendants will not be allowed to lead their own greyhounds from the paddock to the starting box. ~~except in scheeling races.~~ The greyhounds shall be led from the paddock to the starting box by lead-outs provided by each association for that purpose.

16.2. Lead-outs will be required to present a neat appearance and conduct themselves in an orderly manner and must be attired in clean uniforms provided by the association and approved by the Commission.

16.3. The lead-out must put his greyhound in its proper box before the race and then retire to his assigned place.

16.4. No lead-out will be permitted to have any interest in the greyhounds racing for said association.

16.5. Lead-outs shall be assigned to post position by the paddock judge by lot before each race and a record thereof shall be maintained.

16.6. Lead-outs are prohibited from holding any conversation with the public or with one another, either in the paddock, enroute to the starting post or while returning to the paddock.

16.7. Smoking while in uniform and on duty is prohibited.

16.8. Lead-outs are prohibited from wagering on the result of any greyhound racing at the track where they are assigned.

16.9. Each racing association shall have not less than ~~eighteen (18)~~ fourteen (14) lead-outs on duty for each racing

program.

178-2-17. State veterinarians.

17.1. The Racing Commission shall employ a graduate veterinarian licensed by the West Virginia Board of Veterinary Medicine, who shall be known as the State Veterinarian. The veterinarian employed by the Racing Commission shall not be permitted during the term of his employment to treat or prescribe for any greyhound on the grounds or registered to race at any race track for compensation or otherwise except in case of emergency, in which case a full and complete report shall be made to the judges. No owner or trainer shall employ or pay compensation to any such veterinarian either directly or indirectly during the period for which he is so employed by the Commission. For violation of this rule the veterinarian, or owner or trainer may be fined, suspended or ruled off after a hearing before the Commission.

17.2. The State Veterinarian shall, in general, familiarize himself with the racing condition of all entrants and if, in his opinion, any entrant is not in condition to race, he shall notify the judges.

17.3. The State Veterinarian shall be present in the paddock before each race, and he shall inspect each entrant. If, in his opinion, any entrant is not in condition to compete in that race, he shall immediately notify the judges, who shall order the greyhound scratched out of the race, and the greyhound automatically goes on the veterinarian's list for at least 10 calendar days, and thereafter shall not be permitted to enter until the veterinarian notifies the judges that the greyhound is again fit to compete.

17.4. Should an owner or trainer object to a greyhound in his care undergoing an examination, the fact shall be reported to the judges, and that greyhound may be eliminated from the race.

17.5. The State Veterinarian shall approve employment of all personnel used in the test area and shall be responsible to the Commission for the proper operation of the test area, and the taking of the urine samples.

17.6. In the event there is a desire to scratch a programmed greyhound, the State Veterinarian or his designee shall inspect the greyhound and report his findings to the judges.

17.7. Bitches coming in season during the racing meeting must not be accepted for entry within ~~ninety-(90)~~ thirty (30) days from the date of coming in season. Before being accepted for entry these bitches must be examined by the Veterinarian and must school to the satisfaction of the Judges.

17.8. Bitches in milk are not eligible to school or to race.

17.9. Bitches in season must be reported to the judges and

the veterinarian. Owners and trainers failing to report this condition promptly shall be fined, suspended or both.

17.10. Any greyhound the veterinarian does not consider in proper physical condition shall be reported to the judges who shall order said greyhound scratched out of the race for which it is entered.

17.11. Veterinarian practicing veterinary medicine on a race track shall use onetime disposable type needles and shall keep them in his possession until disposed of by him off the track.

17.12. Any illness or unusual symptoms of illness shown by a greyhound shall be immediately reported by the trainer or attending veterinarian to the judges, the Racing Commission and state veterinarian.

178-2-18. Test Area.

18.1. An area within a suitable building must be set aside, and be under the supervision of the State Veterinarian for the purpose of collecting specimens for any tests required by the Commission. Said building, its location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the Commission.

18.2. Urine, blood and other specimens shall be taken and tested from such greyhounds as the judges of the meeting or the Commission's representatives may designate. Such tests are to be under the supervision of the Commission. The specimens shall be collected by the state veterinarian or such other person or persons as the Commission may designate.

18.3. All samples collected shall be frozen and forwarded to a laboratory approved by the Commission. All laboratory costs for sample analysis shall be paid by the racing association.

18.4. The winner ~~of every race~~ and/or such other greyhounds as the judges may designate shall be taken immediately after the race to the testing enclosure for examination by the supervisor of drug tests and the taking of such specimens of body fluids and eliminations as shall be directed.

18.5. The state judge or state veterinarian may also require the taking of any or all of the foregoing specimens from any greyhound kenneled at a track during a meeting.

18.6. The owner, trainer or authorized representative shall be present in the testing area when any ~~urine or other~~ specimen is taken from his greyhound and shall remain until the sample tag is signed by the owner, trainer or authorized representative as witness to the taking of the specimen.

18.7. Willful failure to be present at or a refusal to allow the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or there at to impede or prevent or otherwise interfere therewith shall be reported to the judges who shall subject the person or persons

guilty thereof to immediate suspension by the judges of the meeting and the matter shall be referred to the Commission for such further action as, in its discretion, it may determine.

178-2-19. Chemist.

19.1. The official chemists shall be members in good standing of the Association of Official Racing Chemists and shall make all reports directly to the Secretary of the West Virginia Racing Commission.

19.2. All specimens taken by or under direction of the State Veterinarian or other authorized representative of the Racing Commission shall be delivered to the laboratory of the official chemist for analysis. Each specimen shall be marked and bear such information as may be essential to its proper analysis; but the identity of the greyhound from which the specimen was taken or the identity of its owner, trainer or kennel shall not be revealed to the official chemist or his staff. The container of each specimen shall be sealed as soon as the specimen is placed therein.

19.3. The State Veterinarian, the judges or the authorized representatives of the Commission may take samples of any medicines or other materials suspected of containing improper medication or drugs which could affect the racing condition of a greyhound in a race, which may be found in kennels or elsewhere on race tracks or in the possession of such tracks or any person connected with racing, and the same shall be delivered to the official chemist for analysis under the same conditions as in the article prescribed for analysis of saliva and urine. Same may be retained by the West Virginia Racing Commission.

19.4. No action shall be taken by the judges on the report of the official chemist unless and until the medication or drug has been properly identified as well as the greyhound from which the specimen was taken now until such time as an official report signed by the chemist has been received by the state judge.

178-2-20. Camera and film patrol.

20.1 All race tracks in West Virginia, operating under the jurisdiction of this Commission, must install and use an approved type "Film Patrol" with not less than one (1) camera operating from a position designated by the Commission.

20.2. Each racing association shall furnish and maintain at its track at all times, during the racing licensed for that track, the necessary camera and equipment to produce motion pictures or video tape of each race from start to finish thereof. The camera and equipment necessary in their operation shall be approved by the Commission. The film of all such pictures shall be retained by the racing association for a period of ten (10) days and shall be available at all times during that period to

the Commission.

20.3. On all tracks a proper camera shall be installed as an aid to the judges. However, in all cases, the camera is merely an aid and the decision of the judges shall be final. The type of equipment used and the operator thereof shall be approved by the Commission.

20.4. No photographer, other than the official licensed photographer, shall be permitted on the track unless special permission is granted by the judges or the Commission, and then only for such pictures as are specifically mentioned and in such places as are indicated by the judges or the Commission.

20.5. On all tracks the operator of the camera taking pictures approaching the finish line, and in the winner's circle after said race, shall be approved by the Commission. In all cases where a still picture is taken, the operator must direct his camera at a point away from the finish line unless special permission is granted by the judges or the Commission.

20.6. All associations shall keep on file for the duration of the meeting and one (1) month thereafter, each plate or film or finished picture of each race for reference or reproduction upon request of the West Virginia Racing Commission.

20.7. Only with the permission of the state presiding judge may video tapes or photo finish pictures be removed from the grounds.

178-2-21. Policing.

21.1. Each association shall maintain and furnish police and watchman service as may be needed or requested by the Commission. Such police must be fully empowered to enforce law and order and cooperate in the enforcement of the rules.

21.2. Each association shall police its grounds at all times in such a manner as to preclude the admission of any person in and around the kennels excepting those having bona fide business or duly licensed by the Commission, such as trainers, kennel attendants, owners or employees of said association.

21.3. A written report shall be made to the West Virginia Racing Commission daily by the head of the police department at each race track, stating in detail all arrests or persons booked in their office. This report shall further include all persons picked up for drunkenness, touting, disorderly conduct, fraudulent use of badges or other misdemeanors, giving in detail the charges, together with the names and addresses of such offenders.

21.4. The Commission after prior consultation with the racing association, may designate not more than three (3) persons as special investigators, whose duties and responsibilities shall be fixed by the Commission; compensation of such persons shall be paid by the associations; Provided, however, That such compensation shall not exceed that which is comparable for like

or similar services in the area of the association. These personnel shall not be considered as employees of the association.

178-2-22. Kennel names.

22.1. A licensed owner wishing to race under a kennel name may do so by registering for the racing season with the Commission and by paying the prescribed fee.

22.2. A trainer, who is also a licensed owner or part owner, may use a kennel name as owner or part owner. However, no trainer may be licensed as trainer other than in his legal name.

22.3. In applying to race under a kennel name the applicant must disclose the identity or identities behind a kennel name.

22.4. If a partnership is involved in the identity behind a kennel name, each of the partners must be licensed as owner and the rules covering partnerships must be complied with.

22.5. If a corporation is involved in the identity behind a kennel name, the rules covering corporations must be complied with.

22.6. Changes in ownership identities involved in a kennel name must be reported immediately to and approval obtained from the Commission.

22.7. A licensed owner cannot be a party to more than one kennel name at the same time, nor can he use his real name for racing purposes, so long as he has a registered one.

22.8. A licensed owner who has registered under a kennel name may at any time abandon it, after he has given written notice to the Commission.

22.9. A kennel name may be changed at any time by registering a new kennel name and by paying the prescribed fee.

22.10. A licensed owner cannot register as his kennel name one which is then registered by any other owner.

22.11. A licensed owner cannot register as his kennel name one which is the real name of any owner or greyhounds racing nor one which is the real or kennel name of any prominent person not owning greyhounds.

22.12. A kennel name shall be plainly distinguishable from that of another duly registered kennel name.

22.13. The Commission reserves the right to refuse any corporation the privilege of registering a kennel name.

178-2-23. Registration.

23.1. The National Greyhound Association of Abilene, Kansas, shall be recognized as the official breeding registry of all greyhounds ~~and the Greyhound Publications, Inc. Information System shall be recognized as the official record keeping agency of all greyhound performances and shall maintain the past performance lines on every greyhound raced at an official track licensed by a racing jurisdiction.~~ The West Virginia Racing Commission may certify any greyhound whose lack of registration

with the approved registry is attributable to arbitrary, discriminatory or other unreasonable action or inaction on the part of such agencies.

~~23.2.--The registry and record keeping agency shall be self funding, insofar as is practicable, and shall be authorized to charge reasonable fees for their services to attain this objective.~~

23.3 2. A greyhound shall not be entered for racing or schooling at any official track unless it has been tattooed and registered in the NGA stud book and the last six (6) performance lines, if applicable, and the racing history of the greyhound is made available to the racing secretary. ~~from the Greyhound Information System.~~

~~23.4.--The NGA breeding registry shall furnish to the Greyhound Information System when such greyhounds are registered and named, the necessary and proper information.--A reasonable fee per start shall be deducted from the weekly purses by the track and paid to the Greyhound Information System.~~

~~23.5.--Every official track shall submit a copy of the official chart of each of its races to the Greyhound Information System.~~

~~23.6.--The West Virginia Racing Commission shall have access to the NGA Breeding Registry and transfer files and to the Greyhound Publications, Inc., Information System.~~

~~23.7 A certificate of registration or a registered certificate of lease for each greyhound shall be filed with the racing secretary at the race track where said greyhound is to be schooled, entered or races.~~

23.8.3 All certificates of registration must be available at all times for inspection by the Commission judge.

23. 9.4 All transfers of any title to, leasehold or other interest in greyhounds schooled, entered or racing at any track under the jurisdiction of the Commission shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.

23.10.5 No title, leasehold or other interest in any greyhound will be recognized by the Commission until such title, leasehold or other interest shall be evidenced by written instrument, duly filed with and recorded by the National Greyhound Association of Abilene, Kansas, and ~~certified~~ notarized copies thereof filed with the Commission and with the racing secretary at the track where said greyhound is to be schooled, entered or raced.

178-2-24. Owners.

24.1. The Kennel owners are presumed to know the rules of Greyhound Racing as adopted by the Commission.

24.2. A Kennel owner, when his trainer is to be absent from

his kennel and the grounds where his greyhounds are racing, shall notify the judges of the licensed trainer, licensed assistant or licensed authorized agent who will assume complete responsibility of the greyhounds he is running.

24.3. All Kennel owners must file with the Commission and the association a roster of his trainer, assistant trainers, authorized agent and other employees and if any kennel owner changes trainer, he must notify the Racing ~~secretary~~ Commission forthwith and require the new trainer or any new employee to sign ~~the owner's filed roster,~~ in at the Commission office at the track where the kennel is racing.

24.4. All kennel owners of greyhounds and their employees are subject to the laws of the State of West Virginia and the rules promulgated by its Commission immediately upon making entry to run on a track in West Virginia.

24.5. Kennel owners and their employees shall abide by said laws and rules and accept the decision of the judges on any and all questions to which their authority extends, subject to the right of appeal to the Commission.

178-2-25. Partnerships.

25.1. Each and every member of a partnership, including husband and wife, must obtain an owner's license to allow such partnership to function on the tracks of West Virginia and complete proper partnership forms.

~~25.2. An authorized agent must be appointed to represent a partnership in all matters and only he shall withdraw money or sign claims for said partnership. A notarized instrument must be signed by all members of a partnership in the appointment of an authorized agent.~~

25.~~3~~.2 Partnership papers shall, among other things, set forth the following:

(a) The name and address of each and every person having an interest in the greyhound or greyhounds involved.

(b) The relative proportions of such interests.

(c) To whom the winnings are payable.

(d) In whose name the greyhound or greyhounds shall run.

(e) With whom the power or entry and declaration rests.

(f) The terms of any contingency, lease or any other arrangement.

25.4.3 All partnership papers must be signed by all parties or by their authorized agent.

25.~~6~~.4 In case of emergency, authority to sign declarations of partnerships may be given to the West Virginia Racing Commission by a telegram promptly confirmed in writing.

25.~~6~~.5 The part owner of any greyhound cannot assign his share or any part of it, without the written consent of the other

partners, the said consent to be lodged with the Racing Commission and racing secretary.

25.7.6 An alteration in a recorded partnership registration, to be effective, must be reported in writing to the Commission and signed by all partners.

25.8.7 All parties to a partnership and each of them shall be jointly and severally liable for all stakes, forfeits and other obligations.

178-2-26. Corporations.

26.1. No license as an owner shall be granted to a corporation or to the lessee or lessees of any corporation unless such corporation shall have no more than ten (10) stockholders or members, each of whom shall be the registered and beneficial owner of stock or membership in such corporation; nor shall any corporation having more than ten (10) such stockholders have the power to lease for racing purposes to any natural person or persons, or partnership, any greyhound owned or controlled by it. Each stockholder must file an application for an owner license. All the stockholders or members of a corporation which own or lease greyhounds for racing purposes in the State of West Virginia and also all such corporations shall make and file with the Commission as and when requested by it, a report or reports containing such information as the Commission may specify; and upon refusal or failure to file such report or reports, the Commission may refuse a license to any lessee or lessees of such corporation, or may revoke any such license which it may have granted.

178-2-27. Authorized agents.

~~27.1.--Each authorized agent must obtain a license from the Racing Commission.~~

~~27.2.--Application for license must be filed for each owner represented.~~

~~27.3.--A written instrument signed by the owner must accompany the application and shall clearly set forth among the delegated powers whether or not said agent is empowered to collect money from the association and the owner's signature must be acknowledged before a notary public.~~

27.4.1 ~~If the written instrument is~~ Each authorized agent shall file a valid a power of attorney, it shall be filed permanently with the Racing Commission~~,~~ ~~attached to the regular application form.~~

27.5.2 Any changes must be in writing and filed as above provided.

~~27.6.--The term of the license shall expire December 31 of each year, unless the agent's appointment is revoked by the owner of the license or revoked by the Racing Commission prior thereto.~~

27.7.3 Owner's revocation must be in writing, sworn to

before a notary public, and filed with the Racing Commission.

178-2-28. Schooling.

28.1. Greyhounds must be properly schooled in the presence of the judges, and must, in the opinion of the judges, be sufficiently experienced before they can be entered or started.

28.2. All schooling races shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.

28.3. Each official schooling race must consist of at least six (6) greyhounds. However, if this condition creates a hardship, less than six (6) may be schooled with the permission of the Commission judge.

28.4. No hand schooling will be considered official.

28.5. Any greyhound that has not been entered for a period of six (6) racing days and/or has not raced for a period of ten (10) racing days or more shall be schooled at least once at its racing weight before being eligible for entry.

28.6. All greyhounds in official schooling races must be raced at their established racing weight and started from the box wearing blankets.

28.7. Any owner, or trainer ~~or authorized agent,~~ licensed by the Commission, who has greyhounds under his care and management that are booked to race on tracks licensed by the Commission, and who permits said greyhounds to be schooled on any track in West Virginia or elsewhere, not approved by the Commission during these bookings, shall be subject to the immediate revocation of his license.

28.8. ~~Any greyhound may be ordered on the schooling list by the judges at any time.~~ Any greyhound ordered on the schooling list by the judges must be schooled officially and satisfactorily before being allowed to enter a race.

28.9. Each association shall provide a photo-finish camera approved by the Commission, to be in operation at all official schooling races.

178-2-29. Entries.

29.1 Every person who enters a greyhound, or in any way participates in any race or racing under these rules thereby obligates himself to accept these rules upon all questions relating thereto.

29.2. For all races the racing secretary is the person authorized to receive entries and declarations.

29.3. Every entry in a race must be in the name of the registered owner, lessee or his kennel name and must be made in writing or by telephone immediately confirmed in writing. The full name of every person having an ownership in a greyhound or accepting the trainer's percentage, or having any interest in its winnings, must be registered with the racing secretary before it starts at any meeting, as must every change in such ownership or

interest, thereafter made during that meeting and a copy thereof be promptly delivered to the Commission by the racing secretary of the track where the greyhound is racing. Any failure to comply with this rule shall be punished by a fine or suspension or both, and if any objection because of such default is duly made and sustained against a greyhound that has run in a race, its winnings in that race shall be forfeited and the purse redistributed by the judges. Such redistribution shall in no way affect the pari-mutuel pay-off for the race.

29.4. A greyhound shall not be qualified to run in any race unless it has been and continues duly entered for the same; and unless otherwise specified by the conditions of a race, or disqualified by violation of racing rules, any greyhound eligible at the time of entry shall continue to be qualified, except in an overnight event, in which it must be eligible at the time of the start.

29.5. The entrance to a race shall be free unless otherwise stipulated in its conditions. If the conditions require an entrance fee, it must accompany the entry.

29.6. Any person having an interest in a greyhound less than the interest or property of any other person is not entitled to assume any of the rights or duties of an owner as provided by these rules including the right of entry, declaration, etc.

29.7. Joint subscriptions and entries may be made by any one or more of the owners. However, all partners and each of them shall be jointly and severally liable for all fees and forfeits.

29.8. The racing officials shall have the right to call on any person in whose name a greyhound is entered to produce proof that the greyhound entered is not the property either wholly or in part of any person who is disqualified or to produce proof of the extent of his interest or property in the greyhound and failing of such proof shall declare the greyhound out of the race.

29.9. No greyhound shall be permitted to start that has not been fully identified.

29.10. Any person who knowingly attempts to establish the identity of a greyhound or his ownership shall be held to account the same as the owner and shall be subject to the same penalty in case of fraud or attempted fraud.

29.11. No disqualified greyhound shall be allowed to enter or to start in any race.

29.12. A greyhound shall not be qualified to be entered or to start in any race if owned, in whole or in part, or is under the control, directly or indirectly, of a disqualified person.

29.13. The entries of any person or the transfer of any entry may be refused with or without notice or reason being given therefor.

29.14. No greyhound shall be permitted to enter or to start

unless he is conditioned by a licensed trainer.

29.15. No entry shall be accepted from husband or wife while either is disqualified.

29.16. No greyhound on the schooling list or the veterinarian's list shall be qualified to enter or to start.

29.17. Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted.

29.18. No alteration shall be made in any entry after closing of entries, but an error may be corrected.

29.19. In purse races, there shall be at least six (6) greyhounds of completely different ownership. No trainer or owner shall have more than two (2) greyhounds in any race excepting in stakes, sweepstakes or feature race without the permission of the Commission. In all other purse races, the following conditions shall apply: No double entries shall be allowed until all single interests are used and double entries shall be uncoupled for wagering purposes; the owner shall have agreed to a double entry; when no other single entry is available then the racing secretary may use a double entry without the permission of the owner; greyhounds nominated for any distance over 5/16 mile are subject to double entry without permission of the owner.

29.20. If an entry from any person or of any greyhound that stands suspended or expelled is received, such entry shall be void and the money, if any, paid for such entry refunded. Any money or prize won under said entry shall be returned.

29.21. No greyhound under the age of fifteen (15) months shall run in any official race other than races conditioned for greyhounds of the same age.

29.22. Entries for stake races, the conditions of which have previously been published shall close at the time advertised in such publication, and no entry shall be received after that time, but in case races fail to fill, additional time may be granted.

29.23. Every greyhound entered for a purse must be a starter unless it be declared or scratched.

29.24. An entry in a sweepstake is a subscription and cannot be withdrawn.

29.25. A greyhound shall not become a starter for a stake race unless there has been duly paid any stake or entrance money payable in respect to that race.

29.26. Entrance money is not refunded on the death of a greyhound or his failure to start.

29.27. The nominator is liable for the entrance money or stake and the death of a greyhound or a mistake in its entry when eligible, does not release the subscriber or transferee from liability for stakes.

29.28. In the absence of notice to the contrary, entrance and declarations for sweepstakes which close during or on the eve

of a racing meeting, close at the office of the racing secretary who shall make provisions therefor. Closing at all other times for sweepstakes shall be at the office of the association.

29.29. When an hour for closing is designated entries and declarations for sweepstakes cannot be received afterwards; but if an hour is not designated, they may be mailed or telegraphed up to midnight of the day of closing, Provided, That they are received in time for compliance with every condition of the race.

29.30. Nomination for stake races received and postmarked before midnight of the day of closing shall be valid if received twenty-four (24) hours in advance of closing overnight entries.

29.31. If a miscarriage of any entry or declaration in a stake is alleged, satisfactory proof that it was mailed or telegraphed must be presented within a reasonable time or it shall not be received.

29.32. A person entering a greyhound thereby becomes liable for the entrance money or stake.

29.33. An entry of a greyhound in a sweepstake is a subscription to the sweepstakes and the subscriber is liable for stake and forfeit, but should he transfer the entry he is liable only in cause of default to the transferee. Similarly, the seller of a greyhound with engagements is liable for stake or forfeit if the engagement is not kept.

29.34. A person making a wrong entry or nomination shall be liable for stake and forfeits under the nomination.

29.35. The entrance money, starting and subscription fees, in every race shall go to the winner unless otherwise provided in the conditions of the race, but when, from any cause, a race is not run off, all stakes or entrance money, if any is paid, shall be refunded.

29.36. When a person is prevented by these rules from entering or starting a greyhound for any race without pay arrears in which he would not otherwise be liable, he may, by paying the same, enter or start the greyhound and have the arrears placed on the forfeit list as due to himself.

(a) If the seller of a greyhound with engagements is compelled to pay arrears through the purchaser's default, he may place the amount on the forfeit list as due from the purchaser to him. This rule shall also apply in the transfer of entries when the transferee defaults.

(b) The racing secretary, with the approval of the judges, shall have full authority to waive the obligations incurred by this rule according to the circumstances of the case.

29.37. Any person not having money to his credit with the association must, before his greyhound can start, pay (in case, if required) to the association, all entrance money, stakes and arrears then due it or on the greyhound he intends to start.

29.38. If a greyhound is sold to a disqualified person, said greyhound's racing engagements shall be void as of the date

of sale.

29.39. In case of fire or accident, or for other reasons, after due public notice, all races or stakes may be postponed or declared off, and when so declared off, all subscriptions and declarations money paid must be refunded.

29.40. No more than one (1) greyhound of any licensed owner shall be allowed to run in any race, except as in stake or sweepstakes races unless express written permission has been granted by the West Virginia Racing Commission.

178-2-30. Post position.

30.1. The post position of greyhounds in starting shall be assigned by lot or drawing, supervised by the Commission judge and racing secretary, at a time and place properly posted in the paddock, at least one (1) day previous to the running of the races, so that any and all owners, trainers or authorized agents interested may be present if they so desire.

178-2-31. Declarations.

31.1. The declaration of a greyhound out of an engagement is irrevocable.

31.2. Declarations in sweepstakes shall be made in the same manner as is provided for making entries therein to the racing secretary who shall record the day and hour of receipt and give early publicity thereto.

31.3. Declarations in purse races must be made by the ~~owner, trainer or authorized agent,~~ to the racing secretary or his assistant ~~at least one-half (1/2) hour~~ at any time before the time designated for the ~~drawing~~ posting of post positions on the day previous to the day on which the greyhound is to race, ~~or at such time as the racing secretary may appoint.~~

178-2-32. Scratches.

32.1. To scratch a greyhound entered in a race, sufficient cause must be given to satisfy the judges. All scratches and the cause must be reported immediately to the judges.

32.2. Any scratches that occur that are the result of a violation of a racing rule must carry a penalty and/or suspension of said greyhound for a period of six (6) racing days. Scratches for other causes must be disciplined at the discretion of the judges.

(a) However, if any owner or trainer fails to have the greyhound entered at the track at the appointed time for weighing-in, and, as a result, said greyhound is scratched, the judges shall impose a forfeiture and/or suspension on the person responsible.

32.3. If three (3) or more greyhounds are withdrawn or scratched in any one race, the ~~judges may cancel said race.~~ race may be canceled.

32.4. The judges may scratch a greyhound entered in a race for sufficient cause.

178-2-33. The race.

33.1. If a greyhound bolts the course, of his own volition runs in the opposite direction or does not run the entire prescribed distance for the race, it shall forfeit all rights in the race and, no matter where it finished, the judge shall declare the finish of the race the same as if said greyhound were not a contender. However, for the purpose of the rule, said greyhound shall be considered a "starter".

33.2. If a greyhound bolts the course, of his own volition or runs in the opposite direction during the running of the race, and in so doing, said greyhound, in the opinion of the judges, interfered with any other greyhound in the race, the judges shall declare it "No Race" and all moneys wagered shall be refunded; except when, in the opinion of the judges, such interference clearly did not interfere with the outcome of the race.

33.3. If it appears that a greyhound may interfere with the running of the race because of failure to leave the box, because of an accident or for any other reason, any person under the supervision of the judges stationed around the track, may remove said greyhound from the track. However, for the purpose of the rule, said greyhound shall be considered a "starter".

33.4. All greyhounds must wear the regulation association muzzle and blanket while racing. Blinker muzzles may not be used.

33.5. Muzzles and blankets must be carefully examined in the paddock by the paddock judge before the greyhounds leave the post and again be examined before the judges at the judges' stand or before the starter at the starting box by the patrol judge.

33.6. All greyhounds must be exhibited in the show paddock before post time of the race in which they are entered.

33.7. After the greyhounds leave the paddock on their way to the starting point, and until the judges direct the gates to be reopened, all persons except the racing officials and necessary attendants shall be excluded from the track to be run over.

33.8. No race shall be called official unless the lure is in advance of the greyhound at all times during the race, and if at any time during the race, any greyhound or greyhounds catch or pass the lure, the judges shall declare it "No Race" and all moneys shall be refunded.

33.9. The judges shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation.

33.10. If a greyhound is left in the box when ~~the doors of~~ the starting box is opened ~~open~~ at the start, there shall be no refunds. ~~but if one or more greyhounds are prevented from~~

~~leaving-the-box-at-the-start-because-of-being-locked-in-the starting-box,-the-money-wagered-on-said-greyhound-or-greyhounds so-locked-in-the-starting-box,-shall-be-deducted-from-the-pool and-it-shall-be-refunded.--The-judges-shall-make-the-sole decision-on-the-question-of-what-greyhound-or-greyhounds-are prevented-from-starting-in-a-race-through-failure-of-the-doors-of the-starting-box-to-open.~~

33.11. If a race is marred by jams, spills or racing circumstances other than accident to the machinery while a race is being run, and three (3) or more greyhounds finish, the judges shall declare the race finished; but if less than three (3) greyhounds finish, the judges shall declare it "No Race" and all moneys shall be refunded. This rule remains in force and will be applicable to any and all types of wagering.

178-2-34. Weights and weighing.

34.1. All greyhounds must be weighed not less than one (1) hour before the time of the first race of the day.

34.2. Before a greyhound is allowed to school or race at any track, the ~~owner or~~ trainer must establish its racing weight with the ~~clerk of scales~~ paddock judge.

34.3. At weighing-in time should there be a variation of more than one and one-half (1 1/2) pounds either way from its established weight, the judges shall order said greyhound scratched.

34.4. At weighing-out time, if a greyhound loses weight in excess of one and one-half (1 1/2) pounds from its weigh-in weight while in the lock-out kennels, the judges shall order said greyhound scratched. However, upon certificate from the veterinarians that such loss of weight while in the lock-out kennels does not impair the racing condition of the greyhound, the judges may allow said greyhound to race.

34.5. If at weighing-in time, should there be more than two (2) pounds variation between the weight of its present race and the weight at weighing-in time of its last race, the judges shall order said greyhound scratched.

34.6. The weight regulations provided in Sections 34.1, 34.2, 34.3, 34.4, 34.5 and 34.6 above shall be printed in the daily program.

34.7. The established racing weight may be changed from time to time on written request of the owner or trainer and by written consent of the judges; Provided, that such change is made four (4) calendar days before the greyhound is allowed to race at the new weight.

(a) All greyhounds having an established weight change of more than one (1) pound must be schooled at least once; or more at the discretion of the judges, at the new established weight before being eligible for starting.

34.8. Greyhounds that have not raced or schooled officially

for a period of three (3) weeks will be allowed to establish a new racing weight with the written consent of the judges and may be schooled officially immediately upon receipt of said written consent.

34.9. The judges shall have the privilege of weighing a greyhound entered in a race at any period from the time he is entered in a race until post time.

34.10. Immediately after being weighed in, the greyhounds shall be placed in lock-out kennels under the supervision of the paddock judge, and no owner or other person excepting the paddock judge, veterinarian, kennel master, scales clerk, lead-out, judges or Commission's representatives shall be allowed in or near the lock-out kennels.

178-2-35. Grading.

35.1. There will be six (6) grades for experienced greyhounds. When designating the grades of races, the Grades AA, A, B, C, D, and M will be used. Grade AA shall be the highest classification, but this grade shall not be in effect unless twenty (20) or more greyhounds are on the premises and capable of being entered in this grade.

Grade D shall be the lowest classification. Grade S indicates a stake race. Grade M refers to Maiden classification, which indicates greyhounds that have not won an official race.

35.2. The winner of any graded race shall advance one (1) grade until reaching Grade AA; Provided, however, That any greyhound which wins in a Maiden classification shall have the option of racing in a Grade C or Grade D event.

35.3. In Grades AA, A, B any greyhound which fails to finish third or better in three (3) consecutive events shall be dropped one (1) grade. In these grades, any greyhound that fails to finish better than one third in any four (4) consecutive starts shall likewise be lowered one (1) grade.
In Grade C events any greyhound that fails to finish fourth or better in any four (4) consecutive starts shall be lowered one (1) grade. In Grade D events any greyhound that fails to finish third or better in any four (4) consecutive starts shall be ineligible to race for the balance of the current race meeting.

35.4. T races designate mixed grade races and shall consist of greyhounds within two consecutive grades and shall be at a distance of 3/8 or longer. The greyhound's regular grade shall follow the designation T in the program.

35.5. S (stake races) may be of a mixed grade and may be scheduled by the racing association with the approval of the West Virginia Racing Commission. However, all stake races shall carry a purse of at least one thousand dollars ($1,000). The greyhound's regular grade shall follow the designation S in the program.

35.6. Stakes qualifying races shall be indicated by

"Q". The regular grade of the greyhound shall also be listed.

178-36. Dead Heats.

36.1. When greyhounds run a dead heat for first place, all moneys and prizes to which such greyhounds would have been entitled, shall be divided equally between them and this applies in dividing prizes whatever the number of greyhounds running a dead heat. Each greyhound shall be deemed a winner.

36.2. Likewise, when greyhounds run a dead heat for second place, they shall divide the second and third moneys.

36.3. When greyhounds run a dead heat for third place, they shall divide the third and fourth moneys.

36.4. If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot in the presence of one (1) or more of the judges.

178-2-37. Objections.

37. 1. All objections must be made to the judge in writing, signed by the objector and a copy thereof sent immediately to the Commission.

37.2. Permission of the judges is necessary before an objection can be withdrawn.

37.3. Any person or persons lodging an objection must pay all costs and expenses incurred in determining the objection in such proportions as the judges shall decide, unless relieved from such expense by the Commission.

37.4. The judges may require a cash deposit before considering an objeĉt on which may be forfeited if the objection should prove to be frivolous or without foundation.

37.5. The judges must decide every objection pertaining to the race. From every decision an appeal in writing may be made to the Commission within forty-eight (48) hours of the time the objector has been officially informed of said decision.

37.6. Objections to a greyhound engaged in a race may be made by the owner or trainer of some other greyhound engaged in the same race or by an official of the meeting to one of the judges.

~~37.7. Objection to any decision of the clerk of scales shall be made before the greyhounds leave the paddock for the start of the race.~~

37.8.7 Pending a decision on an objection, any prize which the greyhound against which the objection is lodged, may have won or may win in the race shall be withheld until the objection is determined.

37.9.8 Objections shall be filed with the judges within forty-eight (48) hours (exclusive of Sundays) from the time the race is run in which the greyhound that occasioned the objection

participated.

37.~~10~~.9 In all cases of fraud or willful deception, the time limitation shall not apply: Provided, That the judges are satisfied that the allegations are bona-fide.

37.~~11~~.10 If an objection to a greyhound which has won or which has been placed in a race is declared valid, that greyhound is disqualified and the other greyhounds in the race are entitled to place in the order in which they finished.

178-2-38. Disciplinary action.

38.1. No racing official other than the judges shall have the right to impose a fine or suspension.

38.2. All fines shall be paid to the West Virginia Racing Commission license clerk at the Commission office within forty-eight (48) hours after imposition.

38.3. No person shall assume or pay, directly or indirectly, a fine imposed upon another.

38.4. An unpaid fine may not be rescinded except with the approval of the Racing Commission.

38.5. Violators of any rule shall be subject to ejection from the grounds and/or to fine, suspension or to be ruled off.

38.6. If any licensee or permit holder be guilty of using profane, indecent or vulgar language to any racing official, carry or exhibit a deadly weapon, or otherwise disturb the peace on any track enclosure, he or she may be fined and/or suspended.

178-2-39. Licenses and Licensees.

39.1. Any person who is engaged in or employed by those engaged in racing or operating a race meeting, or those operating concessions for or under authority from any association, except those persons in an executive capacity by the association, must be licensed by the West Virginia Racing Commission.

39.2. In the event that a dispute should arise between a West Virginia licensee and West Virginia permit holders, at any race track in the State of West Virginia and in the event the said permit holders or said licensee desire to terminate or discontinue their activities under an existing license or permit, then in such event the said licensee or said permit holders, as the case may be, shall give seven (7) days notice, in writing, of their intention to terminate or discontinue all activities under their existing license or permit to the licensee or permit holders, as the case may be, and to the West Virginia Racing Commission. The Commission may, upon request from either party, within the foresaid seven (7) day period conduct hearings in an attempt to arbitrate and settle any disputes by and between the parties. In the event either the West Virginia licensee or West Virginia permit holders fail to provide by the notice provision set forth herein, same shall be grounds for permanent suspension by the West Virginia Racing Commission.

39.3. Applicant for license may be called upon to submit satisfactory evidence of financial responsibility, and after license has been issued, must maintain a record of financial responsibility during the period for which license is issued.

39.4. The Commission may refuse to issue or renew a license, or may suspend or revoke a license issued pursuant to these rules, if it shall find that the applicant, or any person who is a partner, agent, employee or associate of the applicant, has been convicted of a crime in any jurisdiction, or is or has been associating or consorting with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with or has consorted or associated with bookmakers, touts or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the Commission, or adopted by the Commission, or has been guilty of or engaged in similar, related or like practices.

39.5. All applications for licenses shall be filed with the West Virginia license clerk in the Commission office and submitted to the judge who shall have the authority to issue the license, hold the application for further investigation, or refer it to the Racing Commission for final action. All judges shall review and sign all license applications.

39.6. The association shall provide equipment for fingerprinting and photographing all licensees and shall provide such equipment necessary to plastic coat the license with the picture and fingerprints of the applicant.

39.7. The following fees shall be charged by the West Virginia Racing Commission for license issued effective calendar year 1976 and thereafter:

Kennel Name	$ 20.00
Corporation	20.00
Vendor	20.00
Owner - Trainer ~~(same person)~~	25.00
Owner	12.50
Trainer	12.50
Assistant Trainer	12.50
Veterinarian	12.50
Veterinarian Assistant	5.00
~~Authorized Agent (Each person)~~	~~6.00~~
Mutuel Employee	5.00
Photographers, totalizator, film patrol	5.00
Officials - Judges	
Paddock Judge	
Racing Secretary	12.50

Minor Officials	~~Patrol Judge~~	
	Starter	
	Clerk of Scales	
	Brakeman	
	Boxman	
	~~Timer~~	
	Chart Writer	
	Lead-Out	
	~~Exercise-Boy~~	
	Lure Operator	
	Kennel Helper	
	Kennel Master	
	Assistant Racing Secretary	
	~~Assistant-Starter~~	6.00
All other licensees not specified		5.00

39.8. Every person who is suspended, or whose license is revoked, or to whom a license is denied by any racing board or commission belonging to the National Association of State Racing Commissioners, must apply to and be reinstated by the Board or Commission of the state in which the original ruling was made before being eligible to be licensed in any capacity by the West Virginia Racing Commission.

39.9. All licensed personnel shall visibly display their card at all times in restricted areas and shall be held responsible for the safekeeping of it. No license shall be transferable and no duplicate cards shall be issued except upon payment of a fee of five dollars ($5.00).

39.10. Any licensed person who allows another to use his license card or badge or any person who used the license card or badge of another person for the purpose of transferring any of the benefits pertaining thereto may be suspended, fined or both.

39.11. When the denial of the license has been ordered by the Racing Commission, the secretary of the Commission shall report the particulars to the applicant and shall further report the matter to the ~~National Association of State Racing Commissioners~~ Association of Racing Commissioners International, Inc., giving detailed reasons why the denial was made.

39.12. Any license applicant may be permitted by the judges to pursue his vocation pending action upon his application upon issuance of a temporary license; but any person, trainer or owner having been suspended or ruled off and subsequently reinstated after the expiration of his license, shall not be permitted to pursue his vocation until a license has been granted.

39.13. Every license shall be for not more than one (1) year and shall expire on December 31 of each year.

39.14. The Commission may deny or revoke a license to any person who shall have been refused a license by any other state

racing commission or racing authority; Provided, however, That the State Racing Commission or racing authority of each other state extends to the Racing Commission of West Virginia reciprocal courtesy to maintain the disciplinary control. The Racing Commission may deny or revoke any license where the holder thereof has violated the Rules and Regulations of the Commission or who has falsified his application of or for said license.

39.15. The responsibility of licensing an employee rests with the employer. Employment of a nonlicensed individual without reporting such employment to the judges and immediately obtaining a license for said employee may be cause for fine, suspension or both.

39.16. No application for a license will be considered for, or license granted to, anyone under sixteen (16) years of age, nor will a license be granted to any minor which will in any manner violate any statute pertaining to child labor which now exists in the State of West Virginia or which may be enacted in the future.

39.17. The judges or the Racing Commission may impose such condition or conditions on the issuance of a license or permit as they deem necessary in their sole discretion to protect the best interest and integrity of racing. The judges or Racing Commission may deny a license or permit if a conflict of interest exists or could exist as a result of the issuance of said license or permit.

39.18. Any person under suspension, by the licensing body of any country, shall remain under suspension in this State until reinstated by the original licensing country.

39.19. The following conditions must be observed in obtaining a license as a tip sheet vendor:

(a) Any family, corporation, partnership or sole proprietorship, or any employees thereof, may publish no more than one version of a tip sheet for use at any one track on any given race day. There is no limit on the number of copies of the one version that may be produced and sold.

(b) To ensure fair conditions for the betting public, a tip sheet vendor may not use the same facilities to produce a tip sheet as are used by another tip sheet vendor at the same track.

(c) All tip sheet vendor applicants must meet the conditions set forth in (a) and (b) above to the full satisfaction of the state presiding judge.

178-2-40. Trainers.

40.1. Each trainer must obtain a license from the Racing Commission, listing on the application for said license all the names of owners or part owners of all greyhounds trained by him.

40.2. No owner or trainer shall harbor on the grounds of an association, engage or retain in his employ, any unlicensed person.

40.3. When a trainer is to be absent from his kennel or the grounds where his greyhounds are racing for a period of ~~more than~~ one racing ~~day~~ performance, performance and his greyhounds are entered or are to be entered, he must provide a licensed trainer to assume the complete responsibility of the greyhounds he is entering or running. Such licensed trainer shall sign in the presence of the judges a form furnished by the ~~association~~ West Virginia license clerk accepting complete responsibility of the greyhound or greyhounds being entered or running.

40.4. A trainer shall have his greyhound in the paddock at the time appointed.

40.5. If, for any reason, the trainer of a greyhound is not or cannot be present at the time of collection of urine, it shall be deemed by the Commission that the person actually in custody of the greyhound is duly authorized to witness the taking and sealing of the specimen and has the trainer's authority to sign as witness to such action.

40.6. A trainer shall be responsible for the condition of a greyhound trained by him.

40.7. Each trainer shall register with the racing secretary all the greyhounds in his charge giving the name, age, sex, breeding and ownership of each. Any greyhound kenneled on the grounds of the association or under the jurisdiction of the association without having been so registered, ~~or occupying a stall not assigned for him, unless by special permission,~~ will be cause for disciplinary action.

40.8. Each trainer shall register with the West Virginia license clerk ~~racing secretary~~ and the security department every person in his employ. He must also be responsible for the licensing of each employee and not harbor, engage or have in his charge, any person or persons not so licensed.

40.9. A trainer shall not have in his charge nor under his supervision any greyhound owned, in whole or in part, by a disqualified person.

40.10. No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race or which would tend to do so.

40.11. No trainer shall move or permit to be moved any greyhound or greyhounds in his care from the grounds of an association without permission from the racing secretary and the judges.

40.12. The trainer shall be responsible as an absolute insurer of the condition of the greyhounds he enters regardless of any act of a third party.

40.13. Trainers shall report greyhounds under their care or superintendence that are off racing form or in poor physical condition to the racing secretary who shall immediately notify the judges. Greyhounds so reported shall not be eligible to enter or to start until approved by the state veterinarian and

schooled to the satisfaction of the judges. Violators of this rule may be subject to a fine, suspension or to ruling off.

178-2-41. Postponement and cancellation of races.

41.1. If the whole or a part of a racing program is abandoned, any purse race involved must be declared off.

41.2. If the whole or a part of a racing program is abandoned, any stakes race involved may be postponed or declared off.

41.3. If a stakes race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.

178-2-42. Illegal and corrupt practices.

42.1. (a) If any person found guilty by the Commission or other lawful authority of giving, offering or promising directly or indirectly, any bribe in any form to any person having official duties in relation to any race or racing greyhound, or to any trainer or agent, or to any person having charge of or access to any racing greyhound; or

(b) If any person having official duties in relation to a race, or if any trainer, agent or other person having charge of or access to any racing greyhound accepts, or offers to accept any bribe in any form; or

(c) If any person willfully enters, or causes to be entered or starts in any race, a greyhound which he knows or believes to be disqualified; or

(d) If any person be guilty of or shall conspire with any other person for the Commission of or shall connive with any person being guilty of any corrupt or fraudulent practices in relation to racing in this or any other state or country; or

(e) If any person fraudulently offers or receives any amount of money or other consideration for declaring an entry out of purse or stake; or

(f) If any person be guilty of other corrupt or fraudulent practices on any track in West Virginia or on any track in this or any other country; or

(g) If any licensee or other person under the jurisdiction of the Commission subjects or permits any animal under his or her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer or deprive any animal of necessary care or sustenance, shelter or veterinary care. Then such person or persons found guilty by the Commission or other lawful authority of any violation of any provision of this rule shall be fined and/or ruled off for a period of time to be determined by the Commission and/or the license of such guilty party revoked.

42.2. No electrical or mechanical device or other expedient designated or intended to increase or decrease the speed of a

greyhound shall be possessed by anyone or applied by anyone to a greyhound at any time during a meeting whether in a race or otherwise.

42.3. No person shall tamper or attempt to tamper with any greyhound in such a way as to affect its speed in a race, nor shall he counsel or in any way aid or abet such tampering.

42.4. Any greyhound that has been the subject of corrupt practices may be disqualified by the judges of the meeting for no longer period than the duration of the meeting and they shall report the circumstances to the Commission for such action as it may deem proper.

42.5. The judges shall have the power to declare any act which they deem to be an unfair advantage to any or all persons engaged in the sport of racing in any way, or any act which would tend to mislead the betting public, or any act which they deem to be detrimental to the best interest of racing, a corrupt practice and shall have the power to impose fitting punitive action, and such action shall be referred to the Commission.

42.6. All persons guilty of any dishonest or corrupt practices, fraudulent act, or other conduct detrimental to racing, including bookmaking, touting or selling or purchasing mutuel tickets other than through mutuel machines, committed while within or without any racing enclosure, either a licensee or not, shall be ruled off all racing enclosures under the jurisdiction of the Commission, and it shall be the duty of judges and those authorized by them to exclude from all places under their jurisdiction persons who commit such offenses or are so ruled off.

42.7. No person who has been convicted of illegal possession, sale or giving away of narcotics shall be permitted on the grounds of any association.

42.8. Any action or substance, drugs or otherwise which may interfere with the testing procedure, is forbidden.

42.9. No person shall make a handbook or a foreign book on the grounds of an association.

42.10. No person shall solicit for or bet with a handbook or a foreign book on the grounds of an association. Resale of any mutuel ticket from an individual to another is prohibited, and the transferer and transferee shall be permanently ejected from the grounds.

42.11. Any person having been convicted of a felony or a crime involving moral turpitude within the last ten (10) years shall be denied a license and/or excluded from the grounds of an association during the conduct of a racing meet.

42.12. No person who is known as or reputed to be a bookmaker, or a vagrant within the meaning of the statute of West Virginia, or a fugitive from justice, or whose conduct at a race track in West Virginia, or elsewhere is or has been improper, obnoxious, unbecoming or detrimental to the best interests of

racing, shall enter or remain upon the premises of any licensed association conducting a race meeting under the jurisdiction of this Commission, and all such persons shall, upon discovery or recognition, be forthwith ejected.

42.13. Any person, other than a veterinarian licensed by the West Virginia Racing Commission, who injects, gives, uses or administers any analgesics or drugs of any kind whatsoever, allows or permits any other person to give, inject, or administer any analgesics, or drugs of any kind whatsoever, to a greyhound within forty-eight (48) hours prior to the running of a greyhound in a race, must give notice to the judges of the use, injection or administering of said analgesics or drugs prior to the running of said race. Any such person failing to give such notice shall be suspended or his license revoked.

42.14. No person shall have in his possession within the confines of a race track or within the kennels, buildings, sheds or grounds where greyhounds are lodged or kept, which are eligible to race over a race track of an association holding a race meeting, any drugs or stimulants, unless authorized and approved by the judges.

178-21-42. Medication.

43.1. (a) The trainer shall be the absolute insurer of and responsible for the condition of the greyhound entered in a race, regardless of the acts of third parties. Should the chemical, or other analysis of urine samples, or other tests prove positive showing the presence of any narcotic, stimulant, depressant, local anesthetic or any other drug or medication not authorized, the trainer of the greyhound may have any or all of the following penalties inflicted: Be fined, be suspended, his license revoked or ruled off and, in addition, the owner of the greyhound, the foreman in charge of the greyhound, the ~~groom~~ attendant and any other person shown to have had the care, or attendance, of the greyhound may have any or all of the following penalties inflicted: Be fined, be suspended, his license revoked or ruled off.

(b) Any moneys won by a greyhound found to have been administered to as above shall be forfeited, and the same, upon its return, shall be redistributed.

43.2. Vendors of greyhound feed or medicine.
Any vendor of greyhound food or medicines, of any kind or description, shall file with the state veterinarian a list of products which he proposes to sell or deliver within the enclosure of a race track, and shall further submit any new preparation to be offered for sale for approval of the state veterinarian. Should such vendor offer any preparation not so approved, or not so listed, he shall be denied the privileges of the kennel area.

43.3. The owner, trainer~~,~~ ~~groom~~ or any other person having

charge, custody or care of the greyhound is obligated to protect the greyhound properly and guard it against such administration or attempted administration, and if the judges shall find that any such person has failed to show proper protection and guarding of the greyhound, or if the judges find that any owner and/or lessee and/or trainer is guilty of negligence with respect thereto, they shall impose such punishment and take such other action as they deem proper under any of the rules including reference to the Commission.

43.4. The owner and/or lessee of a greyhound so found to have received such administration shall be denied or shall promptly return any portion of the purse or sweepstakes together with any trophy in such race and the same shall be distributed as in the case of a disqualification. If a greyhound shall be disqualified in a race because of this rule the eligibility of other greyhounds which ran in such race and which have started in a subsequent race before announcement of such disqualification shall not be in any way affected.

43.5. The kennel of the owner under investigation for violation of any rule pertaining to corrupt practices or illegal medication shall not be permitted to race until a hearing has been held by the judges and a decision has been rendered.

43.6. Hearings concerning the violation of medication and drug rules shall be held by and before the judges.

43.7. Any portion of the purse, if not already paid, which is to be redistributed in accordance with the provisions of this section, shall be held until such redistribution is approved by the Commission. This rule shall apply only to the amount payable to the owner or owners of the disqualified greyhound and shall not prevent payment due to other greyhounds in the race pending approval of the Commission.

43.8. Every owner, trainer or authorized agent shall immediately, whenever requested by the Commission, submit any greyhound or greyhounds of which he is the owner, trainer or authorized agent, to any veterinary surgeon designated by the Commission for such examination or tests as said veterinarian may deem advisable.

43.9. Any test or examination made by the veterinarian designated by the Commission may be witnessed by the Commission or any of its representatives and by the owner or his authorized agent, or by the trainer of the greyhound or greyhounds so examined or tested.

43.10. Any person found guilty by the Commission of any participation in or knowledge of the fact that any drug, narcotic, stimulant, depressant, local anesthetic or any electrical, mechanical or other application has been used which, in the opinion of the judges, is of such character as could affect the racing condition of such a greyhound in a race may be ruled off all tracks in West Virginia.

43.11. Every association and all officials and employees thereof, shall give every possible aid and assistance to any department, bureau, division, officer, agent, inspector or any other person connected with the United States Government or with West Virginia who may be investigating or prosecuting any such person they may suspect of being guilty of possessing any drug, narcotic, stimulant, depressant or local anesthetic or any electrical, mechanical or other device which, in the opinion of the judges, is of such character as could affect the racing condition of a greyhound in a race.

178-2-44. Appeal and review.

44.1. A majority of the judges at any greyhound race meeting may suspend a license and such suspension or revocation shall be effective immediately. The judges shall, as soon as thereafter practicable, make and enter an order to that effect and serve a copy thereon to the license holder, either personally or by certified mail, return receipt requested. Such order shall state the grounds for the action taken.

44.2. Any person or persons penalized or disciplined under the laws of the State of West Virginia or under these rules and regulations may request a hearing before the Commission. A written request for hearing must be received by the Commission at its office in Charleston within twenty (20) days after receipt of a written order or suspension or revocation:

(a) The request for hearing shall be filed by the person making it, and it must set forth his reason for believing he is entitled to a hearing.

(b) The request must set forth if the petitioner desires a court reporter for transcribing of any testimony.

(c) Security for costs in the amount of one hundred dollars ($100) must accompany the appeal. In the event the Racing Commission deems the aforesaid security for costs insufficient as to amount, the additional security for cost specified by the Commission must be deposited at the Commission office within ten (10) days after notification.

44.3. An appeal from a decision of a racing official to the Commission shall not affect such decision until the appeal has been acted upon by the Commission.

44.4. Upon receipt of the written demand for such hearing, in accordance with Section 44.2. of these rules, a time and place not less than ten (10) nor more than thirty (30) days thereafter will be set by the Commission. Any scheduled hearing may be continued by the Racing Commission upon its own motion or for good cause shown by the person demanding the hearing.

44.5. Any person making an application for a hearing will be heard in person or by counsel, and if the party so desires, with the approval of the Commission, the party may submit his case in writing.

44.6. All complaints and requests to the Commission must be in writing and all papers filed with the Commission shall be the property of the Commission.

178-2-45. Mutuel department.

45.1. No association shall be licensed to hold a race meet by the Commission until a totalisator, approved by the Commission, has been installed to handle the pari-mutuel wagering.

The cycle of frequency of change on the totalisator board shall not be more than sixty (60) seconds.

(a) All totalisator operators shall inform the Racing Commission of planned totalisator program modifications by completing the formal modification form - which is supplied by the Racing Commission and sending such form to the Racing Commission at least two (2) weeks in advance of performing a software modification or change. In emergency situations, where programs are modified in response to operational problems, the form shall be prepared and forwarded to the Racing Commission immediately after the modification has been made. This form, too, would be applicable when planning or making hardware or peripheral equipment changes.

Totalisator operators shall undertake appropriate procedures in the presence of Racing Commission and association personnel to test software modifications and make available to the Racing Commission, upon request, documentation of testing procedures and results including production of all affected reports. The Racing Commission reserves the right to review such test procedures and results prior to installation of a new version of a totalisator system within the State, upon the modification of existing systems or at any other time or under any other circumstances desired.

(b) All totalisator operators shall provide the Racing Commission with a list of its representatives authorized to have access to the totalisator room.

(c) All totalisator operators shall maintain, in conjunction with the association, a control log of keys to the totalisator room and to whom each is assigned. When an employee possessing a key to the totalisator room is no longer employed, the key shall be collected upon termination; alternatively, locks to the totalisator room shall be changed and new keys distributed. All keys providing entry to the totalisator room shall be non-duplicable.

(d) All associations shall authorize with Racing Commission approval, specific individuals to have access to the room/facility housing totalisator computers. Further, a list of such authorized individuals, including their duties in the room shall be maintained and provided to Racing Commission representatives. Racing Commission representatives, as

authorized by the Racing Commission, shall be included among such authorized individuals.

(e) Associations must maintain appropriate facilities and enforce adequate procedures to ensure the security of paper stock used for producing mutuel tickets. Specifically:

(1) Locked storage facilities shall be maintained for all ticket paper storage.

(f) All totalisator systems shall maintain at least two (2) independent sets of pool totals for comparison. In the event that a difference in final pool totals is encountered and it cannot be ascertained which pool is correct, the higher pool total shall be used in all calculations, including pay-off, commissions, etc. Any waiver provided hereto shall be considered only after a written request is made by the totalisator company to the Racing Commission detailing all the facts and circumstances for exemption of this rule. In any event, final approval and/or disapproval shall rest with the Racing Commission in granting or not granting a waiver.

(g) The sell/cash totalisator system shall have the capability to produce, upon the request of the Racing Commission, a listing of the daily cashed tickets and "outs" tickets cashed by a seller-cashier, sorted by unique ticket number or time of cashing for each performance.

The association, upon request of the racing Commission, shall produce by the unique ticket number:

(1) The corresponding daily cashed ticket requested by the Racing Commission.

(2) The corresponding cashed "outs" ticket requested by the Racing Commission.

Issued tickets may be cancelled only under the following conditions:

(A) Error on the part of the seller or when a patron claims that a ticket issued was not the one requested and such claim is made before the patron leaves the seller's window or subsequently when such claim is approved by the association mutuel manager or his designee; and

(B) Ticket issuing machines have not been locked by issue of the "stop betting" command; and

(C) The race for which the ticket was purchased has not officially started.

(h) The seller-cashier shall retain and account for all cashed, refunded and cancelled tickets. These cashed, refunded or cancelled tickets shall be retained by the association for a period of three (3) years from the date of filing of the outs ledger at the end of the ninety (90) day outs period with the Racing Commission or until all audit tests have been completed and a letter from the Racing Commission has been issued allowing for their disposal, which ever occurs first. The retention period for cashed, refunded and cancelled tickets shall also be

applicable to used computer printouts as well as all other hard copy information described in any of these pari-mutuel rules as well as any other data generated by the computers and terminals that are related directly or indirectly to the pari-mutuel process.

(a) In the event a cashed ticket cannot be produced by the association prior to the date when disposal of the ticket is allowed, then the association shall pay to the Racing Commission the money equal to the amount of the ticket's winnings. The Racing Commission shall treat the payment as if it were money represented by the unclaimed, uncashed or abandoned ticket pursuant to Chapter 19, Article 23, Section 13 of the West Virginia Code.

(b) In the event a refunded or cancelled ticket is not available for inspection, then sufficient supporting documentation, e.g., a ticket cancellation report or seller-cashier history, shall be made available upon request. In no event will a refunded or cancelled ticket which has been removed from the sell/cash totalisator system by a key board entry be accepted for credit unless the actual hard copy ticket is presented during the audit.

(i) Usage and storage of modem

(a) The modem shall be secured in a locked cabinet under the dual control of representatives of the totalisator company and the association.

(b) An unpublished telephone line shall also be obtained for the exclusive use of modem sessions and the number shall be changed on a periodic basis. The timing, frequency and changing of the numbers shall be at the sole discretion and direction of the Racing Commission.

(j) Physical security of the computer room:

(a) Fire extinguisher specifically designed for electronic data processing equipment shall be installed at various key locations.

(b) Glass windows permitting public viewing of computer room operations shall be composed of shatterproof glass.

(c) Backup tapes for production data and program files shall be stored in a protected area that is fireproof and secure.

(k) Maintenance of emergency electrical generator:

(a) The backup electrical generator shall be started and tested at least weekly to insure its reliability in the event of a power failure.

(b) Such testing shall be logged in a record to be maintained by the association and be made available to the Racing Commission upon request.

45.2. Whenever the tote board fails mechanically and is obviously unreliable as to the amounts wagered or at any other such time as he may deem it necessary, the auditor of the pari-mutuels may require that the pay-off be computed on the sums then

wagered in each pool as shown by the recapitulation of the sales registered by each ticket-issuing machine. Such method is commonly known as a "physical takeoff". This rule is not to apply to computerized plants, however, errors are to be adjusted in accordance with Section 45.11 of these rules.

45.3. Every association not equipped with automatic price computers shall employ and use six (6) competent persons to perform pari-mutuel calculations, two (2) of whom shall be assigned to each of the positions of "straight," "place" and "show". Each person so assigned shall make an independent calculation, and both persons must be in complete agreement before the price is posted for each position in every race.

45.4. Each racing association must in all cases of pari-mutuel pool distribute not less than two dollars and twenty cents ($2.20) on each winning two dollar ($2.00) wager.

45.5. If ~~more than~~ five (5) or more separate interests are declared official starters by the board of judges, there must be win, place and show wagering in the pari-mutuels. If ~~more than~~ four (4) or more separate interests are declared official starters by the board of judges, there must be at least win and place wagering in the pari-mutuels.

45.6. The result of every race is determined insofar as the mutuel pay-off is affected when it is posted as "Official" and, as immediate distribution of the respective pools is required, no subsequent change in the order of finish shall involve the mutuel department.

45.7. If the judges or the veterinarian excuse a greyhound or greyhounds and order the greyhound or greyhounds scratched, before they are locked in the gate starting box, and such action reduces the number of greyhounds in separate interests actually engaged in the race below the number required for show or place betting, refunds may be made of the place and show pools, either or both, to bring the number of greyhounds in separate interests within the required minimum of greyhounds necessary for such pools.

45.8. If any greyhound or greyhounds should be excused by the judges after the greyhounds shall have left the paddock for the post, the money bet on any greyhound or greyhounds so excused shall be deducted from the pool and refunded to the purchaser or purchasers of tickets on the greyhound or greyhounds so excused; Provided, That after the start, there shall be no refund.

45.9. All payments to holders of tickets entitled to share in the distribution of the respective pools shall be in proportion to their investment in the greyhound or greyhounds sharing in the distribution from these pools; reference to payments out of pools, meaning the distributable portion thereof; but refunds when made include all the money in the pool or pools to which they apply.

45.10. Should there be any error in calculation where the

public is underpaid, the amount of the underpay shall be added to the same pool on the next race. If such an error should result in the public being overpaid, the amount of the overpay will be chargeable against the ~~funds~~ commissions earned by ~~of~~ the racing association for that day.

~~45.11. No association shall recognize either during the course of a race meeting or thereafter, any claim on pari-mutuel tickets unless a valid pari-mutuel ticket is presented. In the case of mutilated tickets if the portions of the tickets presented are sufficient to definitely identify the ticket as a winning ticket, the association may accept the mutilated ticket and make payment. No mutilated ticket may be paid by the association if any of the following parts are missing:~~

~~Complete Code Word~~
~~Greyhound Number~~
~~Race Number~~
~~Date~~

45.11. No association shall recognize either during the course of a race meeting or thereafter, any claim on pari-mutuel tickets unless a valid pari-mutuel ticket is presented. To be deemed a valid pari-mutuel ticket such ticket shall have been issued by a pari-mutuel ticket machine operated by the association and recorded as a ticket entitled to a share of the pari-mutuel pool and contain imprinted information as to:

(a) The name of the association operating the meeting
(b) The date of the wagering transaction
(c) A unique identifying number or code
(d) The race number for which the pool is conducted
(e) The type or types of wager represented
(f) The number or numbers representing the wagering interests for which the wager is recorded.
(g) The amount or amounts of the contributions to the the pari-mutuel pool for which the ticket is evidence.
(h) No mutilated ticket may be paid by the association if the following is missing:
(1) A unique identifying number or code.

No pari-mutuel ticket recorded or reported as previously paid, cancelled or non-existent shall be deemed a valid pari-mutuel ticket by the association.

45.12. If two (2) greyhounds run a dead heat for first place, the money in the "Straight" mutuel pool is divided the same as in the "Place" pool calculation.

45.13. If two (2) greyhounds run a dead heat for second place, the division is as follows: The winner of the race receives his full share of one half (1/2) of the "Place" money, and the two (2) dead heaters receive one-half (1/2) each of the balance or one-fourth (1/4) each of the whole.

45.14. If a greyhound should be adjudged to have finished

first in a race and no money has been wagered on such greyhound in the win pool, the net win pool shall be distributed to those bettors who wagered therein (win pool) on the greyhound adjudged to have finished second.

45.15. If a greyhound should run second upon which no "Place" ticket has been sold, all the "Place" pool is apportioned to the "Place" tickets sold on the greyhound that finished first, there being only one (1) participating ticket and not two (2) as usual, the calculation being the same as in a "Straight" pool.

45.16. If a greyhound should finish third upon which no "Show" ticket has been sold, all of the "Show" pool is divided between the "Show" tickets sold on the greyhounds that finished first and second, there being but two (2) participating tickets and not three (3) as usual the calculation being the same as in the "Place" pool.

45.17. If only one (1) greyhound finishes in a race, all money in all pools shall be refunded.

45.18. If only two (2) greyhounds finish, all money shall be refunded. (See Section 33.11 of these rules)

45.19. The state judge shall close and lock all mutuel machines at the scheduled post time as shown on the field mutuel board.

45.20. Each association shall maintain suitable electric apparatus for locking the totalisator windows. It shall be operated from the judge's stand by one (1) of the judges designated for this duty.

45.21. While the betting is in progress, there shall be frequent posting of the approximate odds on the greyhounds taking part in the race, "entries" being listed on the odds board as one (1) greyhound, and, likewise, the "field" when either or both are a part of the race.

45.22. Suitable apparatus must be provided whereby notice is given to the mutuel department: (a) That the greyhounds that are to run are on the track after leaving the paddock, (b) that they are parading, (c) that the greyhounds have reached the starting box and (d) that the greyhounds are off.

45.23. Totalisator adjustments will be summarized at the close of each meeting, and, if the net result is a credit to the company operating the totalisator, then the auditor of pari-mutuels will obtain a check from the company for the amount of the net credit, made payable to the West Virginia Racing Commission, which said Commission will deposit with the State Treasurer.

45.24. Daily Double Rules shall be as follows:

(a) The daily double is not a parlay and has no connections with or relation to the mutuel betting. All tickets on the daily double will be calculated in an entirely separate pool. All tickets will be to win (straight) only. No "entry" or "field" shall be permitted in any race involved in the daily

double.

(b) If no ticket is sold combining the two (2) winners, the daily double pool then shall be apportioned equally between those having tickets including the winner in the first race and those having tickets including the winner in the second race, in the same manner in which a "Place" pool is calculated and distributed.

(c) If no ticket is sold including the winner of the first race, the entire pool will be paid to holders of tickets which include the winner of the second race of the daily double.

(d) Likewise, if no ticket is sold including the winner of the second race, then the entire pool will be paid to holders of tickets which include the winner of the first race of the daily double.

(e) If no ticket is sold including the winner of either race, then the pool shall be paid to the holders of tickets which include the greyhounds finishing second in the two (2) races of the daily double.

(f) If no ticket is sold which would require distribution of the daily double pool, the association shall make a complete and full refund of the pool.

(g) If, for any reason, the first race of the daily double is canceled and declared "No Race," full and complete refund will be made of the daily double pool. If, for any reason, the second race of a daily double is canceled and declared "No Race," the daily double pool shall be distributed to the holders of the daily double tickets on the winner of the first race in the same manner as the straight pool of the first race is distributed except as to the amount of distribution which shall be controlled by the amount bet in the daily double pool.

(h) If after the first half of the "Daily Double" has been run and declared "Official" a greyhound is excused or scratched in the second half of the "daily double", then a consolation pay-off shall be made to holders of the daily double to the excused or scratched greyhound of the second half of the daily double computed in the following manner:

The net daily double pool (gross pool less commission) shall be divided by the total number of tickets sold combining the winner of the first half, the quotient thus obtained shall constitute the consolation pay-off, to be paid to holders of each ticket combining the winner of the first half and the scratched or excused greyhound in the second half. The entire consolation pool (number of eligible tickets times the consolation price and not the breakage) shall be deducted from the net daily double pool. The remaining pool is the new net pool for the daily double.

(i) If holder of tickets loses the first race of the daily double and the greyhound is scratched in the second race, no money shall be refunded.

(j) Before the running of the second half of the daily double, the pay-off prices of each combination coupled with the first winner shall be prominently posted, unless the first race of the daily double has resulted in a dead heat in which case the prices will not be posted and an announcement to this effect will be made over the loud speaker.

45.25. No association holding a race meeting under a license issued by the West Virginia Racing Commission shall permit bets to be made on the grounds of said association on any race run outside of said grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds, with the exception of any simulcast races.

45.26. Such rules for pari-mutuel betting as may be specified by the Commission shall be printed in the daily racing programs sold to the public within the premises of racing associations.

45.27. Perfecta wagering.

(a) The "Perfecta" form of wagering may be permitted by permission of the Commission upon application of the licensee.

(b) The "Perfecta" is a contract by the purchaser of a ticket combining two (2) greyhounds in a single race, selecting the two (2) greyhounds that will subsequently finish first and second in that race. Payment of the ticket shall be made only to the purchaser who has selected the same order to finish as officially posted.

(c) The "Perfecta" is not a parlay and has no connection with or relation to the win, place and show betting and will be calculated as an entirely separate pool.

(d) In the event no ticket is sold on the winning combination of a perfecta pool, the net pool shall be apportioned equally between those having selected the winner and those having selected the greyhound finishing second in the same manner in which a place pool is calculated.

(e) In case of a dead heat between two (2) greyhounds for first place, the net perfecta pool shall be calculated as a place pool to holders of tickets of the winning combinations(s). In case of a dead heat between the two (2) greyhounds for second place, the perfecta pool shall be calculated as a place pool, the holders of tickets combining the winning greyhound and the two (2) greyhounds finishing second participating in the payoff.

(f) In the event of an entry finishing first and second, the next exacta or perfecta pool shall be distributed to holders of tickets combining the entry with the greyhound finishing third.

(g) If a greyhound(s) in a race on which there is perfecta wagering is excused by the judges, all moneys wagered on combinations which include this greyhound shall be deducted from the perfecta pool and refunded to the purchaser of tickets on the greyhound(s).

(h) If no ticket is sold that would require distribution of a perfecta pool, the association shall make a complete and full refund of perfecta pool.

45.28. "Big Perfecta" wagering:

(a) The "Big Perfecta" is a form of pari-mutuel wagering in which the bettor selects two (2) greyhounds, that will finish first and second in each of two (2) designated races in the exact order as officially posted.

(b) Each bettor shall select on one (1) ticket the two (2) greyhounds that will finish first and second in each of two (2) consecutive designated races in the exact order as officially posted. Tickets are to be sold for both of the two (2) races prior to the first race of the races without any exchange of tickets between the first and second race.

(c) "Big Perfecta" tickets shall be sold only by the licensee for not less than two dollars ($2.00) and only from machines capable of issuing tickets in the manner prescribed by section (2) of this rule. Resale of such tickets from one individual to another is prohibited and shall be grounds for ejection.

(d) The division of the net pool shall be calculated as in a straight pool, subject to the provisions of these rules to the contrary.

(e) If a greyhound is scratched in either of the two (2) races designated as the big perfecta races before the running of the first of these races, then no further big perfecta tickets may be issued designating such greyhound and all big perfecta tickets previously issued designating such greyhound shall be refunded and the money deducted from the gross pool.

(f) If a greyhound is scratched in the second race, after the running of the first race, of the big perfecta races, then all big perfecta tickets having the exact order as officially posted for the first race of the big perfecta races and also combining the scratched greyhound shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net big perfecta pool (gross pool less commission) shall be divided by the purchase price of all tickets combining the winners of all tickets combining the winners of the first race of the big perfecta. The quotient thus obtained shall be the price to be paid to all big perfecta tickets having the exact order as officially posted for the first race of the big perfecta races and combining the scratched runner in the second race of the big perfecta. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net big perfecta pool.

(g) If no big perfecta ticket is sold as a winning combination in the first race of the big perfecta, the big

perfecta pool shall be divided among those having tickets including the greyhound finishing first or second and such distributions shall be calculated and made as a place pool, and in such an instance, the big perfecta race shall end and the pool be closed.

(h) If no big perfecta ticket is sold designating a greyhound finishing first or second in the first race of the big perfecta then the gross pool shall be refunded.

(i) If the first half of the big perfecta is cancelled or declared "no race" then the big perfecta shall be declared off and the gross pool refunded.

(j) If no big perfecta ticket that is eligible for further participation after the first race includes the winning combination for the second race, then the net pool shall be apportioned equally between those having tickets including the greyhound finishing first and those having tickets including the greyhound finishing second in the same manner in which a place pool is calculated and distributed.

(k) If a big perfecta ticket that is eligible for further participation after the first race combines only one (1) of the two (2) winners for the second race and no big perfecta ticket that is eligible for further participation after the first race combines the other winner, then the entire pool shall be distributed as a straight pool to holders of those tickets.

(l) If no big perfecta ticket that is eligible for further participation after the first race includes either the first or second runner of the second race of the big perfecta, then the entire net pool shall be distributed as a straight pool to all holders of big perfecta tickets that were eligible for further participation after the first race.

(m) In the event of a two (2) greyhound dead heat for place in the first race of the big perfecta races, all big perfecta tickets combining the first greyhound and either of the place greyhounds shall be eligible for further participation.

(n) In the event of a two (2) greyhound dead heat for place in the second race of the big perfecta races, the big perfecta pool shall be divided, calculated and distributed as a place pool to the holders of Big Perfecta tickets having the exact order as officially posted for the first race in combination with the first greyhound and either of the place greyhounds of the second race of the big perfecta.

In the event of a two (2) greyhound dead heat to place in the second race and there are no tickets with one (1) combination, then the other combination having winning greyhounds shall be declared the winner. If no big perfecta tickets that are eligible for further participation after the first race combine the winning greyhound with either of the place greyhound in the dead heat, the big perfecta pool shall be calculated and distributed as a place pool to the big perfecta ticket holders

eligible for further participation after the first race who combine with the greyhound finishing first in the second race and the big perfecta ticket holders eligible for further participation after the first race who combine with either of the dead heat place.

In the event of a triple dead heat for place in the first or second race of the big perfecta, three (3) winning combinations result. Prices will be computed using the show pool calculation procedure.

In the event of a dead heat for place in both races of the big perfecta, four (2-runner dead heats) or six (triple dead heats) combinations result. Prices are computed in the same manner as the show pool except that the total dividend is divided into four (4) or six (6) equal parts, as appropriate.

If there is a dead heat for the winning greyhound in either of the two (2) consecutive races for the big perfecta, ticket holders combining those greyhounds in either order will participate in the big perfecta as prescribed in these rules.

(o) If for any reason the second race of the big perfecta races is cancelled or declared "No Race," then the pool shall be calculated as a straight pool and shall be distributed among the big perfecta ticket holders eligible for further participation after the first race.

(p) The word "Perfecta" used in these rules is to be construed to mean "Exacta" where Exacta wagering is conducted.

(q) Other than those designated by 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 big perfecta or the number or amount of tickets selecting winners of the big perfecta races prior to the time the officials have determined the last race comprising the big perfecta of each performance to be official.

45.29. Trizacta - trifecta wagering.

(a) Trizacta is a contract between purchaser of a ticket combining three (3) greyhounds in a single race, selecting the three (3) greyhounds that will finish first, second and third in that race.

(b) Trizacta tickets shall be sold in not less than two dollars ($2.00) denominations and only from three (3) number issuing machines.

(c) Races in which trizacta pools shall be conducted shall be approved by the Racing Commission and shall be clearly designated in the program.

(d) The design of trizacta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) If less than three (3) greyhounds finish, ~~pay-off shall be made on tickets selecting the actual finishing~~ there will be a complete refund and a "no race" will be declared by the

judges (refer to Rule 33.11 of these rules). ~~greyhounds in order, ignoring the balance of the selection.~~

(f) Payment of the ticket will be made only to the purchaser who has selected the same order to finish as officially posted.

(g) The trizacta is not a "parlay" and has no connection with or relation to the win, place or show betting, and will be calculated in an entirely separate pool.

(h) If a greyhound is scratched or declared a non starter, no further trizacta tickets may be issued designating such greyhound, and all tickets previously issued designating such greyhound shall be refunded and money deducted from the gross pool.

(i) If no ticket is sold on a winning combination of a trizacta pool, the net pool shall then be apportioned equally between those having tickets selecting the first and second place greyhounds. If no ticket is sold selecting the first and second greyhound in the trizacta pool, the net pool shall then be apportioned equally between those having tickets selecting the greyhound or greyhounds that finished first in the trizacta race. Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the greyhound finishing second combined with the greyhound finishing third.

(j) Should no selection be made as above mentioned, those having selected the second greyhound for second and the third greyhound for third with any other greyhounds, contrary to the 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.

(k) In case of a dead heat for first place, the winning combination shall include the first two (2) greyhounds as finishing in either position, and the greyhound finishing third. In case of a dead heat to place the winning combination shall be the greyhound finishing first and the two (2) greyhounds finishing in a dead heat for place, as finishing in either position. In case of a dead heat for third, the winning combination shall be the greyhound finishing first, the greyhound finishing second, and the two (2) greyhounds finishing in a dead heat for third, as finishing in either position, and distribution shall be made in accordance with established pari-mutuel practice relative to dead heats.

(l) Should no ticket be sold that would require distribution of the trizacta pool to a winner as above defined, the association shall make full refund of the pool.

(m) No entries or field greyhounds shall be allowed to start in any race on which trizacta pool is sold.

45.30. Should any emergency arise in connection with the

those having selected the runner finishing third combined with the runner finishing fourth.

(3) 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 pay-off.

(4) If less than four (1) runners finish, pay-off shall be made on tickets selecting the actual finishing runners in order, ignoring the balance of the selection.

(g) 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.

(h) 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.

45.33. The "Quinella" is a contract by the purchaser of a ticket combining two (2) greyhounds in a single race, selecting the first two (2) finishers in either order. It is not a parlay, has no connection with win, place, show betting and is calculated as an entirely separate pool.

(a) Entries shall be allowed in a quinella race.

(b) All Quinella tickets will be for win and place only.

(c) Scratched or excused greyhounds. -- Should any greyhound or greyhounds entered in a quinella race be scratched or excused by the judges after wagering has commenced or should any greyhound or greyhounds be prevented from racing because of the failure of the doors of the starting box to open, all tickets including such greyhounds shall be deducted from the quinella pool and the money refunded to the purchasers of tickets on the greyhound or greyhounds so excused or prevented from racing.

(d) Winning quinella combination - entry finish one-two. -- The winning quinella combination shall be the first two (2) greyhounds to finish the race. The order in which the greyhounds finish is immaterial, except in the event the first two (2) greyhounds to finish comprise an entry. Then the third greyhound or greyhounds to finish along with the greyhounds comprising the entry shall be the winning combination.

(e) Individual winners -- Pay-off on win and place selections. -- Should there be no tickets sold on the winning combination in a quinella race, any and all quinella tickets

operation of the mutuel department not covered by these rules and immediate decision be necessary, the mutuel manager shall make the decision and a prompt report of the facts will be made to the Racing Commission. If an error is made in posting the odds or the pay-off figures on the public board, it shall be corrected promptly and only the correct amounts shall be used in the pay-off, irrespective of the error that may have appeared on the public board. If because of mechanical failure it is impossible to promptly correct the posted pay-off, a statement shall be made over the public address system stating the facts and corrections.

45.31. In the event of a cancellation or postponement to another day of any race or racing program, all money wagered, including advance wagering, for that race or racing program shall be refunded.

45.32. Jackpot or superfecta wagering.

(a) 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 jackpot 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.

(b) Tickets shall be sold in not less than two dollar ($2.00) denominations and only from machines capable of issuing four (4) numbers.

(c) Races in which jackpot or superfecta pools shall be conducted shall be approved by the Commission and shall be clearly designated in the program.

(d) The design of jackpot or superfecta tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(e) 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.

(f) Failure to select a winning combination, short finishes.

(1) If there is a failure to select, in order, the first four (4) runners, pay-off shall be made on tickets selecting the first three (3) runners in order, failure to select the first three (3) runners, pay-off to tickets selecting the first two (2) runners, failure to select the first two (2) 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.

(2) Should no selection be made as above mentioned, the net pool shall be apportioned equally between

bearing the number of the individual win greyhound and any and all quinella tickets bearing the number of the individual place greyhound shall be deemed winning tickets and the pay-off shall be calculated as a place pool.

(f) No complete combination or win selection. -- Should there be no tickets sold on the winning combination in a quinella race and should there be no quinella tickets sold with the number of the individual win greyhound, any and all quinella tickets bearing the number of the individual place greyhound shall be deemed winning tickets and the pay-off shall be calculated as a win pool.

(g) No complete combination or place selection. -- Should there be no tickets sold on the winning combination in a quinella race and should there be no quinella tickets sold bearing the number of the individual place greyhound, any and all quinella tickets bearing the number of the individual win greyhound shall be deemed winning tickets and the pay-off shall be calculated as a win pool.

(h) Two (2) greyhound dead heat - win position. -- Should there be a two (2) greyhound dead heat for win, the two (2) greyhounds involved in the dead heat shall be the winners of the quinella race.

(i) Two (2) greyhound dead heat - place position.-- Should a two (2) greyhound dead heat for place result in a race, the total pool is calculated as a place pool, the holders of tickets combining the winner with either of the greyhounds finishing second participating in the pay-off. If no ticket is sold on one (1) of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the winning combination.

(j) Quinella refund. -- If no ticket is sold that would require distribution of a quinella pool to a winner as above defined, the association shall make a complete and full refund of the quinella pool.

(k) Patron information. -- Each licensee shall either print in the daily program, or prominently post in all areas where quinella wagering is conducted a copy of this rule, or notice to the effect that a copy of quinella rules are available upon request at the information window.

45.34 Quinella Double

(a) The Quinella Double is a form of pari-mutuel wagering. The Quinella Double consists of selecting the Quinella (the first two (2) greyhounds to finish) of each of two (2) consecutive races. Pari-mutuel wagering tickets are to be sold for both of the two consecutive races prior to the first race of the two (2) consecutive races, without any exchange of tickets between the first and second race. The division of the pool shall be calculated as in a straight pool, subject to the

provisions of these rules to the contrary.

(b) Quinella Double tickets shall be sold only by the licensee for not less than two dollars ($2.00) and only from machines capable of issuing tickets in the manner prescribed by paragraph (a) of this rule. Resale of such tickets from one individual to another is prohibited and shall be grounds for ejection.

(c) Each bettor purchasing Quinella Double tickets shall designate his selection in both of the two (2) consecutive races for which such tickets are sold at the time he purchases the quinella double ticket(s) as the first two (2) greyhounds to finish in each of the said two (2) consecutive races.

(d) If a greyhound is scratched in the first of the quinella double races, all quinella double tickets sold on the scratched greyhound will be refunded.

(e) If a greyhound is scratched in the second race of the quinella double, all tickets combining the scratched greyhound shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net quinella double pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the quinella double. The quotient thus obtained shall be the price to be paid to holders of tickets combining the scratched greyhound in the second race of the quinella double. The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net quinella double pool.

(f) If no quinella double ticket is sold as a winning combination in the first race of the quinella double, the entire quinella double pool will be paid to the holders of the tickets with the winning combination in the second race of the quinella double.

(g) If no quinella double ticket is issued on the winning combination in the second race of the quinella double, the net pool shall be distributed to holders of tickets including the greyhound finishing first and holders of tickets including the greyhound finishing second in the same manner in which a place pool is calculated and distributed.

(h) If a quinella double ticket combines only one of the two (2) winners in the second race and no quinella double ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(i) If no ticket includes either the first or second greyhound of the second half of the quinella double, the entire net pool shall be distributed as a straight pool to all holders of tickets with winning combinations of the first half.

(j) In the event of a dead heat for place in the first race of the quinella double races, all quinella double tickets combining the first greyhound and either of the place greyhounds

shall be considered eligible for participation in the second race of the quinella double. The aggregated number of winning tickets shall be divided into the net pool and to be paid the same pay-off price.

(k) In the event of a dead heat for place in the second race of the quinella double races, the quinella double pool shall be divided, calculated and distributed as a place pool to the holders of quinella double tickets combining the first greyhound and either of the place greyhounds in the second race. In the event of the dead heat to place and there are no tickets sold on one combination, then the other combination having winning greyhounds shall be declared the winner.

(l) If no tickets combine the winning greyhound in the second race with either of the greyhounds in the dead heat for place, the net quinella double pool shall be paid to holders of tickets including any of the three (3) win/place greyhounds as in a win, place or show pool. However if any tickets combine both of the greyhounds in the dead heat for place, the net pool shall be paid to holders of such tickets.

(m) If for any reason the first race of the quinella double races is cancelled or declared "No Race", full and complete refund shall be made from the quinella double pool.

(n) If for any reason the second of the quinella double races is cancelled or declared "No Race", the pool shall be calculated as a straight pool and shall be distributed among the holders of tickets combining the first two (2) greyhounds of the first race of the quinella double.

(o) If there is a dead heat for the winning greyhounds in either of the two (2) consecutive races for the quinella double, such calculation of distribution of the quinella double pool shall be made in the manner in which any ordinary quinella pool would be made should there be a dead heat for the win despite the number of greyhounds involved in the dead heat.

(p) Each association using this form of wagering shall make available to the public upon request copies of this rule at the information window.

45.35. Pick-Three

(a) The Pick-Three is not a parlay and has no connection with or relation to any other form of mutuel betting. All tickets on the Pick-Three will be calculated in an entirely separate pool.

(b) Pick-Three means a betting transaction in which a purchaser of a ticket undertakes to select the winner of each of the three (3) races on which that feature is operated.

(c) The three (3) parts of a Pick-Three feature, each part hereinafter referred to as a leg, shall be held on three (3) consecutive races during one (1) racing performance.

(d) No more than one (1) Pick-Three shall be held

during one (1) racing performance.

(e) The payout price for a Pick-Three shall be calculated from the net pool (gross pool less commission take-out).

(f) (A) The winning combination of greyhounds constituting a winning ticket shall be those that finish first, or those greyhounds determined to be the winners as set forth in paragraph (B), hereinafter referred to as the winner, in each leg of the Pick-Three feature, determined in sequence, race by race.

(B) Where no tickets have been sold on the combination of winners, winning tickets shall be determined starting with the first leg as follows:

(1) In the event no pari-mutuel ticket is sold combining the three (3) winners of the Pick-Three, one hundred percent (100%) of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winners of two (2) of the three (3) races comprising the Pick-Three.

(2) In the event no pari-mutuel ticket is sold combining two (2) winners of the Pick-Three, one hundred percent (100%) of the net amount in the pari-mutuel pool shall be distributed among the holders of pari-mutuel tickets which include the winner of any one (1) race comprising the Pick-Three.

(g) When the race on which the first leg of the Pick-Three feature is scheduled and cancelled, declared off, declared no contest or no greyhound finishes, then the total pool shall be refunded.

(h) (A) When after the running of the race on which the first leg of the Pick-Three feature is operated, the race on which the second or third leg is scheduled to be operated is

(1) cancelled, declared off, declared no contest;

(2) a race in which no greyhounds finish, or

(3) a race in which all bets are refunded in accordance with any provisions of the Rules

The Pick-Three feature pool shall be calculated in accordance with subsections (B), (C), or (D) as the case may be.

(B) When circumstances described in paragraph (A) occur in the race on which the second leg of the Pick-Three feature is scheduled, the pool shall be calculated in accordance with Section 5, except that the net pool shall be divided by the value of tickets sold coupling the winner of the first leg with all greyhounds in the second leg and the winner of the third leg.

(C) When circumstances described in paragraph (A) occur in the race in which the third leg of the Pick-Three feature is scheduled, the pool shall be calculated in accordance with Section 5 except that the net pool shall be divided by the value of tickets sold coupling the winners of the first and second legs with all greyhounds in the third.

(D) When circumstances described in paragraph (A) occur in both races on which the second and third leg of the Pick-Three feature is scheduled, the pool shall be calculated in accordance with Section 5 except that the net pool shall be divided by the value of tickets sold coupling the winner of first leg with all greyhounds in the second and third legs.

(i) In the event a pari-mutuel ticket designates as the selection to win in any one (1) or more of the three (3) races comprising the Pick-Three a single wagering interest which is scratched or excused by the Judges, the holder of such ticket shall automatically receive as his alternate selection in the race that greyhound upon which the most money was wagered to win.

In the event two (2) or more greyhounds have the identical amount wagered upon them to win, the holder of such ticket shall automatically receive as his alternate selection in the race that greyhound upon which the most money was wagered to win and to place.

In the event two (2) or more greyhounds have the identical amount wagered upon them to win and to place, the holder of such ticket shall automatically receive as his selection in the race that greyhound upon which the most money was wagered to win, to place and to show.

In the event two (2) or more greyhounds have the identical amount wagered upon them to win, to place and to show, the holder of such ticket shall automatically receive such greyhound in the lower post position as his alternative selection.

(j) When two (2) or more greyhounds finish in a dead heat for first place in any leg of the Pick-Three feature, the pay-out prices shall be calculated in the following manner:

(A) The legal percentages shall be deducted from the total amount bet in the pool to determine the net pool;

(B) The total value of all bets on all winning combinations shall be deducted from the net pool to determine the calculating pool;

(C) The calculating pool shall be divided by the number of winning combinations on which tickets have been sold;

(D) The value of the tickets bet on each respective winning combination shall be divided into its' respective portion of the calculating pool;

(E) One dollar ($1.00) shall be added to the quotient obtained pursuant to paragraph (D); and

(F) The sum shall be multiplied by the purchase price of each ticket.

45.36. Pick Six Wagering.

(a) 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 relative to

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 greyhound for win in each of six (6) contests designated by the association with the approval of the Racing Commission. The six (6) 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 (6) designated contests.

(b) 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.

(c) (1) Pick Six shall be composed of two (2) separate and distinct pari-mutuel pools. Seventy five (75%) 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 (25%) 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 LITTLE SIX".

(2) 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 (6) official winners of the six (6) contests comprising the Pick Six for that performance.

(3) Subject to the provisions of this rule pertaining to refunds and after deduction of all legal sums therefrom, the net amount in THE LITTLE 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 (6) contests comprising the Pick Six for that performance.

(4) 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 (6) official winners of the six (6) contests comprising the Pick Six for any performance.

(5) 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 LITTLE SIX pool subject to distribution among winning ticket holders shall be distributed among closing day holders of Pick Six tickets which correctly designated the most official winners of the six (6) 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 BIG SIX if the best interests of the State of West Virginia are thereby served.

(6) In the event a pari-mutuel ticket designates as the selection to win in any one (1) or more of the six (6) races comprising the Pick Six Sweepstakes a single wagering interest which is scratched or excused by the Judges, the holder of such ticket shall automatically receive as his alternate selection in the race that greyhound upon which the most money was wagered to win. In the event two (2) or more greyhounds 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 greyhound upon which the most money was wagered to win and to place. In the event two (2) or more greyhounds 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 greyhound upon which the most money was wagered to win, to place and to show. In the event two (2) or more greyhounds have the identical amounts wagered upon them to win, to place and to show, the holder of such ticket shall automatically receive each such greyhound as his alternate selections.

(7) In the event one (1) 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 LITTLE 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 (3) or more of the six (6) contests 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 (6) official winners of the six (6) 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 LITTLE 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 LITTLE SIX pool to the winners of THE LITTLE 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 (3) above.

(D) In the event of a dead heat for win between two (2) or more contestants in any Pick Six race, all such contestants in the dead heat for win shall be considered as the winner in he race for the purpose of distribution of BIG SIX and THE LITTLE SIX pools.

(E) Other than the auditor of pari-mutuel, 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.

(F) 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 (6) 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 six (6) 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 (6) contests comprising the Pick Six.

45.37 Twin Trifecta Wagering.

(a) The Twin Trifecta is a form of pari-mutuel wagering in which the bettor selects the three (3) greyhounds that will finish first, second and third in each of the two (2) designated

races of ~~the twin trifecta in~~ the exact order as officially posted. ~~To obtain a twin trifecta exchange ticket as described in paragraph F, a first half ticket must consist of all three (3) greyhounds in the first designated race in the exact order of finish. There shall be no advance wagering on the twin trifecta.~~

(b) Twin Trifecta tickets shall be sold in denominations of $2.00 and multiples thereof, or in such other denominations as may be approved by the Commission.

(c) Each bettor purchasing Twin Trifecta tickets shall designate his three (3) selections as the first three (3) greyhounds to finish in that order in the first race of the designated two (2) races of the twin trifecta.

(d) 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 West Virginia. The remaining net pool will then be divided into two (2) separate pools, ~~the first half being 25% of the net pool and the second half being 75% of the net pool.~~ with the division amounts to be requested by the association subject to the approval or disapproval of the Racing Commission.

(1) The first part of the divided pool will be distributed among the holders of twin trifecta tickets selecting the first three (3) greyhounds, in exact order of finish, on the designated first race of the twin trifecta in accordance with the established pari-mutuel practice.

The "First Part of Divided Pool", shall consist of ~~one-fourth~~ the designated part of the net distributable pool of the total monies wagered on the first race of the twin trifecta on the current performance only. Specifically excluded therefrom shall be any carryover of any twin trifecta pool from any previous performance.

(2) The second part of the divided pool will be placed in a separate pool to be distributed among holders of "Second Half" twin trifecta tickets selecting the first three (3) greyhounds, in exact order, on the designated second race of the twin trifecta, in accordance with the established pari-mutuel practice.

(e) In the first ~~race~~ part of the twin trifecta only, if ~~there is a failure to select the first three (3) greyhounds, with all three (3) greyhounds in the exact order of finish, then there will be no exchange tickets issued for the second half. Further, the second half of the divided pool for that performance, shall be added to the cumulative or carryover pool from the previous performances and along with the carryover pool, shall not be distributed for that performance. However, the first part of the divided pool for that performance shall be distributed as follows: (1) the first two (2) greyhounds in exact order, but if there is no such ticket outstanding, then (2) the first greyhound. Failure of any ticket to select the first greyhound~~

~~to win, regardless of the selection of the exact order of second and/or third greyhound, shall cause a complete refund of all twin trifecta tickets issued for that performance.~~

~~In any event, if the first race of the twin trifecta is declared a "no race" by the judges, including, but not limited to, less than three (3) greyhounds finishing in a race or a malfunction of the starting box, dogs catching or passing lure, dog running wrong way of track, a complete refund will be made of all monies wagered on that performance's twin trifecta and the twin trifecta for that performance will be cancelled. Monies from any previous carryover pools is exempt from these refunds.~~ no ticket is sold on a winning combination of a twin trifecta pool, the net pool shall be apportioned equally between those having tickets selecting the first and second place greyhounds. If no ticket is sold selecting the first and second greyhounds in the twin trifecta pool, the net pool shall then be apportioned equally between those having tickets selecting the greyhound or greyhounds 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 greyhound finishing second combined with the greyhond finishing third.

Should no selection be made as above mentioned, those having selected the second greyhound for second or the third greyhound for third with any other greyhounds, contrary to win, place, and show pool practice, then the aggregate number of tickets as mentioned in this paragraph shall divide the net pool and be paid the same pay-off price.

(f) After the official declaration of the exact order of finish of the first three (3) greyhounds 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 race, exchange such winning ticket for both the (1) monetary value from the first part of the divided pool, as established by the mutuel department of the association, and (2) a twin trifecta exchange ticket which designates the bettor's selection for finish in that order in the second designated race of the twin trifecta. No further money shall be requested of the holders 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.

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.

(g) No twin trifecta exchange ticket for the second race of the twin trifecta shall be issued except upon surrender of the twin trifecta tickets from the first race as described in these rules. Windows, for the purpose of cashing and exchanging of winning twin trifecta tickets, as described above, shall be opened immediately after the first race of the twin trifecta has been declared official. Such windows shall close when wagering closes for the race constituting the second race of the twin trifecta.

(h) If a winning twin trifecta ticket from the first race of the twin trifecta 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 shall forfeit all rights to (1) any distribution resulting from the second race of the twin trifecta ~~or (2) any distribution pursuant to subsections k or l below that is payable to holders of "second half" twin trifecta tickets.~~

(i) 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 greyhound in a dead heart as finishing in any position dead heated, shall be winning tickets, and, contrary to the usual practice, the aggregated number of winning tickets shall be divided into the net pool and be paid the same pay-off price.

(j) In the event there is no twin trifecta ticket issued accurately selecting the officially declared first three (3) finishers of the second race of the twin trifecta, in the exact order, such second race pool, determined as provided in this rule, shall be held for the next consecutive race performance and combined with the pool of that performance's second race of the twin trifecta. Distribution of this special cumulative pool of the second race of the twin trifecta shall be made only upon accurate selection, in the exact order, of the first three, (3) officially declared finishers of the second race of the twin trifecta race~~, provided there was an exchange process for that performance~~.

(k) If a greyhound is scratched in the first race of the twin trifecta, all twin trifecta tickets issued which include the scratched greyhound will be refunded. If a greyhound(s) is scratched in the second race of the twin trifecta and there had been twin trifecta wagering on the scratched greyhound(s), public address announcements will be made and the judges will attempt to allow a reasonable time, as determined in their sole and final discretion, for further exchanging of tickets issued which include the scratched greyhound(s). ~~If there has been twin trifecta wagering on the scratched greyhound(s) and the judges~~

determine, in their sole and final discretion, that sufficient time for exchange of tickets on the scratched greyhound(s) cannot be allowed before the race begins, then the entire second part of the divided pool resulting from that current performance's program only will be distributed among all holders of "second half" twin trifecta tickets, in accordance with established pari-mutuel practice, and any carry over of any twin trifecta pool from any previous performance's shall not be distributed for that racing performance and shall be carried over to the next consecutive racing performance. Reference should be made to subsections k and l for the general rules regarding cashing and exchanging twin trifecta tickets and bettors eligible to receive twin trifecta distributions.

(l) If up to and including the weighing in, the number of greyhounds is reduced to less than seven (7) in the first race of the twin trifecta, then the twin trifecta will be cancelled for that performance and the races designated for the twin trifecta will revert to a regular Trifecta race. A refund shall be made of all money wagered for that performance's Twin trifecta pool.

(1) If a greyhound is scratched in the first race of the Twin Trifecta after the weigh in, but prior to the running of the first half of the twin trifecta, then all twin trifecta tickets on the scratched greyhound will be refunded. A public address announcement will be made and reasonable time will be given to make another selection. If, however, after the weigh in, but before the running of the first and second races of the twin trifecta, the number of greyhounds is reduced to less than seven (7) in the first race or less than (6) in the second race, then the twin trifecta for that performance will be cancelled with a complete refund to be made. Further, if after the running of the first race of the twin trifecta, the number of greyhounds is reduced to five or less in the second race of the twin trifecta, then a complete refund of the second half of the twin trifecta for that performance shall be refunded to these patrons with second half exchange tickets and the second half shall be cancelled.

(2) If, after the running of the first race of the twin trifecta, a greyhound(s) is scratched in the second race of the twin trifecta races, then all twin trifecta exchange tickets involving the scratched greyhound(s) must be further exchanged. A public address announcement will be made and reasonable time will be given to make another selection. There will be no refunds on any exchange tickets.

(m)(1) If for any reason, the second race of the twin trifecta is not declared "official", the winning ticket holders only who have cashed their ticket of the first race of the twin trifecta and have received an exchange ticket, will be entitled to be paid the remaining amount of the current performance's

second divided pool only.

~~(n)~~(m) 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 first half winning tickets and 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.

~~(o)~~(n) Sales of twin trifecta tickets other than from pari-mutuel machines shall be deemed illegal and prohibited.

~~(p)~~(O) The twin trifecta pool shall be held entirely separate from all other pools, and shall not be part of a daily double, exacta, triple, pick six or other wagering pools.

~~(q) the Racing Commission, after due notice and hearing, may impose reasonable limits on the twin trifecta jackpot pool if the best interests of racing are thereby served. If a payment of the carryover pool is required, and there is no second half exchange ticket with all three (3) greyhounds in exact order, then the payout of the carryover pool shall be as follows: (i) the first two (2) greyhounds in exact order, but if there is no such ticket outstanding, then (2) the first greyhound.~~

(p) If in the final performance of the twin trifecta there is no twin trifecta ticket issued selecting in the exact order of finish the officially declared three (3) finishers of the second twin trifecta race, the second race pool shall be apportioned in accordance with the first half twin trifecta rules (see paragraph E) If the final performance of the twin trifecta is cancelled, then the twin trifecta jackpot pool shall be distributed during the next succeeding performance.

~~(q)(r) No trainer and/or kennel will be allowed more than one dog in either of the races of the twin trifecta.~~ The twin trifecta special cumulative second race pool, otherwise known as the twin trifecta jackpot carryover pool, may be capped at a level designated by the association with the prior approval of the Racing Commission. Such request by the association for a capped level shall be received in writing by the Racing Commission at least one (1) week prior to the performance that is to be designed for the capping.

(r) ~~(s)~~ The acceptance of a twin trifecta ticket by taking an issued ticket away from the window of the terminal from which it was issued shall constitute an acknowledgement by the bettor of the correctness of the ticket. Each purchaser of a twin trifecta 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 pertaining to pari-mutuel wagering.

(s) ~~(t)~~ This rule shall be prominently displayed in the betting area of each association conducting a twin trifecta program.

(t) ~~(u)~~ The two (2) races comprising the twin trifecta shall be approved by the Racing Commission and shall be clearly and

prominently designated in the program.

(u) Notwithstanding any other provision of paragraph contained in this rule, the Racing Commission may at any time impose such condition or conditions for running twin trifecta races and at any time take such action or actions as deemed necessary to protect the best interest of racing.

45.38 TRI-SUPER

(a). The Tri-Super is a form of pari-mutuel wagering in which the bettor selects three (3) runners that will finish first, second, and third in one designated race, then selects the correct order of finish, for the first, second, third, and fourth runners in another designated race. To obtain a tri-super exchange ticket as described in paragraphs (e) and (f), a first half ticket must have all three runners in the first designated race in the exact order of finish.

(b). Each bettor purchasing tri-super tickets shall designate his three (3) selections as the first three (3) runners to finish in that order in the first race of the designated two (2) races.

(c). Upon the official results for the first race of the tri-super combination, the net pool will be divided into two equal amounts. One half of the divided net pool will be distributed to the first half tri-super race winning ticket holders in the following priorities:

(1). To those selecting the first three finishers in order; if the winning combination herein described is not covered, then;

(2). To those selecting the first two finishers; if the winning combination herein described is not covered, then;

(3). To those selecting the winner. If the winner is not covered, then a full refund of the first race pool shall be made to the contributors of the pool. In this event, there will not be a second tri-super combination race.

(d). The second half of the divided net pool shall be held for distribution to the winning ticket holders of the second race

of the tri-super combination, except as provided in subsection (o) of this rule.

(e). In addition to winning the first half of the divided net pool, those ticket holders of the first designated tri-super combination race selecting the finishers as described in paragraph (c)(1) of this rule shall be entitled to one exchange right for each base amount wagered. The exchange rights must be exercised after the official declaration for the first race and prior to the close of the wagering period for the second race comprising the tri-super combination.

(f). At the time of the exchange, the winning ticket holder shall surrender the winning ticket to the exchanging teller. At this time, the bettor shall make his selection for the second race and the bettor shall be paid the winnings resulting from the first race. No further money shall be required from the bettor in order to make the exchange.

(g). If a winning ticket for the first race is not presented for cashing and exchanged within the time provided, the bettor may still collect the price attached to the ticket but forfeits all rights to any distribution of the second half of the divided net pool, except as provided in subsections (h) and (o) of this rule.

(h). If, for any reason, the second race of the tri-super combination contest is not declared official, or if the second half of the contest is cancelled, holders of second race exchange tickets and first race winning tickets which were not exchanged will be entitled to the second half of the divided net pool. The aggregate number of exchange rights will be used as the divisor in calculating the amount to be awarded to each individual ticket.

(i). The following actions shall be taken in the event of scratches in tri-super combination races:

(1). In the event of a scratch or scratches from the first race, all of affected tri-super combination wagers shall be refunded.

In the event of a late scratch or scratches from the first race which results in the number of runners becoming less than seven, all of the money wagered on the tri-super combination on that performance shall be refunded and the tri-super combination wager will be cancelled.

(2). In the event of a scratch or scratches in the second race, the following shall occur:

If betting for the second race has not closed, an announcement shall be made over the public address system and reasonable time shall be given for cancellation of the affected exchange tickets and re-issuance of new exchange tickets.

If betting for the second race has closed, the scratched runner shall be substituted with the favorite to win as shown by the amount bet in the win pool. If the amounts wagered

on two or more favorites is identical, the selection in the lowest program number shall be substituted for the scratched runner.

In the event of a late scratch or scratches from the second race which results in the number of entries becoming less than seven, the second half of the tri-super combination contest will be cancelled and the second part of the divided net pool shall be distributed as provided in subsection (h) of this rule.

(j). In the event of a dead heat in the first race of the tri-super combination, the winners shall be as follows:

(1). If three or more runners dead heat to win, those who selected the runners within the dead heat, irrespective of order.

(2). If two runners dead heat to win, those who selected the two dead heated runners irrespective of order, and the third runner.

(3). If two or more runners dead heat for the second position, those who selected the winning runner and any two runners in the dead heat irrespective of order.

(4). If two or more runners dead heat for the third position, those who selected the first and second runners in order and any one runner in the dead heat.

(k). In the event of a dead heat in the second race of the tri-super combination, the winners shall be as follows:

(1). If four or more runners dead heat to win, those who selected the runners within the dead heat, irrespective of order.

(2). If three runners dead heat to win, those who selected the runners within the dead heat, irrespective of order, and the fourth runner.

(3). If two runners dead heat to win, those who selected the two dead heated runners, irrespective of order, and the third and fourth runners in order.

(4). If three or more runners deadheat for the second position, those who selected the winner and any three runners within the dead heat irrespective of order.

(5). If two runners dead heat for the second position, those who selected the winner, the two runners within the dead heat irrespective of order, and the fourth runner.

(6). If two or more runners dead heat for the third position, those who selected the winner and second runners, in order, and any two runners within the dead heat, irrespective of order.

(7). If two or more runners dead heat for the fourth position, those who selected the first, second, and third runners in order, and any one runner within the dead heat.

(l). In the first, tri-super combination race only, if there is more than one covered winning combination as a result of a dead heat, there shall be a dividend split, as follows:

For the first half of the divided net pool, the divisor will be the number of covered winning combinations and the priorities set forth in subsection (3) shall apply. In the second tri-super combination race, if there is more than one covered winning combination as a result of a dead heat, all the covered winning combinations thereof shall receive the same price per winning dollar.

(m). In the event there is no tri-super combination ticket issued which selected, in exact order, the officially declared first three finishers in the first race, the second half of the divided net pool shall be held for the next consecutive performance. This sum shall be termed the "Tri-Super Jackpot".

(n). The tri-super jackpot shall be capped at a level designated by the licensee in $1,000 increments with the prior approval of the Racing Commission.

(o). If, at the close of any performance, the amount accumulated in the tri-super jackpot equals or exceeds the designated cap, the tri-super jackpot shall be frozen until it is won or distributed under the other provision of this rule. After it is frozen, there shall be two optional methods of distributing the share of net wagers ordinarily increasing the jackpot:

(1). Under the first option, 100 percent (100%) of all subsequent contributions which ordinarily would have been added to the tri-super jackpot will be distributed equally to holders of winning first half tickets irrespective of whether there is a winner in the second half.

(2). Under the second option, 75 percent (75%) of all subsequent contributions which ordinarily would have been added to the tri-super jackpot will be distributed equally to holders of winning first half tickets irrespective of whether there is a winner in the second half. The remaining 25 percent (25%) will be added to a "seed" pool. This seed pool shall accumulate until:

The tri-super jackpot is won under provisions of subsection (p) of this rule; or

the seed pool exceeds the maximum allowed for the tri-super jackpot pool; or

the closing performance of a meet whichever comes first.

If the tri-super jackpot is won under the provision of subsection (p) when a seed pool exists, those selecting the winners in the second half will share in the capped jackpot only, with the remaining pool for the second half going to the seed pool and the seed pool shall become the Tri-Super jackpot pool for the next performance.

If the seed pool exceeds the maximum allowed for the tri-super jackpot pool in all subsequent performances, 100 percent (100%) of all subsequent contributions which ordinarily would have been added to the seed pool will be distributed

equally to holders of winning first half tickets irrespective of whether there is a winner in the second half. When a second half winning ticket is issued and the jackpot distributed, the capped seed pool shall become the jackpot pool and normal seed pool contributions shall resume.

(p). Distribution of the tri-super jackpot shall occur upon the selection, in exact order, of the first four finishers of the superfecta in the second race of the contest or under the following circumstances:

(1). Upon the closing performance of a meet.

(2). Upon written approval by the Racing Commission as provided in subsection (r).

(q). In the event of a distribution of the tri-super jackpot as outlined in paragraph (p), the current performance Tri-super jackpot plus the second half of the divided net pool for that performance will be combined and distributed to ticket holders as follows:

(1). those selecting in the second race of the contest the first four finishers in order. If the winning combination herein is not covered, then;

(2). those selecting in the second race of the contest, the first three finishers in order. If there is no covered winning combination as described herein, then;

(3). those selecting in the second race of the contest the first two finishers in order. If there is no winner as described herein then;

(4). those selecting in the second race, the first finisher. If there is no winner as described herein, then;

(5). all holders of valid exchange tickets. If there is no winner as described herein, then;

(6). those selecting in the first race of the contest, the first two finishers in order. If there is no covered winning combination as described herein, then;

(7). those selecting in the first race of the contest, the first finisher. If there is no winner as described herein, then:

(8). All the participants in the first race of the tri-super combination contest.

(r). The tri-super jackpot may be distributed on a day other than specified in this rule upon the prior, written approval of the Racing Commission.

(s). Other than the auditor of Pari-Mutuels, no person shall have access to the information that is shown on the computer print-outs or any other source concerning the number of tickets sold in the first half of the tri-super or the number or amount of tickets selecting winners of the first half of the tri-super prior to the time the officials have determined the second half of the tri-super of each performance to be official.

(t). Notwithstanding any other provision or subsection

contained in this rule, the Racing Commission may at any time impose such condition or conditions for running the tri-super races and may at any time take such action or actions as deemed necessary when the best interests of racing are thereby served.

178-2-46. Auditor of pari-mutuel.

46.1. A director of audit and auditor of pari-mutuel betting shall be appointed annually by the Commission and shall be compensated by the Commission. Their duties shall be determined from time to time by the Commission and such auditors shall be subject to removal at any time by the Commission.

46.2. The director of audit, and any other auditors employed by the Racing Commission who shall also be certified public accountants or experienced public accountants, shall have free access to the space and enclosure where the pari-mutuel system of wagering is conducted or calculated at any greyhound race meeting for the purpose of ascertaining whether or not the licensee is deducting and retaining only a commission as provided in the current Racing Act, and is otherwise complying with the other provisions of the Racing Act relating to the pari-mutuel system. They shall also, for the same purposes only, have full and free access to all records and papers pertaining to such pari-mutuel system of wagering, and shall report to the Racing Commission in writing, under oath, whether or not the licensee has deducted and retained any commission in excess of that permitted under the Racing Act or has otherwise failed to comply with the provisions of those sections of the Racing Act pertaining to the pari-mutuel system.

46.3. The auditor of pari-mutuels shall be afforded every facility for performing all the duties that may be assigned to him by the Commission, including the following:

(a) Every association licensed by the Commission shall furnish the West Virginia Racing Commission copies of their first payroll and any other that might be requested, both mutuel and operative and covering all employees performing services during

any race meeting.

(b) Carbon copies of all mutuel work sheets are to be turned over to the auditor of pari-mutuels immediately after each race.

(c) At the end of each race day, a consolidated report showing detailed figures of the mutuel handle, commission or take and breaks shall be handed to the auditor of pari-mutuels. Also, the opening and closing ticket numbers used during that day in all machines issuing daily double, perfecta and big perfecta tickets, along with copies of the consolidated report, report of outs paid, calculating sheets, daily double sales sheets, all perfecta sales sheets, machine printed take-off cards and summary thereof.

(d) At the end of each day, every signed complaint made by any customer, with reference to transactions with sellers or cashiers, shall be reported on printed blanks and furnished to the auditor of pari-mutuels.

(e) A written report shall be kept available by the manager of the money room of all errors made by the mutuel sellers or cashiers, commonly called "shorts or overs." Such reports shall detail the name of the seller or cashier, his working place and the amount involved. At the end of each meet this report shall be given the auditor of pari-mutuels for filing with the daily records enumerated in (b), (c), (d).

(f) All moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets if not claimed within ninety (90) days after the close of the greyhound race meeting in connection with which the tickets were issued, shall be turned over by the licensee to the Racing Commission within fifteen (15) days after the expiration of such ninety (90) day period and the licensee shall give such information as the Racing Commission may require concerning such outstanding and unredeemed tickets including but not limited to, the outs ledger enumerating all outstanding tickets at the end of such ninety day (90) period. In addition, a statement to accompany said ledger setting forth the quantity and amount of each denomination redeemed in the ninety (90) day period. This sum is to be subtracted from the outs balance on the closing day of the meeting with the remaining balance to be included in the remittance of the association in settlement of the "outs" account for the meeting.

(g) Each association shall provide a work area for the exclusive use of the auditor of pari-mutuels. Subject to the approval of the Racing Commission, this work area shall:

(1) Be located within or adjacent to the totalisator room with desk and chair facilities;

(2) Permit direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside totalisator board or

closed circuit television monitor of the outside totalisator board whichever is used, and printers;

(3) Include space for locking file cabinets within the work area or other proper storage facilities to be supplied by the association,

(4) Include an audio listening device for the public address system to be heard intelligibility in the work area.

(5) Include power outlets to operate electronic equipment.

(h) All outs tickets purging sessions shall occur only after at least two (2) weeks prior notice in writing is given to the Racing Commission of such sessions. Further, the actual purging shall occur in the presence of a totalisator representative, an association representative and a representative of the Racing Commission.

(i) Cashed tickets and computer printout:

(1) Access of all totalisator employees to cashed tickets and used computer printouts storage shall be prohibited.

(2) Cashed tickets and all used computer printout sheets shall be secured in a facility where fire protection devices are installed and operable.

(3) Cashed tickets and used computer printout sheets storage shall be secured by a locking system. Access to the locked storage facilities is the responsibility of the mutuel manager. The facilities must be locked at all times except when access is needed by the mutuel manager or his designee and the Racing Commission.

178-2-47. ~~State inspectors.~~ State Security Officer

47.1. It shall be the duty of the ~~inspector~~ state security officer to work in conjunction with the license clerk to determine that all required personnel have a West Virginia license. This will require a daily check of the program to verify that all persons listed thereon hold West Virginia license. The ~~inspector~~ state security officer shall likewise make a weekly inspection of the kennel area to determine if all individuals in said area are licensed.

47.2. It shall be the duty of the ~~inspector~~ state security officer to make a daily check of the kennel area to determine if proper security measures are in effect, namely: The presence of a guard at all gates and entrances and note the guard's actions in checking the license of all persons who enter and depart.

47.3. It shall be the duty of the ~~inspector~~ state security officer to make a daily check of the test area to determine if proper security is in effect, that a guard is present.

47.4. It shall be the duty of the ~~inspector~~ state security officer to make a daily routine check of the betting areas to determine if proper security measures are being taken to prevent

the resale of tickets to minors and as well to any "exotic" wagering tickets.~~the-sale-of-big-perfecta-or-exacta-tickets.~~

47.5. It shall be the duty of the ~~inspector~~ state security officer to assist the judges and the track security in all "shake-downs" of the kennel area, or in such other matters as may be directed by the judges.

178-2-48. Greyhound Breeding Development Fund.

48.1. The Racing Commission shall maintain a registry for West Virginia Bred Greyhounds.

48.2. To qualify for purse money in a stake's race that is funded by the West Virginia Greyhound Breeding Development Fund, the owner or lessee of the greyhound must be a member in good standing of the National Greyhound Association and be a bona fide resident of the State of West Virginia for at least two years.

48.3. An Owner or lessee of the Dam at the time of whelping must be a member in good standing of the National Greyhound Association and been a bona fide resident of West Virginia for at least two (2) years prior to the date the litter was whelped. The litter must have been whelped in the State of West Virginia and remain domiciled in West Virginia at least until six (6) months of age.

48.4. Beginning July 1, 1989, the owner or lessee will file the appropriate affidavit with the Racing Commission affirming that the owner or lessee meets all requirements. The owner or lessee further understands that if any West Virginia bred be removed from West Virginia prior to six (6) months of age, it shall be the owner's or lessee's responsibility to notify the Racing Commission within ten (10) days of removal. The Racing Commission will then remove that West Virginia bred from the registry.

48.5. The owner or lessee of any greyhound that was littered and registered before July 1, 1989, will be given West Virginia bred status if the owner or lessee signs the appropriate affidavit with the Racing Commission affirming that the applicant meets all requirements in sections (2) and (3) herein.

48.6. An affidavit attesting that all requirements have been met must be on file at the Racing Commission's office prior to the first day of the month in which the qualified West Virginia bred greyhound is entered to run in a race exclusively for West Virginia bred.

48.7. Affidavits shall be accompanied by the Litter Registration Form for the National Greyhound Association and a check or money order made payable to the Racing Commission for the appropriate fee per litter registration. The Racing Commission will process and forward the Litter Registration Form and fee to the National Greyhound Association. The National Greyhound Association will stamp the Litter Registration Form as West Virginia bred and send the Litter Acknowledgment to the

owner or lessee indicating West Virginia bred.

48.8. When a qualified West Virginia bred greyhound is individually registered, the National Greyhound Association will then provide the Racing Commission with the names of the qualified West Virginia bred greyhounds.

178-2-49. Alcohol and drug testing.

49.1. (a) No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised race track shall have present within his/her system any amount of alcohol which would constitute legal impairment or intoxication.

Acting with reasonable cause, the judges or a designated Racing Commission representative may direct any such licensee or employee to submit to a breathalyzer test. Such licensee or employee shall, when so directed, submit to such examination. If the results thereof show a reading of .05 percent alcohol content or more, such licensee or employee shall not be permitted to continue his/her duties for that day. Such licensee or employee shall then be subject to fine or suspension by the judges or Racing Commission.

For a subsequent violation such licensee or employee may be subject to Procedures Following Positive Chemical Analysis (below).

(b) No licensee or employee of any entity associated with the conduct of racing while on the grounds of a licensed or franchised racetrack shall have present within his/her system any controlled substance as listed in schedule I-V of the U.S. Code, Title 21 (Food and Drugs Section 812), or any prescription legend drug unless such prescription legend drug is obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of his/her professional practice.

Acting with reasonable cause, the judges or a designated Racing Commission representative may direct any such licensee or employee to deliver a specimen of urine in the presence of a person designated by the Racing Commission or subject himself/herself to the taking of a blood sample or other body fluids by a person designated by the Racing Commission.

In such cases, the judges or the designated Racing Commission representative may prohibit such licensee or employee from participating in the day's racing or until such time as said licensee or employee evidences a negative test result.

Sufficient sample should be collected to insure a quantity for a split sample when possible.

Refusal by such a licensee or employee to provide the

samples herein described, as so directed shall be in violation of these rules and shall subject such licensee or employee to sanction by the judges or the Racing Commission.

All testing shall be at the expense of the Racing Commission or racing association.

(c) For a licensee's or employee's first violation he/she shall not be allowed to participate in racing until such time as his/her condition has been professionally evaluated.

After such professional evaluation, if said licensee's or employee's condition proves non-addictive and not detrimental to the best interest of racing, said licensee or employee shall be allowed to participate in racing provided he/she can produce a negative test result and agrees to further testing at the discretion of the judges or designated Racing Commission representative to insure his/her unimpairment.

After such professional evaluation, should said licensee's or employee's condition prove addictive or detrimental to the best interest of racing, said licensee or employee shall not be allowed to participate in racing until such time as he/she can produce a negative test result and show documented proof that he/she has successfully completed a certified alcohol drug rehabilitation program approved by the Racing Commission. Said licensee or employee must agree to further testing at the discretion of the judges or Racing Commission representative to insure his/her unimpairment.

For a licensee's or an employee's second violation, he/she shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the Racing Commission, to apply for reinstatement only at the discretion of the Racing Commission.