

## Chapter 462 Racing Commission

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## DIVISION 1

### PROCEDURAL RULES

#### 462-001-0000

##### Notice of Proposed Rule

Prior to the adoption, amendment, or repeal of any rule, the Racing Commission shall give notice of the proposed adoption, amendment, or repeal:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.

(2) By mailing a copy of the notice to persons on the Oregon Racing Commission's mailing list established pursuant to ORS 183.335(6).

(3) By posting a copy of the notice and proposed rule amendments on the Oregon Racing Commission's website: <http://racing.oregon.gov>.

(4) By mailing a copy of the notice to the following persons, organizations, or publications listed where the Commission determines that such persons, organizations, or publications would have an interest in the subject matter of the proposal:

- Oregon Horsemen's Benevolent and Protective Association;
- Oregon Thoroughbred Owners and Breeders Association;
- Oregon Quarter Horse Racing Association;
- Appaloosa Racing Association;
- Portland Meadows;
- County Fair Associations;
- The Jockey's Guild;
- Oregon Greyhound Association;
- Licensed Advanced Deposit Wagering Companies.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 462.270(3)

Hist.: RC 60(Temp), f. & ef. 4-23-76; RC 63, f. 6-23-76, ef. 7-1-76; RC 7-1986, f. & ef. 7-31-86; RC 2-2008, f. & cert. ef. 9-30-08

#### 462-001-0005

##### Model Rules of Procedure

Pursuant to the provisions of ORS 183.341, the Oregon Racing Commission adopts the current version of the Attorney General's Model Rules of Procedure under the Administrative Procedures Act, except Stewards and Judges Hearings and Appeals to the Commission will be handled as set forth in Rules of Racing OAR chapter 462, division 130 by authority of ORS 462.270(3).

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the Office of the Attorney General or Racing Commission.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 462.270(3)

Hist.: RC 41, f. 2-15-71, ef. 1-1-72; RC 45, f. 12-6-73, ef. 12-25-73; RC 62, f. 4-27-76, ef. 5-6-76; RC 1-1978, f. & ef. 3-7-78; RC 6-1981, f. & ef. 12-11-81; RC 7-1986, f. & ef. 7-31-86; RC 2-2008, f. & cert. ef. 9-30-08

## DIVISION 110

## DEFINITIONS

**462-001-0006****Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases**

In addition to the notice requirements under the Attorney General's Model Rules of Procedures adopted under OAR 462-001-0005, the notice to parties in contested cases may include a statement that an answer to the assertions or charges will be required, and if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of OAR 462-001-0008 with the notice.

Stat. Auth.: ORS 462

Stats. Implemented: ORS 183

Hist.: RC 2-2008, f. & cert. ef. 9-30-08

**462-001-0008****Hearing Request and Answers; Consequences of Failure to Answer**

(1) A hearing request and answer shall be made in writing to the executive director by the party or the party's attorney. To be considered timely, a request for a hearing and answer must:

(a) Be in writing; and

(b) Be received by the commission within ten (10) calendar days from the date the Notice was served.

(2) If an answer is required in the Notice, it shall include the following:

(a) An admission or denial of each factual matter alleged in the Notice;

(b) A short and plain statement of each relevant affirmative defense the party may have; and

(c) A short and plain statement identifying each legal issue the party may have.

(3) A request for extension of time in which to file an answer to the Notice shall be submitted in writing and must be received by the commission within ten (10) calendar days from the date the Notice was served. Extensions shall be granted only upon a showing of good cause.

(4) Any amendments to answers must be submitted in writing and must be received by the commission not less than 21 days prior to the contested case hearing.

(5) Except for good cause:

(a) Factual matters alleged in the Notice and not denied in the answer shall be presumed admitted;

(b) Failure to raise a particular defense or legal issue in the answer will be considered a waiver of such defense or legal issue;

(c) New matters raised in the answer that were not alleged in the Notice (affirmative defenses) shall be presumed to be denied by the commission; and

(d) Evidence shall not be taken on any issue not raised in the Notice and the answer.

(6) A hearing request and answer shall be deemed untimely if it is received by the commission after the close of business (5:00 p.m.) on or after the 10th calendar day from the date the Notice was mailed, and shall be deemed a default by the party. Unless the commission determines that the late filing was beyond the control of the party, the commission may issue a final order by default.

Stat. Auth.: ORS 462

Stats. Implemented: ORS 183.413

Hist.: RC 2-2008, f. & cert. ef. 9-30-08

**462-001-0010****IRS Retirement "Pick Up"**

(1) The Oregon Racing Commission shall treat any employee contribution to PERS from the employees' salaries as the employer's contribution, thus "picking up" that contribution for purposes of **Internal Revenue Code section 414(h)(2)**.

(2) The Contribution shall be deducted directly from the employee's wages and the employee shall not have the option of receiving his or her contribution as salary and of making the contribution himself or herself.

(3) The employee's reported salary on the W-2 form for tax purposes shall be reduced by the amount of that contribution.

Stat. Auth.: ORS 462.250(3) & 462.270(3)

Stats. Implemented: ORS 462.250(3)

Hist.: RC 3-1995, f. 3-14-95, cert. ef. 3-20-95

**462-110-0010****Racing Definitions**

The following definitions and interpretations shall apply in these rules unless otherwise indicated or text otherwise requires (Words of the masculine gender include the feminine and neuter. Words in the singular include the plural and vice versa.):

(1) "Added Money": Cash, exclusive of trophy or other award, added by the race meet licensee to stake fees paid by subscribers to form the total purse for a stakes race.

(2) "Age": The age of a horse is calculated as beginning on the first of January in the year in which the horse is foaled.

(3) "Allowance": Weights and other conditions of a race.

(4) "Allowance Race": A race where there are both allowances and penalties, according to the conditions of the race, on monies or races won.

(5) "Appropriate Horse Registry": For Thoroughbreds, the registry office of the Jockey Club (Lexington, Kentucky); for Quarter Horses, the American Quarter Horse Association (Amarillo, Texas); for Appaloosa horses, the Appaloosa Horse Club, Inc. (Moscow, Idaho); for Paint horses, the American Paint Horse Association (Fort Worth, Texas); for Arabians, the Arabian Horse Registry of America (Denver, Colorado); and for mules, the American Donkey and Mule Society (Lewisville, TX).

(6) "Authorized User": A person authorized by the Oregon Racing Commission to receive, to decode and to use for legal purposes the encrypted signal of racing events in Oregon.

(7) "Bleeder": Any horse known to have externally bled from its respiratory tract during a workout or race, and so designated by the commission veterinarian or any horse that has internal bleeding that is observed or verified by the commission veterinarian through endoscopic examination.

(8) "Bleeder List": A tabulation of bleeders to be maintained by the commission.

(9) "Blocked": Where there is no feeling in an injured area.

(10) "Breakage": The odd cents by which the amount payable on each dollar wagered in a pari-mutuel pool exceeds a multiple to ten cents or to five cents in accordance with ORS 462.140.

(11) "Breeder": The owner of the dam of a horse at the time the horse was foaled. A horse is "bred" at the place of its foaling.

(12) "Carded": Scheduled and placed on the daily racing program.

(13) "Claim Certificate" (Open Claim Certificate): A written document issued by the commission which permits a person to enter a claim for a horse without having a foal certificate in the race office.

(14) "Claiming Race": A race in which all horses may be claimed and purchased for the amount specified in the conditions for that race by any person meeting the requirements of OAR 462-150-0030(2).

(15) "Combined Pari-Mutuel Pools", "Combined Pools": The pari-mutuel wagers at one or more off-track wagering facilities being contributed into the pari-mutuel pools of an Oregon host race meet licensee.

(16) "Commission": Oregon Racing Commission. Commissioner is a member of the commission.

(17) "Complaint": A written allegation of a violation of these rules or ORS Chapter 462.

(18) "Day" "Race Day" and "Simulcast Day": Any 24 hour period beginning at 12:01 a.m. and ending at midnight. "Racing Day" is a day on which live races are conducted at a race track in Oregon. "Calendar Days" are those consecutive days counted irrespective of number of racing days. "Simulcast Day" is a day that races from an out-of-state track are being simulcast into a track in Oregon on a day that there are no live races being run at the Oregon track. Simulcast days may only occur on days that fall within the period of time for which a race meet license has been granted by the commission. Unless otherwise specified, use of the word "day" shall mean a calendar day. In calculating the average daily handle for race meets, any race day in which some of the day's races are canceled due to natural occurrences, as determined by the commission, will be counted as a partial race day in the same proportion as the number of races actually run by the number of races carded to be run in the day's racing program.

(19) "Decoder": A device and/or means to convert encrypted audiovisual signals and/or data into a form recognizable as the original content of the signals.

(20) "Derby": A race exclusively for 3-year-olds, except for Arabians which is for 4-year-olds.

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- (21) "Designated Races": Stake and handicap races so designated by the stewards prior to the first day of the race meet.
- (22) "Disqualification": An order of the stewards or commission revising the order of finish of a race.
- (23) "Divided Race": A race in which there are so many entries that it is made into two separate races. A race becomes a divided race when it is announced by the racing secretary that he/she is dividing the race.
- (24) "Drug": As defined in ORS 462.010(5).
- (25) "Eligible": A horse which meets the conditions of the race.
- (26) "Encryption", "Encrypted", "Encoded": The scrambling or other manipulation of the audiovisual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signal without using a decoder.
- (27) "Engagement": The obligation of a jockey or horse to participate in a race.
- (28) "Equipment": As applied to a horse, it includes the whip, blinkers, tongue restraint, muzzle, hood, nose band, bit, shadow role, martingale, breast plate, bandages in excess of six inches in length, boots, tail tie, plates and other items as approved by the Oregon Racing Commission.
- (29) "Exotic Wager": Any single wager where three or more separate wagering interests are required to be selected.
- (30) "Foal Certificate" or "Registration Papers": A document issued by the appropriate horse registry used for the identification and proof of ownership of the horse.
- (31) "Forfeit Money": Money due by a licensee because of error, fault, neglect of duty, or penalty imposed by order of the stewards.
- (32) "Free Handicap": A race in which no liability for entrance money is incurred.
- (33) "Futurity": A race for 2-year-olds, except Arabians which is for 3-year-olds, in which nominations are made a considerable time before the running of the race, often before the entered horse is born.
- (34) "Handicap": A race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.
- (35) "Horse": Any horse (including and designated as a mare, filly, stallion, colt, ridgling, or gelding) registered for racing under the jurisdiction of the commission and which requires a jockey to race.
- (36) "Host", "Host Association", "Host Track": The race track licensee conducting a licensed race meet when it is authorized by the Oregon Racing Commission to simulcast racing programs.
- (37) "Hub": A multi-jurisdictional simulcasting and interactive wagering totalizer hub is a business that, through a qualified subscriber based service, conducts pari-mutuel wagering on the races that it simulcasts and other races that it carries in its wagering menu.
- (38) "Ineligible": A horse or person not qualified under these rules or the conditions of a race to participate in a specified racing activity.
- (39) "In Today Horse": Any horse which has an opportunity to run in a race and enters again on the next day that entries are taken.
- (40) "Inquiry":
- Action initiated by the board of stewards involving determination as to whether or not a foul has occurred during the running of a race.
  - Investigation by the board of stewards of a violation or as a result of objection, to determine if a violation occurred.
- (41) "Intrastate Wagering": Pari-mutuel wagering at an off-track wagering facility on Oregon racing events being run at an Oregon host race meet licensee.
- (42) "Invitational Handicap": A handicap race for which the racing secretary has selected the contestants and assigned the weights.
- (43) "Licensee": Any person or entity holding a currently valid Oregon Racing Commission license to engage in racing or related regulated activities.
- (44) "Lessee": A person who holds a contract for the racing of a horse in the person's (lessee's) name.
- (45) "Lessor": A person who owns a horse and who leases part or all of it to another person.
- (46) "Maiden": A horse which at the time of starting has never won a race on the flat in any country on a recognized track. A maiden which has been disqualified after finishing first is still a maiden.
- (47) "Match Race": A private sweepstakes between two or more horses which are the property of different owners. If prior to the running of the race any of the horses entered in the match dies or if any owner dies, the match is void. It remains a match even if money or another award is added to the stakes.
- (48) "Maturity": A stakes race for four-year-olds, or four years old or older, except Arabians which is for five-year-olds, or five years old or older.
- (49) "Month": A calendar month.
- (50) "Mule": The offspring of a male donkey and a female horse. Mules shall race under the same rules as horses, unless otherwise directed by the Board of Stewards.
- (51) "Nerve": To cut or remove a portion of a nerve, usually in a horse's leg, to decrease sensation.
- "Digital Neurectomy (Heel Nerve)": An operation performed on the digital nerve between the fetlock and the foot.
  - "Volar Neurectomy (High Nerved)": An operation performed on the volar nerve that lies between the bottom of the knee and the fetlock joint.
- (52) "Nomination": The naming of a horse for a stakes race in advance of the race.
- (53) "Nominator": The person or persons who nominate a horse.
- (54) "Non-starter": A horse that was not in the starting gate when the stall doors open when the starter dispatches the horses, or in the opinion of the stewards, was prevented from receiving a fair start. The stewards may determine any horse to be a non-starter if in their opinion to do so would protect the best interest of racing.
- (55) "Objection":
- Action initiated by the owner, trainer, or jockey of a horse, claiming foul against another horse or jockey in a race.
  - Action, initiated by licensee, to the stewards challenging the eligibility of an entered horse, or interpretation of a rule or policy.
- (56) "Off-Track Enclosure", "Enclosure-Public": All areas of the off-track wagering facility.
- (57) "Off-Track Wagering": Pari-mutuel wagering conducted on a race at a location other than the racecourse where the race is actually held.
- (58) "Off-Track Wagering Facility", "Intrastate Wagering Facility", "Extended Wagering Facility": The physical premises, including parking areas, structures and equipment utilized by a race meet licensee for the conduct of pari-mutuel wagering on racing events being run elsewhere.
- (59) "Oregon Bred": A horse which was foaled in Oregon.
- (60) "Original Post Time": For the purposes of medication administration, the "original" post time shall be the advertised post time provided to a commission veterinarian by the association and posted by a commission veterinarian or designee in the race office.
- (61) "Out-of-State Wagering": Acceptance of wagers by a race meet licensee authorized by ORS 462.062 or 462.067 on a race or races run outside of the State of Oregon.
- (62) "Overnight Race": A race for which entries close 96 hours or less before the time set for the first race of the day on which the race is to be run, and to which no fees are contributed by horsemen.
- (63) "Paddock": The paddock is the confined area where horses are assembled for saddling prior to a race.
- (64) "Penalty": Depending upon the context:
- The excess of weight a horse must carry in a race because of the race's conditions; or
  - The fining or suspension of a licensee by the stewards or the governing body having jurisdiction over the race meet.
- (65) "Person": Unless the context clearly shows otherwise, person as used in these rules includes individuals, partnerships, corporations, political subdivisions and municipal corporations.
- (66) "Post": The starting point of a race.
- (67) "Post Position": The starting position assigned to a horse at the time the race is drawn.
- (68) "Prize": The combined total of any cash, premium, trophy, and object of value awarded to the owners of horses according to the order of finish in a race.
- (69) "Produce Race": A race made of the progeny of certain nominated stallions.
- (70) "Purse": The gross cash portion of the prize for which a race is run.
- (71) "Purse Race": A race for money or any other prize to which the owners of the horses entered do not contribute.
- (72) "Race": An official contest among racing animals for purse or other prize at any recognized race meet and in the presence of the officials of the track as defined by ORS 462.010(10).
- (73) "Race Meet Licensee": A person, partnership, corporation, or any other body conducting a licensed race meeting in Oregon.

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(74) "Racecourse": The entire area licensed to the race meet licensee, as defined in ORS 462.010(11).

(75) "Racing Officials":

(a) Commission officials include the presiding state steward, deputy state steward, commission veterinarians, photofinish operator, commission chief investigator, commission investigators, supervisor of licensing and pari-mutuels, commission auditors and any other commission employee designated by the commission or the executive director.

(b) Race meet licensee officials include the race meet general manager, assistant general manager, association steward, director of racing, racing secretary, paddock judge, patrol judge, jockey room supervisor, placing judges, identifier, starter, clocker, clerk of scales, stall superintendent, track superintendent, paymaster of purses, mutuel manager, assistant mutuel manager, odds maker, outriders, plate inspector, chief of security, TRPB agent and any other person designated by the commission or the executive director.

(76) "Recognized Race Meet": Any race meet which is under the jurisdiction of an official racing commission or other official racing body.

(77) "Recognized Track": A track on which official results are published in the Daily Racing Form, Equibase or other racing publication approved by the commission.

(78) "Restricted Area": Includes, but is not limited to, the office of the racing secretary, stable area enclosure, paddock area, the room occupied by the stewards, photofinish operator, video camera and control system, announcer, the pari-mutuel work areas, totalizer computer room, jockey room and weighing area, test barn area, and any other area designated as "RESTRICTED" by the commission.

(79) "Revocation": The withdrawal of license privileges for all licenses held unless stated otherwise within the order. Revocations also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order. An individual who has had his/her license privileges revoked will remain revoked until such time the commission takes official action to reinstate the license.

(80) "Ruled Off": The act of barring a person or horse from the grounds of a race meet licensee and denying all racing and other privileges.

(81) "Rundown": A bandage on a horse's leg not exceeding six inches in height.

(82) "Runner": As used in many places; designates a horse.

(83) "Scratch": The act of withdrawing an entered horse from a race.

(84) "Scratch Time": The time established and posted by the racing secretary after which no horses may be scratched, except by the stewards, or, when authorized, by the commission veterinarian or the starter.

(85) "Sending Track": The race track from which a simulcast emanates for interstate wagering.

(86) "Simulcast", "Simulcasting":

(a) Live audiovisual electronic signals emanating from a licensed race meeting and transmitted simultaneously with the running of the racing events at that meeting, and includes the transmission of pari-mutuel wagering odds, amounts wagered and payoff on such events, and other racing programming relating to the race animals or participants, or

(b) Such other form of electronic signals of animal racing as is approved by the commission.

(87) "Simulcast Operator": A person with a contract with the host race meet licensee, and authorized by the Oregon Racing Commission to operate a simulcast wagering system.

(88) "Simulcast Service Supplier": A person engaged in providing service, supplies or equipment necessary to the operation of intrastate or out-of-state simulcast wagering for use by the host race meet licensee, authorized user, including pari-mutuel wagering terminals, television receivers and related equipment.

(89) "Stable": A place to house horses.

(a) "Trainer Stable": One or more stalls assigned to a trainer.

(b) "Stable Name": An assumed name licensed to one or more owners.

(c) "Trainers Stable Name": Used for trainers advertising.

(90) "Stakes Race": A race to which nominators of the entries contribute to a purse, to which money or any other award may be added. No overnight race shall be deemed a stakes race.

(91) "Starter": A horse which is in the starting gate when the stall doors open in front of it at the time the starter dispatches the horses. The stewards may, in their discretion, determine a horse to be a nonstarter.

(92) "Starter Allowance Race": An allowance race that includes the condition that a horse must have previously started for a specified claiming price. If a horse has been claimed, it is not eligible to enter a starter allowance race for the price at which it was claimed until it has started in a claiming race in which the claiming price does not exceed the price at which it was claimed.

(93) "Starter Race": A race based upon a horse having previously started for a specified claiming price.

(94) "Stewards": The persons employed or approved by the commission who are responsible for the proper conduct of a race meet. The terms stewards and board of stewards are used interchangeably.

(95) "Subscription": The act of nominating a horse to a stakes race.

(96) "Substitute Race": A race which replaces a race already carded, but abandoned because of insufficient entries or too many scratches.

(97) "Suspension": The withdrawal of license privileges for a period of time. Suspensions also include denial of access to all areas of the racecourse and all off-track wagering sites in Oregon and all other areas under the jurisdiction of the commission unless otherwise stated in the order.

(98) "Sweepstakes": Same as "stakes race".

(99) "Unauthorized Area": Includes the stewards' stand, test barn, jockeys' room, scale room, and mutuel work areas.

(100) "Wagering Interest": A single horse, or more than one horse joined as a "mutuel entry" or joined in the "mutuel field", on which a single pari-mutuel wager may be placed.

(101) "Weigh In": The presentation of a jockey to the clerk of scales for weighing after a race.

(102) "Weigh Out": The presentation of a jockey to the clerk of scales for weighing prior to a race.

(103) "Workout": A training exercise of a horse where the horse is asked for speed over a specific distance.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2003, f. & cert. ef. 4-23-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

### DIVISION 120

#### LICENSING PROCEDURES

##### 462-120-0010

###### Who Must Be Licensed

ORS 462.020 states: Licensing required for race meets, persons participating in race meets and public training tracks; licensees to observe rules and orders.

(1) No person shall hold any race meet without having first obtained and having in full force and effect a license therefore issued by the commission.

(2) No trainer, jockey, apprentice jockey, horse owner, exercise rider, agent, authorized agent, jockey's agent, stable foreman, groom, valet, veterinarian, horseshoer, steward, stable watchman, starter, timer or other person acting as a participant or official at any race meet, including all employees of the pari-mutuel department, owners and mutuel managers of off-track establishments, employees of multi-jurisdictional simulcasting and interactive wagering totalizer hubs, who work within the State of Oregon, shall participate in race meets without having first obtained and having in full force and effect a license issued by the commission, pursuant to such rules as the commission shall make. The commission by rule may require other employees of a race meet licensee who are engaged in or performing duties at the race course to obtain a license issued by the commission prior to engaging or performing such duties. The commission by rule may also require persons, including corporations, who are not employees of a race meet licensee, but who are authorized to do business at the race course, to obtain a license issued by the commission prior to conducting such business.

(3) No person shall operate a public training track without having first obtained and having in full force and effect a license issued by the commission.

(4) The commission may require each licensee to be fingerprinted and photographed as part of the licensing procedure.

(5) Each person holding a license under this chapter shall comply with all rules and orders of the commission.

(6) Notwithstanding the requirements of subsection (2) of this section, the commission, upon receipt of a written application for a license on forms provided by the commission, may in its sound discretion issue a temporary license valid for a period not to exceed 10 days pending final approval or disapproval of the written application for a license.

Stat. Auth.: ORS 462.250  
 Stats. Implemented: ORS 462.020  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2002, f. 3-29-02, cert. ef. 4-1-02; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-120-0020**

**Search; Warrant/Warrantless**

(1) Any person who applies for or is issued a license by the commission and any person who enters a restricted area is deemed to have given consent to a warrantless search by commission investigators or stewards of the person's personal property (including clothing worn and items carried by the person), the person's vehicle and any premises which the person occupies while the person or the property is in any place under the jurisdiction of the commission, subject to the following:

(a) The investigators or stewards may search during times that the race meet is licensed to conduct racing and for 30 days prior to the beginning and 30 days after the end of the race meet.

(b) The investigators or stewards may search when they have a reasonable suspicion that the person possesses stolen property, a prohibited or injectable drug or medication, controlled substance, unauthorized hypodermic instrument, needle or syringe, unauthorized mechanical or electrical devices, unauthorized equipment, contraband (including illegal gambling paraphernalia), weapon or other evidence of a violation of racing statute or administrative rules.

(c) Notwithstanding the provisions of subsection (b), the investigators may perform a periodic inspection of the jockey room, including the assigned space of any jockey. The investigators may also periodically use a metal detector to inspect each jockey for contraband prior to leaving the jockey area for the saddling paddock. These inspections may be conducted without prior notice.

(d) If the subject of the search is not an applicant for a license or licensed by the commission, the search may be conducted only if the person was given oral or written notice of this rule upon entering the restricted area, or if the person is a trespasser onto the restricted area.

(e) If the search concerns the person or the property of a licensee who is represented by an association pertaining to racing and recognized by the Oregon Racing Commission, the person will be informed that they have the right to have an association representative to witness the search, if one is available at that time or within 15 minutes of the time that the search is requested by the investigator or steward. If the licensee is not informed of the right, it will not invalidate the search. If the representative is not immediately available, the subject of the search must be under the observation of the investigator or steward until the representative arrives or fails to arrive in the prescribed time.

(f) Failure of any person to consent to a search in accordance with this rule will subject the person to appropriate discipline, including, if the person is a licensee, suspension and ruling-off by the stewards, and possible revocation by the commission, or will subject the person to ejection and/or exclusion from places under the jurisdiction of the commission if an applicant or other unlicensed person. All persons to be searched shall be advised that failure to permit a search may result in revocation of their license (if a licensee) or exclusion from restricted premises (if not licensed).

(g) Nothing in this rule prohibits the application for and the execution of an administrative or criminal search warrant if appropriate under the circumstances.

(2) Any person in custody or control of any materials described in subsection (1)(b) of this rule shall immediately surrender those materials to an investigator upon request. Every race meet licensee and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, division, officer, agent, inspector, or other person connected with the United States government or with the State of Oregon or other political subdivision who may be investigating or prosecuting any person suspected of possessing any drug, narcotic, stimulant, depressant, or local anesthetic, hypodermic syringes, hypodermic needles, or any electrical, mechanical, or other device which, in the opinion of the stewards, is of such character as could affect the racing condition of a horse in a race. Upon the specific request of the individual being searched, a split sample of any suspected prohibited drug or medication, or controlled substance, or other material suspected of containing any of them shall be obtained unless there is insufficient specimen

for a split sample. Any materials surrendered to an investigator pursuant to this rule will be returned, subject to amounts needed for analysis, if it is later found that the material was lawfully possessed.

Stat. Auth.: ORS 462.250  
 Stats. Implemented: ORS 462.450  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 1-2004, f. & cert. ef. 3-3-04; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-120-0030**

**Minimum Work Age**

(1) Minimum Work Age Requirements. No person under 15 years of age shall be employed on a racecourse during a licensed race meet. However, a licensed parent or legal guardian may be permitted to employ his or her child around the stable area if the child is 14 years of age or older and licensed for the category.

(2) Any applicant for a license or any licensee under the age of 18 must show evidence of active participation in a certified education program within the last five months, have a high school diploma or have a plan acceptable to the stewards.

(3) Exercise riders and pony riders must be at least 15 years of age.

(4) Jockeys and apprentice jockeys must be at least 16 years of age.

(5) Assistant trainers must be at least 17 years of age.

(6) Trainers and racing officials must be at least 18 years of age.

Stat. Auth.: ORS 462.250  
 Stats. Implemented: ORS 462.250  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-120-0040**

**Types of Licenses**

(1) Every person, in order to obtain and maintain his/her qualifications for any license held by him/her, shall attest to the knowledge of the rules and statutes, including all amendments.

(2) Licenses are personal in nature and expire upon the death of the licensee, and therefore are void and without effect as a pre-requisite for the entry of a horse.

(3)(a) When the decedent was the sole owner the only mechanism by which the horse(s) may be entered or run before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation of letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(b) When the decedent was the owner in part, the Board of Stewards may allow the horse(s) to be entered and raced by the survivors provided any decedent's share of monies earned are held pending legal transfer through legacy, intestate succession or authorized sale. In order for this to be considered, the Board of Stewards must be presented with a letter of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(4) Each person described below must have a valid license issued by the commission before participating in or beginning employment at a licensed race meet:

(a) A race meet license is required of any person or corporation who conducts pari-mutuel racing.

(b) A horse owner's license is required of every person who is shown as an owner or lessee on the horse's registration papers or foal certificate, of every person who has a right to receive any share of a purse of a horse racing in Oregon, of any lessor of any horse racing in Oregon if that person receives any share of the purses won by the leased horse(s), and of every person who owns or operates a stable which races horses in a licensed race meet in Oregon, and any person who has a right to receive any part of a stable owner's share of a purse of a horse racing in Oregon. However, a licensed employee of a stable may receive, as part of the employee's compensation, a percentage of the stable's earnings without having a horse owner's license and without being shown on the registration papers.

(A) The trainer representing an owner may file a temporary license application on behalf of the owner by signing the application and paying the applicable license fees. The temporary license shall be terminated if the applicant's fingerprints, completed application(s), and such other documentation as may be required for license are not submitted to the

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Commission within 30 days following the date of issuance of the license. In the event of termination of a temporary license, the occupational license fee shall be forfeited. Termination of a temporary license is without prejudice to the applicant unless the Commission finds that the applicant has made a material misrepresentation or false statement to the Commission to obtain a license privilege. No more than one temporary license shall be issued to an applicant without that applicant first submitting to the Commission such fingerprints and completed applications as required under this article.

(B) The stable owner must disclose the employees' percentage to the commission in writing prior to any payment to the employees. A spouse of an owner does not need to be licensed unless the spouse's name appears on the horse's registration papers or foal certificate. No person is eligible for a horse owner's license unless the person has an officially documented ownership interest in a racehorse unless otherwise approved by the stewards.

(c) An owner's license/prospective owner's license with valid claim certificate is required of any person wishing to claim a horse if they do not have an eligible race horse with its registration papers on file in the race office.

(d) A stable/assumed name owner's license is required if the name appears as an owner on the registration papers of any animal racing in Oregon.

(e) A trainer's license is required of persons employed by a racing animal owner or stable to condition and care for racing animals racing in Oregon.

(f) An assistant trainer's license is required of persons who assist trainers.

(g) Applicants for a horse trainer's license or assistant horse trainer's license may be required to pass a written examination given by the board of stewards and a commission veterinarian to demonstrate they have the knowledge and ability to handle the duties of their position. Any person who has not been licensed as trainer or assistant trainer in Oregon may be required to submit to a practical exam given by a commission representative and/or a representative of the recognized horsemen's association for the breed with which the applicant wishes to work. The stewards shall consider any recommendation received from the commission representative or the horsemen's association representative. Applicants for a trainer's license must have held a license in a backside license category for a period of at least two years and must have the recommendation of at least 3 trainers currently licensed by the commission prior to being granted a trainer's license. Applicants for an assistant trainer's license must have been licensed in a backside license category for a period of at least one year prior to being granted an assistant trainer's license.

(h) A jockey license or apprentice jockey license is required of any person who rides a horse in a race. However, when there is doubt as to a jockey's experience or ability, the stewards may require an applicant for a jockey license or apprentice jockey license to demonstrate the ability to control a horse and to ride in two or more races before a license is issued. Also, the starter may require applicants to satisfactorily demonstrate their ability to control horses out of the gate. Notwithstanding OAR 462-120-0060 the temporary license may be for a period longer than 10 days in order for the stewards to evaluate the applicant's skill. All jockeys must pass physical examinations once a year. A physical examination must include but is not limited to a vision test and urine and/or blood tests. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride until he/she successfully completes such examination. A physical card or physician's release will be seen as initial proof of such examination; however, the stewards may require additional information on the examination.

(i) An exercise rider license is required of any persons, other than licensed jockeys or apprentice jockeys, who exercise or work out horses. The stewards may require evidence of competency.

(A) Except as otherwise provided under this rule, an applicant for a provisional exercise rider license shall provide evidence that an Oregon licensed trainer employs him or her by submitting a notarized Provisional Exercise Rider Agreement. The notary acknowledgement is not necessary if the Agreement is signed before a Commission employee. The form shall be available at Commission licensing offices at live race meetings, and at Commission headquarters offices.

(B) A licensed provisional exercise rider shall:

(i) Not enter the track without the permission of the outrider and, unless the outrider states otherwise, shall be accompanied by the mounted trainer/ employer or the trainer's assistant trainer while on the track.

(ii) While on the track wear a helmet cover and vest cover of a distinctive color as determined by the outrider.

(C) A provisional exercise rider may apply for license as exercise rider 60 calendar days after the date of issue of his or her provisional exercise rider license.

(i) At the time of application for license as exercise rider, the provisional exercise rider shall submit a recommendation card that has been signed by the outrider, the starter and a steward. The recommendation card is available at Commission licensing offices at live race meetings, and Commission headquarter offices. By signing the recommendation card the outrider, the starter and the steward certify that the applicant has:

(a) Been observed riding one or more horses on the racetrack to the extent necessary for the outrider and starter to determine if the applicant has demonstrated an ability to safely navigate and respond to track conditions and knowledge of starting gate procedures.

(b) Complete and pass a written examination prescribed by the Commission and administered by its agents. A score of 80 percent shall constitute a passing grade on the written examination.

(D) An applicant who fails to adequately demonstrate horsemanship or who fails the written examination may reapply for a license as exercise rider after a period of at least 90 days.

(j) A pony rider license is required of any person who, while on horseback, leads horses to and from the stable area and paddock, or from the paddock to the starting gate. The stewards may require evidence of competency.

(k) A horseshoer license is required of any person who performs the usual services of a horseshoer on a racecourse. Farriers who have not been previously licensed by the commission must submit an application accompanied by the written recommendation of three trainers who are licensed by the commission, recommendation of the track plater or have a certificate of completion from an approved Farrier school. The recommendations must include a statement that the trainer knows the farrier to be qualified to be licensed as a farrier. All farriers not previously licensed by any racing jurisdiction may be subject to examination as directed by the stewards, prior to licensing.

(l) A groom's license is required of any person not licensed as an assistant trainer who works for a trainer. A groom, upon discontinued employment by a trainer, must surrender their license to security or commission licensing personnel within 10 days, to be returned when employed during the license period. A groom's license is not a freelance license.

(m) A public training track owner's license is required of every person who owns or manages a public training track.

(n) A veterinarian license is required of any veterinarian licensed by the Oregon Veterinary Medical Examining Board who performs veterinary services on a racecourse. A current copy of that license must be on file with the commission licensing office.

(o) A valet/assistant starter license is required of any person who assists or attends jockeys in the jockey room or saddling paddock, or assists the starter at the starting gate.

(p) Each owner, officer, director, all employees of the race meet licensee employed at a racecourse and its contractees must be licensed by the Oregon Racing Commission except:

(A) Contractees who perform most of their principal functions away from the racecourse such as certified accountants, attorneys, insurance brokers, advertising agents and other similar contractors.

(B) Other contractors or individuals designated by the commission.

(q) A vendor's license is required of any person, other than a veterinarian licensed by the Oregon Racing Commission, who solicits the sale of goods or services (used to feed, care for, or equip racing animals) to racing animal owners, stable owners or trainers on a racecourse.

(r) An authorized agent's license is required of authorized agents.

(A) A licensed owner may register an authorized agent by filing an application to register an authorized agent with the commission and by paying the fee set by the commission. No person shall be registered as an authorized agent who is ineligible for a license. An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature.

(B) No authorized agent may perform any duties until such person is licensed and has filed with the commission a current written instrument signed by the principal before a notary public or before an employee of the commission. The instrument must clearly set forth the powers given to the authorized agent. Any power to collect money from the race

meet licensee must be expressly stated in the written instrument. Upon licensing, each authorized agent must file a copy of the written instrument with the paymaster of purses.

(C) Any changes in the powers delegated by the principal to the authorized agent must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(D) Unless due to expiration of the license or term agreement set forth in the written instrument, any revocation by the principal of the authorized agent's authority must be made in writing, witnessed, and filed with the commission and the paymaster of purses.

(s) A jockey agent's license is required of any person who makes engagements for or manages a jockey.

(t) A racing official license is required of anyone performing the duties of any racing official position.

(A) Racing officials shall be listed by name and racing official position on the race meet licensee application and approved by the commission. After the initial approval of race officials, any change in the position held by a racing official from one category to another must be approved by the stewards or commission.

(B) A racing official may work as an assistant starter or valet without obtaining additional licenses, provided it doesn't interfere with the official duties of the racing official. However, assistant starters and valets must be licensed as a racing official to perform the functions of a racing official.

(5) Working members of the media who are not employed by a race meet licensee do not need to be licensed in order to enter restricted areas. However, they must display a current valid "press" badge at all times when in a restricted area. Prior approval must be obtained from the stewards or office of the race meet licensee during non-race time, and they must be escorted by a race meet licensee representative while in the restricted area.

Stat. Auth.: ORS 462.250  
 Stats. Implemented: ORS 462.020  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2004, f. & cert. ef. 4-8-04; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

**462-120-0050 License Application Procedures; Requirements for Corporations and Partnerships; Stable/Assumed Name**

(1) License applications shall be made on forms furnished by the commission. An application is not complete until the application form has been filled out completely and signed by the applicant, the proper fee has been paid, and the applicant has submitted all documentation and information reasonably requested by the board of stewards or the commission. An oral interview may be required in a particular case. All licensees are required to maintain current information regarding themselves on file with the Oregon Racing Commission, including but not limited to their current address, telephone number and any information regarding rulings, arrests or convictions. The commission will send all forms of written communications, including notices, to the address the licensee has on file with the commission. Every person making application for a license to hold a race meet shall file the application with the Oregon Racing Commission in accordance with ORS 462.050. All applications, which will be due thirty days prior to the scheduled commission meeting at which the application is to be presented, should include: (a) The applicant's legal name;

(A) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its designated representative, directors and officers must be provided; and

(B) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its designated representative must be provided.

(C) If the shareholder of a corporate licensee, or a partner of a partnership licensee, is a corporation, the designated representative of that corporation shall provide to the commission the names, addresses and birth dates of that corporation's shareholders promptly upon request by the stewards or the executive director of the commission.

(b) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product at the time the application is made;

(c) Financial information from the applicant that demonstrates whether the applicant has the financial resources to operate the race meet;

(d) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the race meet's operation during the license period;

(e) The number of days that the applicant is planning to offer live racing during the fiscal year in which they are seeking to be licensed;

(f) A list of all race meet personnel containing the name, position and job location;

(g) A chart illustrating the organizational structure, including reporting lines;

(h) A list of all host contracts for exporting of signal on file at the time of application;

(i) A check representing \$100 per racing day payable to the Oregon Racing Commission;

(j) Documentation supporting current Public liability insurance;

(k) Documentation supporting current Jockey Insurance;

(l) Documentation supporting a current Bond that shows the Oregon Racing Commission as beneficiary equal to the amount of all monies that escheat under 462.110(2);

(m) Documentation that the applicant and/or parent company are registered to do business in the state of Oregon;

(n) As part of the application for licensure as a race meet, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(A) The manner in which the proposed simulcasting and wagering system will operate;

(B) The take-out rates for wagering during the licensing period;

(C) Programs for responsible wagering;

(D) Physical security controls for the Tote Room;

(E) An agreement between the Oregon Horsemen's Benevolent Protective Association (OHBPA) and the state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission;

(F) A complete listing of all names, operators and addresses of Off-track Betting (OTB) locations; and

(G) Narrative acknowledging tax liabilities as set forth in Chapter 462.

(2) The application must show the true name of the applicant, and must also disclose any other name used by the applicant during the past 10 years. An application for an owner's license must identify the true names of all other persons who have any ownership interest, leasehold interest, or other investment in any of the applicant's racing animal(s) which will be racing in Oregon. All applicants should be aware that Oregon law prohibits any person from conducting business in Oregon under an assumed name or under any name other than the real and true name of each person conducting the business or having an interest therein, unless the assumed name is registered with the Office of the Secretary of State. Refer to ORS 648.010(1).

(3) Licensing fees. The application fee for licensure or for the renewal of licensure shall be \$20 per year for the first category, with a sum not to exceed an additional \$10 per year for any and all additional categories. In no case shall the total fees paid exceed \$30 per year, regardless of the number of categories held. The period of licensure shall be three years in duration, with any subsequent additional licenses to expire on the same date as the original license. The fees that accompany license applications are non-refundable.

(4) Dual licenses may be denied if, in the opinion of the stewards or commission, there is a conflict of interest in holding more than one license.

(a) When an applicant applies for a license in more than one occupation, the stewards or the commission shall consider whether the holding of such multiple licensing creates a conflict of interest (such as, but not limited to, a sudden change in ownership to immediate family members or a change in ownership without adequate consideration). If such appearance is created, the multiple license may be denied.

(b) The following dual licenses shall be prohibited:

(A) A person licensed as a jockey shall not be licensed in any other capacity unless approved by the board of stewards.

(B) A person licensed as an owner shall not be licensed as a jockey agent or racing official.

(C) A person licensed as a race track owner or operator or as a racing official shall not be licensed in another capacity during the race meeting which the person owns or operates or at which that person is serving as a racing official unless approved by the board of stewards or as provided in OAR 462-140-0050(6).

(D) Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(c) A holder of a groom's license may be a hot walker. A trainer or an assistant trainer may also perform the duties of a groom or hot walker. An owner may also groom or hot walk only the horse(s) he/she owns. However, except for those license categories specifically mentioned herein, no licensee shall act in any capacity other than that for which he/she is licensed. Thus, for example:

(A) A pony person may not exercise horses if not licensed as an exercise rider.

(B) A groom may not perform the duties of a trainer if not licensed as a trainer.

(C) A trainer may not pony or exercise a horse if not licensed as a pony person or an exercise person. (D) An outrider may not perform duties of a pony person except as needed in the performance of their duties as an outrider.

(5) All corporations, limited partnerships, partnerships and other entities (except natural persons) which apply for licenses shall attach to the application as applicable:

(a) A document, signed by the president and secretary of the corporation, listing the true name and address of all officers, directors, shareholders, general partners, limited partners, and other persons having a legal or beneficial interest in the horse, stable or other business sought to be licensed, and identifying the nature and amount of each person's interest; and

(b) For corporations, a copy of the certificate of incorporation, an affidavit signed by the president indicating whether any officer, director, or stockholder has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any officer, director, or stockholder; or

(c) For partnerships, a copy of the written partnership agreement, an affidavit signed by a general partner indicating whether any partner has been ruled off, denied a license, or is under suspension by any official body of any racing jurisdiction, and a written agreement to notify the commission within 30 days after there has been a change in any partner. Persons who do not have a written partnership agreement may not be licensed under the partnership name; instead, each person must be individually licensed under his/her own name; and

(d) For claiming purposes, all corporations must have an authorized agent, who may be a corporate officer, and all partnerships and licensed stables must either designate an authorized agent to sign claim forms (who may be one of the partners) or else all partners must sign the claim form.

(6) All licensees, in accepting a license, or any person introducing an animal onto the confines of any racecourse, or licensed training track, are considered to have granted permission to Oregon Racing Commission veterinarians, investigators, and members of the board of stewards, to enter upon those premises for the purpose of inspection to determine if those premises are suitable for the housing of animals, and to determine the health, safety and physical conditions of any animals contained therein.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.020  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

**462-120-0055  
 State and Nationwide Criminal Records Checks; Fitness Determinations**

(1) The purpose of these rules is to provide for the reasonable screening of applicants and licensees in order to determine if they have a history of criminal behavior such that they are not fit to be granted or renewed a license that is issued by the commission.

(2) Fingerprints may be required of applicants on a case-by-case basis in order to complete a national criminal background investigation. In the case of a corporation or partnership, fingerprints may be required from the authorized agent and any other individual shareholder or owner the commission or its designated representative may deem appropriate.

(a) These fingerprints will be provided on prescribed forms made available to the commission. Fingerprints may be obtained by designated commission staff, a law enforcement office, or at a private service accept-

able by the commission. The commission will submit fingerprints to the Oregon Department of State Police to conduct a national criminal records check. Any original fingerprint cards will subsequently be destroyed by the Oregon Department of State Police. All background checks shall be requested to include available state and national data, unless obtaining one or the other is an acceptable alternative. The costs of the criminal record check, including a nationwide fingerprint-based criminal records check, shall be the responsibility of the commission.

(b) The board of stewards on behalf of the commission shall determine whether an applicant or licensee is fit to be granted a license based on criminal records background check, racing license history, financial records, any false statements made by the applicant or licensee regarding his/her background, any refusal to submit or consent to a criminal records check including fingerprint identification, and any other pertinent information obtained as part of an investigation. If a licensee is determined to be unfit, the applicant may not be granted a license. The applicant may be granted the ability to conduct business in his occupational category on a temporary basis until such time as the background investigation is complete.

(c) In order to conduct the Oregon and national criminal records check and fitness determination, the commission may require additional information from the licensee or applicant as necessary, such as but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

(d) The commission may consider any conviction of any violation of the law for which the court could impose a punishment. When making a fitness determination based on criminal record, the commission shall consider:

(A) The nature of the crime;

(B) The facts that support the conviction or pending indictment or that indicate the making of the false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the applicant's or licensee's present or proposed license; and

(D) Intervening circumstances relevant to the responsibilities and circumstances of the license, intervening circumstances include but are not limited to:

(i) The passage of time since the commission of the crime;

(ii) The age of the applicant or licensee at the time of the crime;

(iii) The likelihood of a repetition of offenses or of the commission of another crime;

(iv) The subsequent commission of another relevant crime;

(v) Whether the conviction was set aside and the legal effect of setting aside the conviction.

(E) If the applicant discontinues the application process or fails to cooperate with the criminal records check process, the application is considered incomplete.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.020  
 Hist.: RC 2-2008, f. & cert. ef. 9-30-08

**462-120-0060  
 Temporary Licenses**

(1) Upon receipt of a completed application, the commission may issue a temporary license. The temporary license must be in the licensee's possession at all times while on a racecourse. A temporary license, except a temporary owner's license issued under OAR 462-120-0040 (4)(b)(i), is valid for 10 days unless it is replaced by a regular license or until the applicant is served with a ruling denying licensure, whichever occurs first. Another temporary license may be issued and is valid for an additional 10 days unless it is replaced by a regular license or until the applicant is served with a ruling denying licensure.

(2) Upon receipt of a completed application, the commission may issue a Special Event License to any person employed by, or acting under the direct supervision of, a licensed advanced deposit wagering company located in the State of Oregon. The Special Event License shall automatically expire 1 year from the date of issuance without notice. Employment under this Special Event License shall not exceed 90 work days during the period of licensure. The fee for this license shall be \$20.00

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.020  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2013(Temp), f. & cert. ef. 9-20-13 thru 3-19-14

**462-120-0070**

**Stable Names**

(1) The commission will not license a stable name if the Association of Racing Commissioners International (ARCI) registry shows that someone else has already registered that stable name or a name which is so similar that it could mislead the public, if the stable name is the real name of any horse owner, or the stable name is determined by the stewards to be detrimental to the best interests of racing.

(2) No owner may race under a stable name unless the stable is licensed by the commission. A person may own or have an interest in horses which race out of different stables so long as all ownership interests are disclosed in writing to the commission and the race office. A person may not use his or her real name if the person has a licensed stable name and wholly owns the horses in the stable.

(3) When applying for a stable name license, the applicant must disclose the identities of all persons having an interest in the stable.

(4) In order to change the name of a stable, without changing the ownership interest of the stable, a person must apply for a new stable name license.

(5) If a partnership with a written agreement is involved in the ownership of a stable, the partnership agreement must be in compliance with the rules covering partnerships.

(6) If a corporation is involved in the ownership of a stable, the corporation must be in compliance with the rules covering corporations.

(7) The stable name shall be carried on the official program.

(8) No individual participating as a trainer or assistant trainer at a race meet may have any interest in a stable or stable name at the same race meet except that for which he or she is the trainer or assistant trainer except with permission of the stewards (such as difference in breeds).

(9) The commission may refuse to license any stable whose name is misleading to the public or unbecoming to the sport.

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-120-0090**

**Assumed Names**

(1) The commission will not license an assumed name if the Association of Racing Commissioners International (ARCI) registry shows that someone else has already registered that name or a name which is so similar that it could mislead the public, if the name is the real name of any racing animal owner, or the name is determined by the stewards to be detrimental to the best interests of racing.

(2) No owner may race under an assumed name unless the name is licensed by the commission. A person may own or have an interest in racing animals which race out of different stables so long as all ownership interests are disclosed in writing to the commission and the race office. A person may not use his or her real name if the person has a licensed stable/assumed name and wholly owns the horses in the stable.

(3) When applying for an assumed name license, the applicant must disclose the identities of all persons having an interest in the assumed name.

(4) In order to change the assumed name, without changing the ownership interest of the name, a person must apply for a new assumed name license.

(5) If a partnership with a written agreement is involved in the ownership of an assumed name the rules covering partnerships must be complied with.

(6) If a corporation is involved in the ownership of an assumed name, the rules covering corporations must be complied with.

(7) The assumed name shall be carried on the official program.

(8) No individual participating as a trainer or assistant trainer at a horse race meet may have any interest in a stable or assumed name at the same race meet except that for which he or she is the trainer or assistant trainer except with permission of the stewards (such as difference in breeds).

Stat. Auth.: ORS 462.250

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-120-0100**

**Renewals; Reapplications; Duplicates**

(1) Reapplication.

(a) Any person who, for reasons specific to that license category, has had a license application denied by the commission or stewards must

wait at least six months before reapplying for that category of license unless otherwise specified in the order.

(b) If a license is denied due to failure of a written or oral exam, the stewards may consider a period of less than six months before the applicant can reapply for a license. In no case shall the applicant be eligible to reapply within 30 days from the date the application was denied.

(c) Any person who has had a license application denied by the commission or stewards for reasons not specific to a particular license category (such as criminal background, license falsification, or financial irresponsibility) shall not be eligible to apply for a license in any category for a period of at least six months unless otherwise specified in the order.

(2) Duplicates. If a license is lost or destroyed, a replacement fee of \$10 may be required for a duplicate license.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

**462-120-0110**

**When License Valid; Restricted Areas; Use and Display of License**

(1) When License May Be Used. Licensees shall use their license to enter a restricted area only when necessary to perform duties as a participant in a race meet. Any licensee who is employed by or is an authorized agent for a racing animal owner, stable owner, trainer or race meet licensee, shall promptly surrender their license to the commission upon termination of their employment or agent relationship. The commission shall keep the license until the license expires or until the licensee is again employed as a participant in a race meet.

(2) Restricted Area, Unauthorized Area. No one may enter a restricted area without a displayed current license issued by the commission, except commission members or employees, media representatives, and guests displaying a guest pass duly issued by the commission. No person (including licensee) may enter an unauthorized area without a proper credential or license or permission of the stewards. Guests must be accompanied by security personnel, a commission employee or representative, or a representative of the race meet licensee. For stable area only: Owners, trainers, association officials, racing officials, and commission personnel may register guests at the entrance to the stable. Any other licensee wishing to register guests at the entrance must meet the criteria of a guest pass system developed by the race meet licensee and approved by the executive director of the commission. The licensed participant is responsible for the actions of the guest and must accompany the guest around the area.

(3) Possession and Display of License. Licensees who enter a racecourse must carry their license with them at all times and must show the license to any racing official upon request. Licensees who enter any restricted area shall at all times have displayed on their person, with photo visible, their commission license. All guests in a restricted area shall display their guest pass at all times. Guests are not permitted to perform work functions.

(4) Protection of License. Licensees must take all reasonable precautions to safeguard their license, to prevent the license from being lost, misplaced or stolen. No licensee shall allow any other person to use the licensee's license for any purpose whatsoever. Licenses are not transferable.

(5) Possession of a license does not guarantee the right of the license holder to employment at or participation in a race meet or to be within the enclosure. A licensee must have a business purpose to be within any restricted area on a racecourse.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.020

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-120-0120**

**Additional Grounds for Refusing a License**

In addition to the specific licensing criteria listed in ORS 462.075:

(1) An application by a corporation may be denied if any officer, director, or stockholder could be denied a license.

(2) An application by a partnership may be denied if any general or limited partner could be denied a license.

(3) The commission may refuse to license or may suspend the license of anyone who accumulates unpaid obligations, or defaults in obligations, or otherwise displays financial irresponsibility in connection with the feeding, care, maintenance, training, equipment, and racing of racing animals. Financial irresponsibility as used in this rule means the

debtor obligation has been reduced to judgment and remains unsatisfied, or the licensee does not dispute the obligations and the obligations remain unpaid.

(4) A license application may be denied for any reason which could constitute grounds for suspension or revocation. A license may be suspended and/or revoked if it is determined, through means of a due process, that the applicant could have been refused a license if the true facts were known at the time the license was issued or commits an act subsequent to being licensed that would disqualify the licensee from holding that license.

(5) A licensee of the Oregon Racing Commission must report any criminal charges (either misdemeanor or felony) against the licensee to any staff member of the Oregon Racing Commission as soon as possible after the event occurs; but no later than 72-hours after the charges are filed. Failure to comply may result in an immediate license suspension and further disciplinary action as determined appropriate by the Commission Stewards.

Stat. Auth.: ORS 462.270(3)  
Stats. Implemented: ORS 462.020  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 3-2011, f. & cert. ef. 10-3-11

DIVISION 130

PROHIBITED CONDUCT AND HEARING PROCEDURES

462-130-0010

Prohibited Conduct; Investigations; Discipline

(1) No person (including licensees) shall:

(a) Incite, encourage, instruct, assist, or cause or attempt to cause another person to engage in any violation of ORS Chapter 462 or any rule of the commission, or to commit any prohibited act in relation to racing in another racing jurisdiction.

(b) Offer or accept any form of compensation for cashing a pari-mutuel ticket for another.

(c) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any racing official or employee of the commission at any place under the jurisdiction of the racing commission.

(d) Take any action upon a racecourse that creates or causes a clear and present danger of violence.

(e) Initiate any physical altercation with another person on a racecourse.

(f) Threaten another person with physical harm or probable physical harm.

(g) Refuse to obey reasonable orders or directions of a racing official, security personnel of the race meet licensee or Oregon Racing Commission employees.

(h) Sell or offer to sell tip sheets or any other written, electronic or oral predictions as to the outcome of races at any place under the jurisdiction of the commission unless licensed to do so by the commission.

(i) Gamble, bet, or wager on a racecourse except as authorized by the State of Oregon.

(j) Except for the race meet licensee, solicit any wagers from the public.

(k) Give or offer to give any bribe directly or indirectly, to any licensee, racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or racing animal.

(l) Tamper or attempt to tamper with an animal, or apply or aid in applying to an animal or possess on a racecourse any electrical or mechanical device or prohibited medication intended to affect the performance of an animal.

(m) Possess a hypodermic needle or usable injectable syringe on which a needle may be attached on a racecourse, except veterinarians or veterinarian assistants licensed by the Oregon Racing Commission. On a racecourse, veterinarians may use only one-time disposable needles, and shall dispose of them appropriately, according to Oregon Veterinary Medical Examining Board standards. If a person has a medical condition which makes it necessary to have a syringe on the racecourse, that person must request permission of the stewards in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to have a syringe on the racecourse, and must comply with any conditions and restrictions set by the stewards.

(n) Administer, offer to administer, or allow to be administered to any racing animal any prohibited drug or medication, or an unauthorized quantity of an approved drug or medication.

(o) Alter or forge a prescription for medication for a racing animal, or any legal document including but not limited to: a bill of sale, a claim blank, a license application, a treatment form, a registration certificate, ownership registration certificate, lease certificate, a check, or a license application.

(p) Impersonate any racing official, commission member or employee, or any other person having official duties in relation to any race, racecourse, or animal in any manner including forging any of these individuals' names or initials on any document.

(q) Submit or knowingly allow to be submitted to the commission, commission personnel, racing secretary or any racing animal registry, any report or document or application which contains false or misleading information.

(r) Mar or alter any identification mark on a racing animal.

(s) With the exception of commission staff and racing officials in the conduct of official business, use cell phones in the paddock, jockeys' room, test barn enclosure/area and on the racing surface when the area is actively in use.

(t) Smoke inside the test barn/storage area, under the covered portion of the stables, including stalls, tack rooms, shedrow, or in designated "No Smoking" areas.

(u) Use any tobacco products or have food or beverages in the designated testing areas.

(v) Test barn commission staff is permitted to have food or beverages in specified areas only under the following conditions:

(A) Test barn staff is to be free of food residues on their person and to wash their hands prior to testing horses or handling samples.

(B) Food or beverage items that contain prohibited substances are not permitted in the test barn enclosure.

(w) Possess on a racecourse any deadly weapon or firearm, a BB gun, blow gun, pellet gun or similar device, except law enforcement officers, commission officials and security personnel.

(x) While employed by the race meet licensee, racing commission or acting as a racing official, wager at the racecourse where employed or working, while on duty, or ask any other person to place a bet on their behalf. This includes individuals working under contract with the race meet licensee during the racing program and the employees of contractors of the race meet licensee who are working during the racing program.

(y) Allow any person under the age of eighteen (18) years to place or collect a wager. Race meet licensee shall turn over to the proper civil authorities any person who violates this rule, to be punished upon conviction of any such violation, according to law. This rule shall be posted conspicuously at entrance gates and throughout wagering areas. The license of any employee participating in any transaction relative to wagering with persons under the age of eighteen (18) years may be summarily, suspended or revoked.

(z) Move, nominate or enter to race a racing animal on a racecourse except with express permission of the trainer, racing secretary, owner, stall superintendent or the stewards.

(aa) Submit any animal in their charge to cruel or inhumane treatment. Cruel or inhumane treatment includes, but is not limited to:

(A) Inadequate food, shelter and water as defined by typical industry standards for those animals kept in similar climates and conditions;

(B) Neglect in any manner, including adequate veterinary care and attention when necessary;

(C) Conditions which cause the animal unnecessary physical pain or suffering;

(D) Prohibited conduct described in ORS 167.310 to 167.388 in the form the statute provided on the effective date of this rule.

(bb) Commit theft or buy, sell or possess any stolen property, or buy, sell or possess any illegal contraband.

(cc) Illegally influence or conspire, or attempt to influence or conspire, to affect the result of any race or manipulate the odds in which an animal participates.

(dd) Violate any written agreement entered into with the Oregon Racing Commission, the board of stewards or any other commission employee as a result of an order of the commission or stewards.

(ee) Engage in any lewd, obscene, indecent, or inappropriate conduct

(2) No licensee shall:

(a) Enter for official racing, official schooling, start, cause or allow to be entered or start, a racing animal that the licensee knows or should know does not meet all entry requirements.

(b) Come onto a racecourse or participate in a race meet while suspended, excluded or ruled off by the official body of any racing jurisdiction unless otherwise ordered by the board of stewards or the Oregon Racing Commission.

(c) Knowingly harbor or otherwise enable the unlawful presence of any individual who is suspended or revoked by the official body of any racing jurisdiction or excluded by the race meet licensee.

(d) Fail to immediately notify the racing secretary when the licensee discovers that any entry or starting requirement for a racing animal under the licensee's control is not met or is no longer being met.

(e) Allow or cause a scratch to become necessary, which could have been avoided by the exercise of reasonable care.

(f) Fail to request a scratch immediately upon learning that a scratch is necessary.

(g) Solicit, offer or accept any bribe in any form, directly or indirectly, to or from any person, in connection with any race meet in any racing jurisdiction which is a member of Association of Racing Commissioners International (ARCI). A conviction is not required in order to prove a violation of this rule.

(h) Commit any corrupt, fraudulent, or unlawful act on any racecourse or in connection with any race meet in any racing jurisdiction which is a member of ARCI.

(i) Fail to cooperate with commission personnel, officials or security personnel when requested to comply with these statutes and rules relating to racing.

(j) Fail to report to the stewards' office promptly upon request.

(k) Be intoxicated or under the influence of controlled substances in a restricted area or on duty.

(l) Lodge a frivolous complaint.

(m) Knowingly allow an unlicensed person to participate in a race meet if the licensee knows or should know that the person is required to be licensed.

(n) Fail to properly escort unlicensed individuals after registering them with security personnel as guests.

(o) Fail to immediately report to the commission the unlicensed participation in a race meet of any person who the licensee knows or should know is required to be licensed.

(p) Fail to report promptly to a commission representative any possession or use of a prohibited drug, prohibited medication or prohibited paraphernalia.

(q) Fail to notify the commission in writing of a change of officer, director, stockholder (except for publicly traded corporations), or partner, within 30 days, if the change occurred during a race meet, or prior to the next race meet, if the change occurred after a race meet.

(r) Ride a horse on the racecourse without properly wearing an approved helmet and vest.

(s) Retain any prize or purse money which the person has reason to know was paid in error or lost because of disqualification or commission action as a result of an appeal.

(t) If an owner, assistant trainer, groom or other person having charge, custody or care of a racing animal, fail to protect the racing animal and guard it against the administration of unauthorized drugs or any other illegal conduct.

(u) Direct, by use of language, gesture or sign, any profanity, obscenity or abusive epithets toward the public at a racecourse.

(v) Direct any personally offensive language, inappropriate gesture or sign, profanity, obscenity, or abusive epithets toward any person while in view of the public.

(w) Allow anyone other than participating jockey, authorized racing officials, representatives of the commission, licensed valets and authorized licensed vendors in the jockey room between two hours before post time for the first race of the day and one hour after the last race without consent of the stewards for each time of entry.

(x) Other than a licensed jockey agent, make engagements for a jockey. A jockey may make his/her own engagements if not represented by a jockey agent.

(y) Engage in any dishonest conduct on a racecourse.

(z) Engage in any unprofessional conduct on a racecourse.

(aa) Willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with their operations as a licensee; nor shall a licensee falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or

delaying the payment of the debt or defrauding the person to whom the indebtedness is due.

(bb) Write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the said check, or that the check is a stop payment check or is written on a closed account or a nonexistent account. The fact that such a check is returned to the payee by the bank as refused, constitutes a rebuttable presumption for a finding of financial irresponsibility.

(cc) Except in cases deemed appropriate by the board of stewards, no person shall enter the stalls, shed row, tack rooms, feed sheds or the immediate adjacent area of the locations, unless the person has prior approval of the trainer to whom the locations are assigned by the association. This rule does not apply to racing officials, investigators of the commission, security officers, employees or agents of the association who are on duty, law enforcement or fire protection officers, or employees, agents or representatives of the trainer to whom the locations are assigned.

(3) Substance Abuse:

(a) Alcohol Consumption: No licensee may have present within his/her system an amount of alcohol which would constitute being intoxicated, defined as .08% blood alcohol content or greater, while in a restricted area. No jockey, apprentice jockey, valet, assistant starter, pony person, exercise person, or racing official may have present within his/her system an amount of alcohol which would constitute being impaired, defined as .02% or greater blood alcohol content, while responsible for performing their official duties.

(A) Any licensee may be required to take a breath alcohol test prior to their participation in racing events.

(B) Acting with reasonable suspicion, the stewards, or a designated Racing Commission representative, may direct any licensee to submit to a breathalyzer test to determine blood alcohol content.

(C) Refusal to take a breath test will be considered as positive evidence of a violation of subsection (3)(a).

(D) Sanctions for Alcohol Violations

(i) Penalties for a first offense may result in a fine and/or a suspension up to 15 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(ii) Penalties for a second offense may result in a fine and suspension up to 30 days. The licensee may be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iii) Penalties for third and subsequent offenses shall result in a fine and suspension for no less than 90 days. The licensee shall be required to present an evaluation by a certified rehabilitation program approved in advance by the commission. If the evaluation determines treatment is needed, the licensee shall provide documented proof of completion or current enrollment in an appropriate certified rehabilitation program prior to reinstatement.

(iv) A history of substance abuse violations other than alcohol may be considered as aggravating circumstances when considering penalties for alcohol abuse, and may result in penalties greater than those listed in these rules.

(b) Drugs/Controlled Substances: No licensee within any place under the jurisdiction of the racing commission shall have in the licensee's body any controlled substance or drug listed in Schedules I through V of 21 USC Section 812 except for a drug which was obtained or taken pursuant to a valid legal written prescription or order from a licensed physician acting in the course of the physician's professional conduct and which is produced by the licensee upon request.

(A) Acting with reasonable suspicion, the stewards, or a designated racing commission representative, may direct any licensee observed in a restricted area or any racing official acting in their capacity to submit to drug testing for analysis. When so directed, said licensee shall submit to such examination. If the result of the test indicates the presence

of a controlled substance as delineated above, or if the person refuses to be tested, either for reasonable suspicion or under random testing criteria, or if the specimen was adulterated as reported by the official testing laboratory, the person may be fined and/or suspended as described in this rule. If the laboratory determines that the sample is dilute, the licensee being tested shall be required to submit another urine sample. To ensure the sample will not be dilute, the licensee will be required to report for testing at a specified time and remain until the sample is acquired.

(B) Controlled Substance Testing Expense: Except for split samples, laboratory analysis will be performed at the racing commission's expense, unless pursuant to a prior order of the stewards or commission reinstating the licensee, or the person produced an adulterated specimen, in which case retesting may be performed only after the person pays the cost of the first test to the commission.

(C) Sanctions for Controlled Substance Violations

(i) A licensee's first violation may in a fine and/or suspension. If suspended, reinstatement shall not occur until the licensee has been evaluated by, and a current written report is received from, a drug counselor certified by the State of Oregon and who is approved in advance by the commission or stewards. If the report states that treatment is required, reinstatement shall not occur until the licensee presents documented proof of current enrollment in or completion of an appropriate certified rehabilitation program approved in advance by the commission. Reinstatement is also subject to licensee producing at licensee's expense, a negative test from a laboratory approved in advance by the commission, and the licensee agreeing in writing to submit urine specimens at the request of the stewards, or designated racing commission representative, for not less than five years, or until no longer licensed. Any failure to comply with the certified counselor's and/or stewards' instructions may result in immediate suspension.

(ii) A licensee's second violation within five years of the first violation shall result in an indefinite suspension and reinstatement shall not occur until the licensee completes all of the contingencies listed above in subsection (i).

(iii) A licensee's third violation within seven years of the second violation shall result in a suspension of up to 365 days and may include referral to the commission for consideration of exclusion and/or revocation of the license.

(iv) A history of alcohol abuse violations may be considered as aggravating circumstances when considering penalties for drug abuse violations and may result in penalties greater than those listed in these rules.

(D) Prescription Medication:

(i) Any licensee who has obtained a medical prescription for any drug listed in Schedules I through V of 21 USC Section 812 may be required to furnish the Commission or the stewards written documentation from the issuing physician that the use of the prescribed drug will not impede the licensee from performing the duties for which they are licensed or threaten the safety or welfare of others or a racing animal.

(ii) If, in the opinion of the board of stewards, the use of any lawfully prescribed drug listed in Schedules I through V of 21 USC Section 812 would or could pose a threat to the health, safety or welfare of the licensee, others or a racing animal, the board of stewards, after having an appropriate hearing, can bar the licensee from entering a restricted area of any racecourse or their handling of any race animal subject to appeal.

(E) Knowledge of a person's voluntary and active participation in an approved rehabilitation program will not constitute grounds for "reasonable suspicion" under this rule.

(4) Any licensee who violates any provision of ORS Chapter 462 or any rule adopted there under is subject to further discipline by the board of stewards, up to the limits imposed by law, and also is subject to further discipline by the racing commission, including suspension, revocation, civil penalties, exclusion, probation, and such other discipline as may be appropriate in the case. Whenever a licensee is suspended, the stewards have the commission's authority to also exclude him or her. Any non-licensee who, in the opinion of the stewards, acts in a manner detrimental to racing may be subject to exclusion.

(5) When grounds exist for suspension of a license, the stewards or commission may also impose other appropriate sanctions including, but not limited to, forfeiture of purse, return of prizes, ruling off, or forbidding entry of racing animals.

(6) When a license is suspended, it may be suspended for all categories licensed, including reciprocity suspensions.

(7) Ejection. The race meet licensee may eject any person from the race course for any reasons and in any manner that is not contrary to law. The race meet licensee shall notify the commission within 24 hours of any ejection or arrest occurring on the racecourse, including the details thereof.

(8) All licensees shall report any known irregularities or wrong doings by any person immediately to a commission employee and cooperate in subsequent investigations.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12; RC 5-2012, f. & cert. ef. 12-31-12

**462-130-0020  
 Reciprocity Suspension**

The board of stewards or the commission may suspend, prior to any hearing, the license of any person whose license is currently suspended or revoked by an official body of another state or country for violation of the racing laws or regulations of that jurisdiction. However, at the time the board of stewards or commission issues a suspension order, the licensee shall be promptly notified of the right to contest the suspension and request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-130-0030  
 Informal Stewards' Hearing**

The board of stewards, at their discretion, may hold an informal hearing with a licensee and any other appropriate persons in order to discuss an alleged or apparent violation of the statutes or rules of racing by the licensee. Oral notice to the licensee is sufficient to commence an informal hearing. After the hearing, no sanction or penalty may be imposed by the stewards, except those involving riding infractions, unless all affected parties agree to it.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.405  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

**462-130-0040  
 Formal Stewards' Hearing**

(1) If the board of stewards has reason to believe that a violation has occurred, they may hold a formal hearing after providing written notice to the licensee. The written notice shall:

- (a) Cite the statutes or rules which were allegedly violated.
- (b) Briefly describe the time, place, and nature of the alleged violation(s).
- (c) Identify the type of penalty or sanction which may be imposed.
- (d) Specify the time and place of the hearing, at least three calendar days after service of the notice excluding Saturdays, Sundays, and legal holidays, unless all parties agree to an earlier time.
- (e) State that the licensee may be represented by an attorney licensed to practice in the state of Oregon.

(f) Be personally served within the timeline set forth in OAR 462-130-0040(1)(d) or mailed by first class mail to the current address on file for the licensee at least ten days prior to the hearing. (2) If given the option by the board of stewards, the licensee may waive the right to a formal stewards' hearing by signing a waiver agreeing to the penalty or sanctions listed on the waiver. By signing the waiver the licensee waives the right to appeal the penalty to the commission, as provided by OAR 462-130-0050.

(3) If the licensee does not sign a written waiver, the board of stewards shall hold a formal hearing. At least two stewards shall be present. The fact finding portion of the hearing shall be open. The state steward or designee shall preside, and within reason, shall allow all available evidence to be presented, without regard for technical rules of procedure or rules of evidence. All witnesses must testify under oath. The hearing may be recorded. After hearing the evidence and any closing statements, the stewards may deliberate in private before making a decision. Unless the charges are dismissed, the decision shall be put in the form of a written order either finding the licensee guilty of a violation or referring the case

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for a formal commission hearing or a combination thereof. If the licensee is found guilty of a violation, the order shall:

- (a) Identify the licensee by name and license classification.
- (b) Identify the specific statutes or rules violated.
- (c) Set forth the findings of fact which establish the violation(s).
- (d) Indicate the penalty or sanctions to be imposed, and when they are to go into effect.

(e) Inform the licensee of the right to appeal to the commission and to request a stay pending appeal as provided in OAR 462-130-0050.

(4) Notification to the licensee of a written order, for the purpose of this rule, will include efforts to contact the licensee by commission staff using the information supplied by the licensee on his/her license application. Thereafter, copies shall be sent to the commission and posted in a designated area at the racecourse for a period of two racing days. Fines must be paid within ten calendar days of the effective date of the order. Failure to pay a fine within the time limit described by this rule may result in a suspension of up to 30 days after the fine is paid in full.

(5) The licensee may still appeal the matter to the commission for a formal commission hearing, and for good cause may request that the commission executive director stay the stewards' penalty pending the commission hearing. The executive director has discretion whether or not to grant the stay.

(6) Any licensee who fails to appear before the stewards after having been given notice by the stewards, a racing official, or an investigator of the commission, in accordance with these rules or by any ruling or order which has been issued and published directing such appearance, may be suspended and the case may be referred to the commission. Failure to appear in response to such order shall be a separate cause for disciplinary action.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

### 462-130-0050

#### Appeal to the Commission; Stay Pending Appeal

(1) Any person who is the subject of any stewards' order or ruling, other than those involving a decision concerning a disqualification in a race due to a foul or riding infraction, may request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter, other than as to the extent of disqualification for a foul in a race. The appeal must be in writing and filed with the commission offices at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within ten days from the date the order or ruling is served, unless a different time is expressly specified. The filing date will be the postmark date on the envelope or other credible documentation of the date the appeal was sent to the commission. The appeal must be signed by the appealing party and shall set forth clearly and concisely the following information:

(a) The order, ruling, or decision to be reviewed and the date thereof.

(b) The specific acts or failure to act which gave cause to the appeal and the dates thereof.

(c) The reasons for the appeal.

(d) The address to which any notices from the commission may be mailed to the appealing party.

(2) An appeal from an order or ruling of the stewards to the commission shall not affect such decision until the appeal has been acted upon by the commission, unless otherwise ordered by the commission or by a court of competent jurisdiction.

(3) At the time a licensee submits a written appeal to the commission, the licensee may request in writing that the commission stay the effective date of any penalty or sanction imposed by the stewards. The request should state any good cause that supports the request. The executive director or commissioner in the absence of the executive director may, in his/her discretion, grant the stay for good cause shown.

(4) An appeal may not be withdrawn except with the approval of the executive director.

(5) Appeals to the commission shall be heard within 90 days from the date the appeal request is received in the commission's main office, unless a continuance is requested by the licensee or the assistant attorney general and approved by the executive director or the hearings officer.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

### 462-130-0060

#### Commission Hearing

The commission may initiate a formal hearing on its own motion, or shall have a formal hearing held as a result of receipt of an appeal as provided in OAR 462-130-0050 or upon referral from the stewards. Commission hearings shall be conducted by an administrative law judge from the Office of Administrative Hearings under ORS 183 (the Oregon Administrative Procedures Act). Commission hearings conducted by the Office of Administrative Hearings will be de novo, which means the commission will consider anew all evidence and charges against the licensee. Subject to objections which may be made at the hearing, the commission may incorporate all or part of the stewards' record into its own record. If the commission concludes that a violation occurred, it may order any appropriate penalty or sanction, including but not limited to warning, letter of reprimand, probation, fine, suspension, license revocation, exclusion, or any combination. Final orders of the commission may be appealed to the Oregon Court of Appeals as provided in ORS 183.480.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

### 462-130-0070

#### License Reinstatement

(1) Application.

(a) Any person who was licensed by the commission but whose license was revoked, or whose license was surrendered while under investigation or while pending a disciplinary proceeding, and who desires to become relicensed by the commission must make application for reinstatement by:

(A) Completing a license reinstatement form provided by commission staff, along with a completed license application and fee, and

(B) Otherwise complying with this rule.

(b) The application shall contain sufficient information on its face or on accompanying documents so that the commission may make an informed decision regarding:

(A) The applicant's reformation,

(B) The applicant's remorse for the conduct and character deficiencies that caused the disciplinary action,

(C) The applicant's current good moral character,

(D) The applicant's general fitness to engage in the activities required by the type of license, including, without limitation, the licensee's willingness to abide by the statutes, rules, regulations and orders relating to racing in Oregon, and

(E) Whether the applicant's presence in places under the jurisdiction of the commission may be detrimental to the best interests of racing.

(2) Ineligibility. A person will be presumed ineligible for reinstatement of any license if that person's license was revoked or was surrendered while under investigation or pending a disciplinary proceeding, based upon the following allegations:

(a) Fixing or attempting to fix a race on which pari-mutuel gambling was intended to be conducted or attempting to manipulate the odds.

(b) Training any racing animal using a live animal or a dead animal or a part of a live or dead animal as a lure.

(c) Committing animal abuse in the first degree, animal neglect in the first degree, or involvement in animal fighting or in dog fighting, if any such charges are proven by at least a preponderance of the evidence or the person was convicted, plead guilty or entered a no contest plea.

(d) Stealing, extorting or misappropriating money from any source under the direct control of or owned by the commission, or from a race track's money room or extension thereof, or from any race meet account held in trust for another or from any nonprofit organization whose purpose is to benefit members of the racing industry or racing animals.

(e) Committing any misdemeanor or felony person crime if directed against a person who is a commissioner, commission legal counsel, an employee of the commission, or an agent of the commission, racing official or employee of the race meet licensee engaged in that capacity.

(3) Procedure.

(a) An application for reinstatement of license shall not be accepted by commission staff for at least two years after the license has been

revoked or surrendered unless a different time period is specified by the commission at the time of the revocation or surrender.

(b) The application shall be filed in the commission office and reviewed and investigated by commission staff. Except for good cause shown, no less than 90 days after receipt of the application, the board of stewards shall make a recommendation to the commission concerning the applicant's compliance with these rules and whether or not the applicant appears to have met the criteria for reinstatement.

(c) If the board of stewards recommends reinstatement, the application shall be forwarded to the commission for consideration. If the commission denies the application, it shall comply with ORS 183.435.

(d) The commission will require a greater quantum of evidence to support reinstatement of a license after revocation (or surrender while under investigation or pending a disciplinary process) than is required of initial applicants or for issuance of licenses under other circumstances. The applicant for reinstatement shall have the burden of proving by clear and convincing evidence that the applicant meets the criteria required by this rule and also has the burden of producing evidence in support of the applicant's position. If the applicant produces evidence which meets the burden of proof, and it is not overcome by evidence to the contrary, then the applicant will be reinstated, however, nothing in this rule precludes the commission from issuing a license with conditions attached.

(e) The commission may impose such conditions as, in its judgment, will tend to prevent a reoccurrence of a situation similar to the applicant's prior problem. The reinstated license may be subject to such conditions for a reasonable period of time considering all the circumstances. If the applicant obeys all laws, rules and the conditions of licensure for the prescribed period of time, the license will be restored fully without conditions. The order granting a conditional license may state that breach of any of the conditions will result in loss of license without the right to a prior hearing.

(f) If the board of stewards does not recommend reinstatement, the applicant shall be notified of this recommendation in writing. Applicant has the right to request a hearing under ORS 183 before an administrative law judge and subsequent commission consideration of the adverse recommendation. The appeal must be in writing and filed with the commission offices at Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232, within ten days from the effective date of the board of stewards' recommendation. The appeal must be signed by the appealing party and shall set forth clearly and concisely the following information:

(A) The recommendation to be reviewed and the date thereof.

(B) The reason for the appeal.

(C) The address to which any notices from the commission may be mailed to the appealing party.

(4) Criteria. The following factors must be proven to the commission by clear and convincing evidence in favor of the applicant in order to support reinstatement of license:

(a) Applicant has reformed and is now possessed of good moral character. Applicant may meet this burden by proving that applicant is a person who possesses the sense of ethical responsibility and the maturity of character to withstand the many temptations which the applicant will confront in and around the race course and other sites under the jurisdiction of the commission. Stronger proof of good character is required to reinstate a license where a character flaw was earlier established in the case or investigation against the applicant.

(b) Applicant must identify the character flaw which led to the conduct which resulted in the revocation or surrender of license. Applicant must prove that the character flaw no longer exists or is under control by applicant; i.e., applicant is reformed with respect to the particular flaw.

(c) Applicant must present evidence that his or her presence at places under the jurisdiction of the commission will not be detrimental to the best interests of racing. Many of the other criteria, if met, will tend to prove this factor, but other evidence may be required. If the applicant has performed activities for the public good or for the good of members of the racing community during the time that applicant was not licensed, that is some evidence that applicant's presence may not be detrimental to the best interests of racing.

(d) Applicant acknowledges wrongdoing, has taken responsibility for his or her misconduct, and shows sincere remorse for that misconduct. Evidence that demonstrates that the applicant has not made excuses, has not blamed others and has not criticized the administrative process and the courts and has cooperated in the investigation which led to the revocation or surrender is the type of evidence that shows acknowl-

edgement of wrongdoing and misconduct; but this list is not exclusive. Evidence of remorse is more subjective and the demeanor of the applicant and any oral testimony or written references of other witnesses generally will be relevant.

(e) If applicable in the particular case, resolution of substance abuse problems, personal financial problems and medical, mental and emotional problems which did or may have contributed to the revocation or surrender. Applicant must show general fitness to perform the functions required by the particular licensed position without substantially altering the nature of the job.

(f) Willingness to pay restitution to those who were injured or victimized by applicant's prior conduct resulting in the disciplinary action, as well as other similar conduct for which applicant is responsible. This criterion is best met by paying restitution that equitably should be paid.

(g) Willingness to comply with the statutes, rules, regulations and orders relating to racing in Oregon.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.075

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

## DIVISION 140

### DUTIES

#### General

#### 462-140-0010

##### Authorized Agent

An authorized agent may act for the registering owner as set forth in the application form. No authorized agent may sign on behalf of any owner the certificate of registration for any racing animal in the absence of a valid power of attorney authorizing such signature.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

#### 462-140-0020

##### Mutuel Manager

(1) The mutuel manager shall be in charge of the mutuel department and shall enforce all pari-mutuel rules of the commission.

(2) The mutuel manager shall ensure that minors are not allowed to wager.

(3) The mutuel manager shall ensure that the wagering facilities and pari-mutuel clerks present a neat appearance and that the pari-mutuel clerks conduct themselves in an orderly, courteous and professional manner.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-140-0025

##### Photofinish Operator

(1) The photofinish operator shall maintain the photofinish and timing equipment in proper working order, shall photograph each race, and shall notify the stewards if lighting is insufficient to take adequate photos.

(2) When the "photo" sign is posted by the stewards, the photofinish operator shall prepare a photograph which shall be promptly made available for public viewing.

(3) The photofinish operator shall keep all digital files for each race. These digital files shall be available for reference or reproduction at the commission office for 90 days after the last day of the race meet.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

#### 462-140-0030

##### Vendor

Vendors must have a list of products they sell attached to the license application and a current copy of all state permits and licenses to dispense such products. The list of products and any changes to that list must be approved by a commission veterinarian and/or stewards.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-140-0040**

**Veterinarian**

(1) No one shall practice veterinary medicine on a racecourse unless licensed by the Oregon Board of Veterinary Medical Examiners (OBVME), with a current copy annually of said license on file with the Oregon Racing Commission. Veterinarians with an active-status license issued by the OBVME shall also obtain a license with the Oregon Racing Commission. Veterinary assistants shall only perform their duties under the direct supervision of a licensed veterinarian.

(2) Veterinarians performing services on a racecourse shall report all animals nerved, all treatments and all medicines given and prescribed each day on forms provided by the commission. These reports shall be mailed or hand-delivered to a commission veterinarian or designee or placed in the locked receptacle provided by the commission veterinarian within 2 days of the report date. In the case of lasix, treatments shall be recorded on a program, overnight, or other form approved by the commission veterinarian.

(3) Veterinarians on a racecourse shall use one-time disposable needles and shall dispose of all medical waste, i.e., needles, syringes, used bottles and/or other medication containers, etc., appropriately, according to Oregon Veterinary Medical Examining Board standards.

(4) No person, other than a veterinarian licensed by the Oregon Racing Commission, shall dispense, sell or furnish any feed supplement, veterinary preparation, medication or any other substance containing a prohibited drug or prescription medication to any person within the licensed enclosure. Any such products must be properly labeled as required by state law specifying the name, address and phone number of the dispensing veterinarian, the name of the trainer or owner of the animal, the name of the animal for which the product is prescribed, the name and strength of drug/medication and complete directions for use of the medication.

(5) Every racing animal which suffers a breakdown on the race track in training or in competition and is destroyed, and every other racing animal which expires while on a racecourse under the jurisdiction of the commission, shall undergo an examination to the extent that satisfies a commission veterinarian and that is reasonably necessary to determine the injury or sickness which resulted in euthanasia or natural death:

(a) The examination required under this rule will be conducted by a licensed veterinarian employed by the owner or trainer in consultation with the commission veterinarian, who may be present at such examination.

(b) A commission veterinarian has the ultimate decision, with or without the consent of the owner or trainer, to require further examination and testing on any expired horse for reasons including but not limited to those that would impact or be a threat to humans or animals. Should the commission veterinarian require such an examination or testing, the Oregon Racing Commission shall be responsible for the cost incurred.

(c) Test samples must be obtained from the carcass as directed by the commission veterinarian during the postmortem examination and sent to a laboratory approved by the commission for testing for foreign substances or their metabolites and natural substances at abnormal levels. When practical, samples shall be taken from the racing animal prior to euthanasia.

(d) The cost of laboratory testing of postmortem samples shall be borne by the commission.

(6) All veterinarians must conform their practice, at the least, to the minimum standards of the Oregon Veterinary Practice Act.

(7) Veterinarians must maintain security of controlled substances as required by law.

(8) All veterinarians shall provide the commission veterinarian and track security with current office and emergency telephone numbers five (5) days before the opening of each race meet at which they intend to practice.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

**462-140-0050**

**Racing Officials; Complaints**

(1) All racing officials, except commission employees, shall be appointed by the race meet licensee, subject to confirmation by the commission. The commission may, for good cause, require the removal of any racing official.

(2) No racing official or assistant to a racing official shall wager on any race in the race meet or have any other interest in the outcome of any race or in any racing animal racing in the race meet. No racing official or assistant shall engage in any business transaction with, or accept anything of more than nominal value from, any licensee participating in the race meet.

(3) It is the duty of every racing official to report immediately to the stewards every violation of ORS chapter 462 or the rules of racing observed by the racing official.

(4) Complaints against a racing official other than a steward shall be made in writing to the stewards. Complaints against a steward shall be made in writing to the commission. All complaints shall be signed and dated by the complainant and show the complainant's current address and a copy of the complaint shall be forwarded to the commission.

(5) No racing official shall express disagreement with a ruling or order of any other racing official, except in private to the racing official involved, to other racing officials, to the race meet licensee, to the board of stewards or to the commission.

(6) Racing officials may be licensed in more than one official category if in the opinion of the stewards or the commission the duties of the official positions can be performed properly by the person and do not cause a conflict of interest. Racing officials may also hold a license in another category if in the opinion of the stewards or the commission the dual license assists the person to better perform the duties of the official position and is not specifically prohibited.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**Commission Staff**

**462-140-0060**

**Commission Steward(s); Authority**

(1) Accreditation: To qualify for appointment as a steward, the appointee may be required by the commission to be accredited and current with the Racing Officials Accreditation Program in association with the Universities of Arizona and Louisville and be in good standing with all racing jurisdictions.

(2) Except for small fair meets, the board of stewards shall consist of the presiding state steward, deputy state steward, and a race meet licensee steward, approved by the commission. The board of stewards is responsible for the proper conduct of the race meet and for the enforcement of the statutes and rules of racing. During the temporary absence of one or more stewards, the remaining steward(s) or the executive director of the commission may appoint a deputy or deputies to act temporarily for those absent. All decisions, rulings, and orders of the board of stewards must be made by a majority of the stewards. The stewards' authority begins 30 days before, and extends 30 days after the conclusion of the race meet unless shortened, extended, or re-instituted by the executive director of the commission.

(3) The board of stewards has the authority to take any action expressly authorized by ORS chapter 462 or the rules of racing. The board of stewards also has the authority to take any appropriate action not expressly authorized by these rules in order to ensure a fair race and to protect the best interests of racing.

(4) The stewards have authority over licensees of the commission and all persons on a racecourse. Persons entering racing animals or allowing racing animals to be entered to run at licensed Oregon racecourses agree in so doing to accept the decision of the stewards on any questions relating to a race or racing, subject to their right to hearings and right of appeal as provided in these rules. The board of stewards may override the decision of any racing official with regard to the rules of racing, subject to review by the commission.

(5) The stewards may suspend on an emergency basis the license of any person whose actions are detrimental to the best interests of racing and which are seriously dangerous to the health or safety of the person, the public or another person involved in racing. An emergency suspension or a penalty suspension following a hearing may include ruling off of the licensee. When based upon evidence that the person is currently ruled off by an official body of another racing jurisdiction, the person may be ruled off whether the person is licensed or not. If an emergency suspension is imposed under this rule, the person is entitled to a post-suspension hearing. The suspension may not exceed 365 days unless so ordered by the commission.

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(6) The stewards have the authority to investigate any matter relating to racing. The stewards shall have control over and be granted immediate access to all areas of the racecourse.

(7) The stewards have the authority to order a prompt examination of any racing animal which has been entered or which has run a race, and may disqualify any racing animal which appears to have been the subject of corrupt or illegal practices, which has interfered with another racing animal during an official race or official schooling race, or whose jockey has interfered with another horse or jockey.

(a) The stewards may examine or have examined any horse registered for racing. The stewards may scratch any ineligible horse.

(8) The stewards have the authority to impose penalties and sanctions under the procedures set forth in these rules, but only for specific violations of ORS chapter 462 or these rules. They may not impose sanctions against commission employees, but may investigate and recommend disciplinary action to the executive director or commission.

(9) The stewards have the authority to review license applications and corresponding results of their subsequent background investigations, and based on those reviews, to either approve or deny licensure. Any applicant that is ineligible to apply due to a commission order, such as a previous denial or revocation, shall have his/her application automatically denied.

(10) The stewards may, at their discretion, hold informal hearings on matters other than violations, using the same procedures set forth in these rules for violations.

(11) In the event of an emergency which prevents an owner or trainer from performing his/her necessary duties, the stewards may appoint a qualified person to temporarily perform those duties. For good cause, the stewards may substitute a jockey of their choice on any horse or place a horse temporarily in charge of a trainer of their choice.

(12) When a racing official other than a steward or commission employee is absent, the race meet licensee may appoint a temporary or permanent replacement, subject to approval by the stewards, or, in exigent circumstances, the stewards may appoint a temporary replacement. All appointments are subject to confirmation by the commission, and appointees may exercise their appointed duties pending confirmation.

(13) The stewards shall investigate promptly and render a decision on every objection and on every complaint made to them. The stewards shall report all objections and complaints to the commission as soon as received by them, and shall make prompt written report of their investigation and decision to the commission's executive director.

(14) The stewards, being duly notified in writing of financial irresponsibility by a licensee, shall conduct an investigation into the matter, including but not limited to a hearing. If the result of such investigation or hearing clearly shows a licensee to be financially irresponsible and remiss concerning his/her just debts as provided in this section of this rule, the stewards may impose such ruling as may be consistent with the circumstances in conformity with the best interests of racing.

(15) One steward must be on duty each morning from scratch time until conclusion of the draw. (16) During each racing day at least one of the stewards shall be on the racecourse not later than weigh-in time.

(17) No person other than the commissioners or executive director shall be allowed in the stewards' stand unless previous permission is obtained from the stewards.

(18) The presiding state steward or deputy state steward or appointee shall sound the bell closing the pari-mutuel machines no later than the opening of the starting gate.

(a) In the event of a mishap at the start, the stewards shall make a final decision as to whether a start was fair after consultation with the starter. Also, after consulting with the starter, the stewards shall make the final decision as to whether any racing animal was prevented from starting in a race through failure of the starting gate to open.

(19) The stewards have final authority to decide the order of finish of any race. They shall promptly display the numbers of the first three racing animals in each race in the order of finish and shall not declare the race official until they have made a final determination as to which racing animal finished first, second and third.

(20) The stewards may place any horse on the "Stewards' List" or suspend any horse for poor performance or other good cause. The stewards may at any time require proof that a horse is qualified for a particular race or proof that a horse is owned only by qualified persons. If satisfactory proof is not offered, the stewards may disqualify the horse.

(21) The board of stewards shall determine the condition of the track's running surface.

(22) The presiding state steward shall immediately report to the commission any "No-Race" declared by the stewards, with a detailed explanation as to its cause.

(23) The stewards shall maintain a daily log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the race meet.

(24) The presiding state steward is responsible for making sure that all reports required by this rule are promptly submitted to the commission.

(25) When placing judges are not appointed, the stewards shall perform the placing judge functions.

(26) The board of stewards shall establish post times; however, post times may be established by the race meet licensee subject to approval by the board of stewards.

(27) Rules for Small Meets:

(a) These rules shall apply for all small fair meets of 10 days or less except as otherwise directed by the commission, or unless circumstances require a change and the state steward approves the change.

(b) The board of stewards are granted jurisdiction for a period of 90 days after the conclusion of a small fair meet to hold hearings and take action with regard to any aspect of racing at the meet. (c) Hearings may be conducted by a single knowledgeable person designated by the commission if it is deemed by the commission to be more practical or convenient for the parties concerned. Any person acting in lieu of the board of stewards under this rule shall have all of the authority granted to the board of stewards under OAR 462-130-0030 and 462-130-0040 or any other applicable rule. A party may appeal any action taken in the same manner as an appeal may be submitted as a result of action taken at a stewards' hearing.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.405

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

### 462-140-0070 Commission Veterinarian

(1) A commission veterinarian is responsible, to the extent possible, for ensuring that horses coming upon the race course do not pose a health or safety problem to themselves or other racing animals. A commission veterinarian is authorized to check all animals coming on to the racecourse and to exclude and/or scratch any animal that may pose a health or safety problem in his/her opinion.

(2) A commission veterinarian shall be granted immediate access to any racing animal on or off the racecourse which has recently run a race or has been entered in a race. A commission veterinarian may examine or cause to be examined any racing animal on the racecourse and may take or cause to be taken blood, urine, saliva or other body fluids or samples for examination.

(3) A commission veterinarian shall observe all racing animals to ensure that all racing animals allowed to participate are, in his/her opinion, in sound racing condition and that its participation in a race is not contrary to the best interest of the racing animal.

(4) A commission veterinarian is authorized to scratch a racing animal from a race if, in the commission veterinarian's opinion, the animal is not in sound racing condition, may pose a health or safety problem to itself or others, or that its participation in a race is contrary to the best interest of the racing animal. The commission veterinarian shall immediately notify the stewards of the scratch.

(5) A commission veterinarian shall maintain a list, to be known as the "Vet's List", of racing animals that the commission veterinarian has reason to believe are uncontrollable, sick, injured, illegally medicated, are a danger to themselves or other racing animals, or are not in sound racing condition. Racing animals may only be removed from the "Vet's List" with the approval of a commission veterinarian.

(6) When necessary, a commission veterinarian is authorized to take immediate steps without approval of a racing animal's owner or trainer to protect the health and safety of the racing animal or other racing animals. This includes administering drugs and/or medications for treatment and/or humane euthanasia. In any other situation in which a commission veterinarian determines that a racing animal should be removed from the racecourse or scratched from a race, a commission veterinarian may order the racing animal removed or scratched.

(7) Except in the case of an emergency, a commission veterinarian, while employed by the commission, may not prescribe any medication for or treat any animal which will race on a racecourse in Oregon, with or without compensation. When emergency treatment is given a

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commission veterinarian shall make a complete written report to the stewards.

(8) A commission veterinarian or designated assistant shall secure blood, urine or other samples, as specified by the commission, of winning racing animals and of other racing animals designated by the stewards or commission veterinarian. Unused sealed containers furnished by the official laboratory designated by the state must be used for collecting specimens for analysis.

(9) A commission veterinarian will not conduct searches but may be involved in searches conducted by the commission investigators.

(10) A commission veterinarian shall verify the conditions of all horses reported to be nerved prior to the horse's first entry in a race meet or continuous race meet.

(11) A commission veterinarian shall be available, by telephone, radio or in person, to the stewards and racing secretary at scratch time, until the close of entries, and at least one hour prior to the first post. A commission veterinarian shall leave the paddock as the last horse leaves the paddock, or as a commission veterinarian deems practical, for each race and shall observe the horses during the post parade, warm up, and at the starting gate.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2004, f. & cert. ef. 4-8-04; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

### 462-140-0080

#### Commission Supervisor of Licensing

(1) The commission may appoint a supervisor of licensing to audit and report on the licensing of participants during each race meet. The supervisor of licensing shall have access to all necessary forms, papers, records or any other information which pertain to licensing by the Oregon Racing Commission.

(2) The supervisor of licensing shall be empowered to direct the race meet licensee to adopt such procedures and to install such methods and such systems as he/she deems necessary to ensure compliance with the law and rules regarding licensing of participants by the commission. The supervisor of licensing shall report to the stewards any failure of the race meet licensee or a participant to comply with the provisions, or any violation of the law or rules regarding licensing which may come to his/her attention. The supervisor of licensing may include in such reports to the stewards any recommendations he/she may have with respect to the revocation or denial of licenses of any employee of the race meet licensee, participant of the race meet or any other licensee for failure to comply with the law and/or the rules regarding licensing by the commission.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

### 462-140-0090

#### Commission Supervisor of Pari-Mutuels

(1) The commission may appoint a representative to be known as the supervisor of pari-mutuels to audit and report on the conduct of the mutuel department during each race meeting. The supervisor of pari-mutuels, as well as a member or members of the commission, shall be given free access to all of the books, papers and records of the race meet licensee at any and all times.

(2) The supervisor of pari-mutuels shall be empowered to direct the race meet licensee to adopt such rules and regulations and to install such methods and systems of operating the mutuel department as may be deemed necessary so as to ensure compliance with the law and the rules and regulations of the commission. The said supervisor shall report to the commission any failure of the licensee to comply with the provision hereof or any violation of the law or any of the rules, any regulations of the commission which may come to his/her attention, including in his/her reports, recommendations with respect to the revocation of the licenses of any employee of the race meet licensee for failure to comply with the rules or regulations of the commission, or for fraud, dishonesty, or incompetency.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-140-0100

#### Commission Investigator(s)

(1) The Oregon Racing Commission investigative staff will consist of a chief investigator and investigators.

(2) The investigative staff has the authority to investigate all violations of ORS Chapter 462 and administrative rules as they pertain to racing and pari-mutuel wagering. The investigative staff shall be granted immediate access to all areas of the racecourse, off-track wagering sites, hubs and licensed training tracks.

(a) The investigative staff has the authority to conduct background investigations on any licensee or person requesting to be licensed.

(b) The investigative staff will investigate any matter referred to it by the Oregon Racing Commission, executive director or board of stewards.

(3) The investigative staff will enforce all of the laws and rules specified in ORS Chapter 462 and administrative rules as they pertain to racing.

(4) The investigative staff will collect and preserve evidence in all matters in which the Oregon Racing Commission is or may be a party of interest.

(a) For purpose of OAR 462-130-0010(3)(a) the investigative staff are designated racing commission representatives for the purpose of directing any licensee to submit to a breathalyzer test or to submit a urine specimen for analysis.

(b) For purpose of OAR 462-130-0010(3)(b) the investigative staff are designated racing commission representatives for the purpose of directing any licensee to deliver in the presence of a steward or commission representative a sample of urine for laboratory analysis.

(5) The investigative staff will refer all matters which may be a violation of ORS Chapter 462 or rules of racing to the board of stewards or commission upon the completion of an investigation.

(6) The investigators shall monitor and inspect the off-track wagering facilities (OTBs) as the Oregon Racing Commission's direct representative. The investigators monitoring the off-track wagering facilities will have general regulatory authority over all wagering activities at the facility and are authorized to stop all wagering activities in the case of any malfunction of the simulcast system at the facility, or other reason set forth in these rules.

(7) The investigators may, under circumstances requiring immediate attention, take any appropriate action not expressly authorized by these rules or ORS Chapter 462 in order to protect the best interests of racing. Any action taken by the investigator not expressly authorized by these rules or the statute is subject to review by the Oregon Racing Commission.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

### 462-140-0125

#### Commission Supervisor of Account Wagering Hub

(1) The supervisor of account wagering hubs is responsible for ensuring that licensed multi-jurisdictional simulcasting and interactive wagering totalizator hubs (hubs) and operation plans for hub applicants are in compliance with ORS 462 and OAR 462.

(2) The supervisor of account wagering hubs monitors, evaluates and recommends necessary security systems, practices and procedures for hub licensees to ensure the integrity of the hub operating systems.

(3) The supervisor of account wagering hubs shall report any failure of the licensee to comply with the provisions cited herein or of any violation of the laws, rules or regulations of the commission which may come to his/her attention. The report should include any recommendations with respect to the revocation of the licenses of any employee of the hub licensee for failure to comply with the rules or regulations of the commission, or for fraud, dishonesty, or incompetency.

(4) The supervisor of account wagering hubs has the authority to request any business or financial documents and/or conduct audits of all wagering transactions to ensure wagering integrity and accurate tax payments on licensee handle.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 2-2008, f. & cert. ef. 9-30-08

## Horseracing Licensees

### 462-140-0130

#### Race Meet Licensee

(1) License Application. Applications for racing dates must be in the office of the commission when required by the commission.

(2) Race Meet Licensee Employees. The race meet licensee shall be responsible for ensuring that all employees are properly licensed and

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current. The race meet licensee shall provide the licensing department with a complete list of employees at the start of each race meet and thereafter shall maintain and provide the licensing department with any subsequent changes.

(3) **Racing Officials.** The race meet licensee shall hire all necessary racing officials and shall submit to the commission for approval the names of all proposed racing officials and their assistants, except commission employees, at least 45 days prior to the proposed race meet. This deadline may be waived by the commission for good cause. Substitutions of racing officials may be made from time to time as provided in OAR 462-140-0060(10). The race meet licensee shall provide the commission, for confirmation, timely updates of the list of officials and their assistants when changes are made. The commission may appoint an employee of the commission to serve as a racing official for any race meet and may require the race meet licensee to pay the employee's compensation.

(4) **Safe and Clean Facilities.** The race meet licensee shall provide all facilities necessary for the proper conduct of the race meet and shall take every reasonable precaution to make all areas of the racecourse safe and shall ensure that the paddocks, starting gate, test barn and other equipment with which racing animals may come in contact are kept in a clean condition and free of dangerous surfaces. The race meet licensee shall keep the grounds of the racecourse in a clean condition.

(5) **Commission Offices.** The race meet licensee shall provide adequate office space properly equipped and maintained for the use of the commission and its designated representatives. Office space includes, but is not limited to, general offices and stewards' office. Upon request, the race meet licensee shall furnish suitable space and accommodations for fingerprinting and photographing license applicants.

(6) **First Aid.** During racing hours the race meet licensee shall provide and equip a first aid room within the racecourse and shall have present on the premises a licensed physician or registered nurse unless otherwise authorized by the board of stewards.

(7) **Equine Ambulance.**

(a) The race meet licensee shall provide an equine ambulance attached to a tractor or vehicle for the immediate removal of an injured animal from the racecourse. The ambulance shall be available during racing and training hours and the period preceding the official opening of the race meet.

(b) The race meet licensee shall require a licensed veterinarian to be on the grounds during racing hours for the immediate treatment of an injured animal on the racecourse.

(c) The race meet licensee shall have available either a licensed veterinarian on the grounds and/or a list of available veterinary clinics with emergency contacts and phone numbers for timely treatment of an injured animal on the racecourse during training hours.

(8) Every race meet licensee shall operate its own pari-mutuel department, and in no event shall subcontract or let to concessionaires the operation of the pari-mutuel department or any part thereof without commission approval.

(9) **Totalizator.** The race meet licensee shall maintain a satisfactory totalizator system, including a tote board.

(10) **Post-Race Test Area.** The race meet licensee shall furnish a post-race receiving area approved by the commission veterinarian, with sufficient facilities to safely collect, store and secure saliva, urine, and/or blood samples from racing animals.

(11) The race meet licensee shall provide adequate racing silks, saddlecloths, head numbers, lead weights, and other standard equipment.

(12) **Photofinish; Timing Devices.** The race meet licensee shall provide a sufficient amount of light at the finish line for nighttime and twilight racing and shall install two automatic timing devices approved by the commission, and shall provide a photofinish booth meeting standards set by the commission. (The cost of photofinish services for pari-mutuel races shall be an expense of the commission)

(13) **Tip Sheets.** The race meet licensee may contract with no more than two persons to sell tip sheets on the racecourse during a race meet. Tip sheets obtained from out-of-state host tracks which are part of the race meet licensee's simulcast program shall not count against the limit of two tip sheets. The race meet licensee shall provide booths and utilities for the tip sheet sellers, and may charge a reasonable fee for their use. The race meet licensee shall not allow anyone to sell tip sheets who is not licensed by the commission and shall not allow tip sheets to be sold in wagering areas. Tip sheets must be sold from a booth, and the previous day's sheets and outcomes must be displayed on the front of each booth. Tip sheets must be independently handicapped, and each handi-

capper must sign and deliver such sheet at least one hour before post time to the commission office located on the racecourse.

(14) **Security.** The race meet licensee shall provide a sufficient number of security personnel to provide adequate security for all areas of the racecourse, including parking lots, test barn, and stable areas, and shall ensure that unlicensed individuals do not enter restricted areas. The race meet licensee and its security personnel shall cooperate with local authorities and with commission personnel in enforcing the rules of racing and the laws of this state, and shall promptly inform commission stewards of all violations of ORS chapter 462 and the rules of racing. All security reports and records will be made available in a timely manner to commission investigators, the board of stewards and/or the executive director.

(15) **Commission Access.** Members, employees, and representatives of the commission shall be given full and complete access to any and all areas of the racecourse at which a race meet is being held.

(16) **Transmission.** Any person desiring to broadcast, televise or transmit from the track by press wire pertinent information relating to any feature race run at the track shall first file with the commission, for its approval, an application stating the particular feature races and dates that it desires to broadcast, televise or transmit, together with the name and address of the representative of the public press, radio, or television authorized to broadcast, televise or transmit the requested information. Other than at approved off-track wagering facilities, shall the exact odds be announced, nor shall pay off of winners be given until the result of the race has been declared "official".

(17) **Attendance Report.** The race meet licensee may make a daily attendance report to the commission, unless otherwise authorized by the commission.

(18) **Conflict of Interest.** No employee, officer, or director of a race meet licensee shall be permitted to own, lease, or have any other interest in any racing animal entered for racing on the race meet licensee's racecourse, unless approved by the commission.

(19) **Waste Disposal.** The race meet licensee shall provide, secure and maintain medical waste containers as approved by the commission or commission designee.

(20) **Parking Permits.** When requested by the commission, the race meet licensee shall designate a parking area for commission members, employees, and special guests who are in possession of parking permits issued by the commission. Parking in the designated area shall be free.

(21) **Communication System.** The race meet licensee shall provide an adequate on track/outside communication system as required by the commission.

(22) **Stalls.** The race meet licensee shall attempt to be fair and equitable in assigning stall space, and shall provide receiving stalls for horses which are brought onto the racecourse from outside stable space for a race.

(23) **Records of Horse Movements.** The race meet licensee shall maintain a record of arrival and departure of all horses from the stable area.

(24) **Numbered Buildings.** All stables, barns and stalls shall be numbered or otherwise clearly identified.

(25) **Track Kitchen.** The race meet licensee, or other person approved by the race meet licensee, may maintain and supervise a kitchen in the stable area and shall supervise any other area where food or drink is dispensed. All food service facilities shall comply with state and local health and sanitation requirements.

(26) **Distance Pole Markers.** Distance pole markers must be 10 feet from the rail and shall be painted as follows:

(a) 1/4 poles — red and white;

(b) 1/8 poles — green and white;

(c) 1/16 poles — black and white.

(27) **Horseman's Accounts.** Unless otherwise authorized by the commission, the race meet licensee shall keep a separate account, to be known as the "horseman's account", with sufficient funds to cover all monies due horsemen in regard to purses, stakes, rewards, claims, and deposits. Only those persons in whose name the account is established, or their duly authorized agent, may make withdrawals from the account.

(28) **Race Track Safety Standards.** Any racetrack on which a licensed race meet is conducted must meet the following standards unless otherwise authorized by the commission for good cause:

(a) **Rails.** All racing surfaces must have inner and outer rails of a design and construction approved by the commission:

(A) Permanent rails must be made of a material which will take the impact of a horse without breaking away. All rail posts must be set in

concrete at least 6 inches below the surface and at least 24 inches deep. The height of the rail must be 40 inches plus or minus 2 inches from the top of the cushion to the top of the rail. The top rail must be bolted or welded to the posts and should be smooth with no jagged edges.

(B) For race meets or continuous race meets that are licensed to run 25 days or more per fiscal year, the inside rail shall be permanent of gooseneck design and have no less than 24-inch overhang with a continuous smooth elevated cover which entirely covers the overhang.

(C) For race meets or continuous race meets which are licensed to run for 24 days or less during a fiscal year, the design of the rail is subject to the approval of the commission during the licensing hearing, with consultation from the executive director, the stewards, the race meet licensee(s), and the jockeys riding at the meet or their representative. In order to facilitate this provision the executive director, the director or racing for the race meet(s), the stewards and the jockeys or their representative shall discuss needed improvements for the next year's race meet during or at the conclusion of each meet.

(b) Gates (Gaps). No gate openings in a rail may be over 10 feet long without a center support. The top rail of the gate must be secured to the top of the rail. Gate openings should not look any different from the rest of the rail. All gates, other than the "On" and the "Off" gates during training, must be closed during racing and training. "On" and "Off" gates for horse access during training should be placed at least 50 feet apart.

(c) Morning Starting Gate. The starting gate used for morning schooling shall be placed far enough from the "On" and "Off" gates (gaps) so that horses coming on and going off the track will not interfere with or distract morning schooling or breaking from the gate.

(d) Obstacles. No obstacle or device, such as distance pole markers, electrical boxes, timers, starter's stands, patrol judge's stands, etc. shall be placed within 10 feet of the back of the bottom of the rail post unless made flexible or break-away.

(e) Drainage Ditches or Holes. Any drainage ditch or hole behind the inside rail must be covered with soft material level with the ground surface.

(f) Lighting. All race track lighting systems for nighttime racing must have an operational emergency generator or battery back-up system which is serviced and tested at least once a month during the track's racing season. Servicing and testing of the emergency lighting system must be documented in writing and available to the commission staff upon request.

(g) Ambulance.

(A) The race meet licensee shall provide an ambulance with standard medical equipment and certified paramedics or Emergency Medical Technicians (EMT) for protection of patrons and racing personnel during the conduct of a race meet, including workouts, and during the training period preceding the official opening of the race meet.

(B) During racing, the ambulance and/or a certified paramedic or EMT must be at the starting gate before horses are loaded. If the ambulance is being used to transport an individual, the race meet licensee may not conduct a race until the ambulance is replaced.

(C) During racing the ambulance shall follow the field either on the track or in the infield unless otherwise directed by the stewards. The ambulance must be staffed by certified paramedics or EMTs, be properly equipped and otherwise be suitable for transporting an injured person from the track to a roadworthy ambulance for transport to a hospital. A back-up ambulance is to be in attendance during the absence of the main ambulance.

(h) Safety Committee. Any race track location which has 15 or more race days per year, regardless of the number of race meet licensees, will have a safety committee. The safety committee will be made up of two (2) representatives from the management of the race meet licensee, two (2) representatives from the jockeys riding at the track, two (2) representatives from the horsemen with papers in the race office at the track, and at least one (1) of the state stewards. This committee will be responsible for addressing unsafe conditions on the racecourse including the racing surface and recommending solutions to the conditions to the race meet licensee management, the racing commission executive director and/or the commission.

(29) Assistant Starters. The race meet licensee shall ensure that there is one assistant starter per horse in the race plus at least one assistant starter to shut the tailgates.

(30) Valets. There shall be at least one valet for every three horses in the maximum field size approved by the commission.

(31) Fire Safety in Stable Areas:

(a) Every race meet licensee shall cause to be posted in the stable area of its premises the fire regulations applicable on its grounds and such posted notice shall also state the location of the nearest fire alarm box and the telephone number of the fire department or other pertinent instructions as to the method for reporting a fire in the area. Such notices shall be posted no more than one hundred (100) feet apart or as approved by the local fire authority. No race meet licensee, management or person shall violate the posted fire regulations specified by the commission.

(b) All trainers or their assistants and all concessionaires or their assistants shall acquaint themselves with and brief their employees as to the following:

(A) Smoking regulations.

(B) Location of fire notification system in immediate area of assigned barn.

(C) Location of all fire extinguishers and extinguishing equipment in assigned barn area.

(D) Regulations regarding occupancy, use of extension cords for extending electrical circuits, and use of electrical appliances.

(E) Regulations regarding storage and use of feed, straw, tack, and supplies.

(F) Track regulations with regard to fire and security, copies of which shall be provided to all trainers or their assistants and concessionaires or their assistants. These regulations shall be used in instructing members of the trainers' and concessionaires' staffs assigned to the barn area.

(c) Signs shall be posted in every barn and associated buildings dealing with the following information:

(A) Location of manual fire alarm stations, emergency telephones, or other methods of fire alert.

(B) Location of fire protection first-aid appliances.

(C) Emergency procedures specific to the particular track facilities.

(D) Location of nearest medical waste disposal containers.

(d) No open burning shall be permitted in the barn area.

(e) Smoking shall be prohibited except in designated safe areas. Proper warning signs shall be posted.

(f) Use of any portable electrical appliance shall be restricted to the following conditions:

(A) Multiple-outlet adapters shall be prohibited.

(B) Not more than one continuous extension cord shall be used to connect one appliance to the fixed receptacle, and such cord shall be listed for hard service and properly sized for the intended application.

(g) Extension cords shall not be supported by any metal object such as nails, screws, hooks, and pipes.

(h) Portable cooking and heating appliances shall be used only in spaces designated for such use provided they are separated from the stabling and storage areas of the barn.

(i) Portable electrical heating and cooking appliances shall be of a type that automatically interrupts electrical current to the heating element when the appliance is not in the normal operating position (tip-over disconnect).

(j) Use of exposed element heating appliances such as immersion heaters shall be prohibited except as used in accordance with the race meet licensee guidelines.

(k) The storage of flammable and combustible liquids, except those used for medicinal purposes, shall be prohibited.

(l) The water supply shall be capable of providing pressure and discharge capacity required for automatically supplying sprinklers, hydrants, and hose lines.

(m) Fire protection must meet the local fire regulations.

(32) The race meet licensee shall have available current telephone numbers for twenty-four (24) hour emergency veterinarian care. The race meet licensee shall post an established procedure, approved by the commission veterinarian, for providing emergency veterinarian care five (5) days prior to until five (5) days past their race meet.

(33) Any race meet licensee failing to enforce these rules may be subject to fine or revocation of license.

Stat. Auth.: ORS462.250

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2001, f. 3-19-01, cert. ef. 4-1-01; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

#### 462-140-0140

##### Director of Racing

Commercial race meet licensees shall designate a person to act in the capacity of a director of racing. The designee shall act for the management of the race meet licensee in all matters pertaining to racing.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0150  
 Racing Secretary**

(1) The racing secretary is responsible for maintaining a file of all registration papers and foal certificates on horses participating in the race meet. The racing secretary shall inspect all ownership and lease documents to be sure they are accurate, complete, and up-to-date. The racing secretary has the authority to demand the production of any documents or other evidence necessary in order to perform this responsibility. The racing secretary shall verify each racing animal's ownership and shall not allow any racing animal to run unless the racing animal is entered in the name of the legal owner as shown on the back of the registration/ownership papers, or on a legal lease attached to the registration/ownership papers, and unless the stable name is licensed, where the papers show a stable name.

(2) The racing secretary is responsible for receiving all entry forms for official racing, all scratch requests, and all subscriptions, nominations, and entrance monies. The racing secretary shall assure, to the extent possible, that all entry requirements have been met and continue to be met until the entry is withdrawn.

(3) The racing secretary shall be responsible for forming each race, and may provide assistance to the trainers in ensuring that only racing animals which are eligible to start or race and which meet any special entry requirements are drawn into the race. The racing secretary shall make every effort to ensure fairness and equal opportunity for all racing animal owners and stable owners in the forming of all races.

(4) As soon as the entries have closed for each racing program, the racing secretary shall compile and post in a conspicuous place a list of entries, minus any subsequent withdrawals. Names of horses on the "Also Eligible" list shall also be compiled and promptly posted in a conspicuous place.

(5) The racing secretary shall keep a complete record of all races and shall immediately report to the stewards conditions which may require a scratch, and any violations of ORS Chapter 462 or the rules of racing.

(6) The racing secretary is responsible for publishing the racing program and for the accuracy of the information in it.

(a) The racing secretary shall compile and cause to be printed for each racing day a program which shall legibly set forth for each race the amount of the purse, distance, conditions, names of racing animal which are to be run, their color, sex, age, breeding, state in which foaled, the name of their owner, lessee (if any), trainer, assistant trainer (if any), and jockey, the weight carried, order of their post positions, and such other information and notices to the public as the commission may direct.

(b) Once the official program is printed and placed for sale to the public, there shall be no changes in the program (except to correct printer's errors) unless a horse is legally scratched from a race. No program shall contain a loose insert, unless approved by the board of stewards.

(c) The racing secretary is responsible for the accuracy of all racing related material provided for the program.

(d) All daily programs sold at the racecourse must contain a prominent notice that there is an information window and/or complaint window in the clubhouse and grandstand where complaints may be made or filed in writing. The exact locations of these windows shall be set forth in the notice.

(e) All daily programs sold at the racecourse must clearly contain the following:

**NOTICE:** This race meet is licensed for 20\_\_ License No. \_\_\_\_ by the Oregon Racing Commission and operates under its rules and regulations. The commission office is located at the Portland State Office Building, 800 NE Oregon Street, Suite 310, Portland, Oregon 97232.

(7) The racing secretary is responsible for writing a condition book and shall assign stalls in an equitable manner and shall maintain a record of arrival and departure of horses stabled on the racecourse.

(8) The racing secretary is responsible for custody and safekeeping of registration papers and foal certificates for all horses participating in the race meet, and for recording required information on them including all wins in Oregon. The racing secretary shall permit access to the registration papers and foal certificates only to authorized personnel, and shall allow them to be removed only by the trainer. If the racing secretary is aware that a trainer has been fired by an owner, the racing secretary shall not release any papers to either except with consent of both, or pursuant to court or arbitration order, or with the consent of the commission.

(9) The racing secretary shall place on the racing secretary's bulletin board the names of heel nerved horses, mares in foal and any other information requested to be posted by the stewards or the commission. Horses that have had an alcohol blocking of the nerve or nerves shall be considered to be nerved.

(10) The racing secretary shall promptly make available to the media records of workouts.

(11) Chart Books:

(a) The Quarter Horse Chart Book shall be the official chart form for Quarter Horse racing.

(b) The Appaloosa Chart Book shall be the official chart form for Appaloosa horse racing.

(c) The Arabian Jockey Club Charts shall be the official chart form for Arabian horse racing.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

**462-140-0160  
 Horse Handicapper**

(1) The handicapper shall assign the weights to be carried by each horse in a handicap, and shall add to the weights for each handicap the day and hour from which winners will be liable for weight penalties.

(2) If there are no penalties to the weights, no alteration of weights shall be made after publication. In case of omission, through error of the name or weight of a horse duly entered, the omission may be corrected.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-140-0170  
 Horse Identifier**

(1) Identify all entries, using a written description of the horse, a copy of the original registration papers, or other methods approved by the stewards.

(2) Notify the stewards whenever a proper identification cannot be made.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0180  
 Track Superintendent**

The track superintendent is responsible for the condition of the track and shall see that all equipment under his or her care is in the best possible condition, and that the track and equipment are maintained by qualified personnel.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0190  
 Stall Superintendent**

(1) The stall superintendent is responsible for the condition of the stable area and shall see to it that manure is not permitted to accumulate in the stable area to keep rodents, flies, mosquitoes, and other insects to a minimum.

(2) The stall superintendent shall keep a record of all tack rooms and stall assignments made to trainers by the racing secretary, and furnish such lists to security, commission investigators, racing secretary, board of stewards, OHBPA and commission veterinarians on a schedule established by the stewards.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0200  
 Jockey Room Supervisor**

The jockey room supervisor shall:

(1) See to it that order, decorum, and cleanliness are maintained in the jockey and scale rooms.

(2) Assist the clerk of scales when requested.

(3) Allow no one other than authorized racing officials, representatives of the commission, licensed valets and authorized licensed vendors in the jockey room within two hours of post time for the first race of the day until one hour after the last race without consent of the stewards for each time of entry.

(4) Oversee the care and storage of all racing colors.

(5) Oversee the jockey attendants and arrange their rotation among jockeys for weighing out.

(6) See to it that jockeys are neat in appearance and attired in keeping with the rules when they leave the rooms to ride in a race.

(7) With the valet, see that proper and correct colors are used.

(8) Prohibit jockeys from improperly entering, leaving, or re-entering the jockey room.

(9) Report to the stewards any irregularities that occur.

(10) Verify that all persons assigned duties including jockeys in the jockey room are licensed.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-140-0210

##### Paddock Judge

The paddock judge shall:

(1) Be in charge of the paddock.

(2) Check all contestants for each race.

(3) Keep a record of all equipment carried by all horses, approve or disapprove a request to change of equipment, and notify the stewards when any change of equipment is authorized for a particular horse.

(4) Except when there is a plate inspector on duty, see to it that all horses are properly shod, and report any irregularities to the stewards.

(5) With the commission veterinarian, inspect bandages just prior to the participation in a race of the horse on which they are used, and, if appropriate, order their removal and replacement.

(6) Report to the stewards any circumstances that indicate fraud.

(7) Give the command of "riders up" and order the riders to proceed to the post parade.

(8) Maintain a paddock judge's list of horses which are fractious in the paddock, schedule paddock schooling, and remove horses from the list only after satisfactory schooling. The paddock judge shall promptly notify the stewards whenever a horse is placed on or removed from the list.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-140-0220

##### Plate Inspector

The plate inspector shall examine and inspect the shoes of all horses entered in any race and ensure only approved plates are used. The plate inspector shall advise the stewards if any horse does not have shoes which are properly fitted, and the stewards shall scratch the horse from the race unless immediate repairs can be made.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-140-0230

##### Clerk of Scales

The clerk of scales shall:

(1) Weigh jockeys out and in, and ensure that riders carry the correct assigned weight.

(2) At the time of weighing out, record all overweights and cause these to be announced publicly and posted in a conspicuous place before the running of each race.

(3) Ensure that the scales have been certified to be accurate by a reputable company or governmental agency prior to the start of the race meet.

(4) Check the scales for accuracy every race day.

(5) Maintain accurate scale sheets for each race.

(6) Ensure that a tag is attached to the bridle of all horses sent to the test barn by the board of stewards or commission veterinarian.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

#### 462-140-0240

##### Outrider

(1) There shall be a minimum of two outriders. The outriders must be neat in appearance and must wear an approved helmet with the chin strap securely fastened and a safety vest approved by the stewards while on the track.

(2) The leading outrider shall:

(a) Be in charge of the post parade.

(b) See to it that all jockeys and pony riders conduct themselves in a manner in conformity with the best interests of racing.

(c) See to it that the post parade does not exceed the maximum time of 12 minutes, except for emergencies or with permission of the stewards.

(d) Take special notice of all pony riders and jockeys to see that no illegal equipment is exchanged and that all conversation during the parade is held to a minimum.

(e) Report to the stewards any unusual conduct that occurs during the parade.

(f) Report to the stewards any participant in the parade who is not neatly attired.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-140-0250

##### Starter

(1) The starter is responsible for the horses from the moment they enter the designated racing surface from the paddock until dispatched from the starting gate, and may scratch a horse for good cause. The starter shall immediately notify the stewards of any scratch.

(2) The starter shall give order to secure a fair start. If a horse is prevented from obtaining a fair start or a gate malfunctions, the starter shall immediately notify the stewards who will notify the mutual department.

(3) The starter shall supervise the schooling of horses which are first time starters or horses which require further schooling out of the gate. If a horse is unmanageable at the starting gate or refuses to break properly, the starter may disqualify the horse from starting again by placing the horse on the starter's list until the horse has had satisfactory schooling. The starter shall notify the racing secretary in writing when horses are placed on or removed from the starter's list. The starter shall also notify the racing secretary in writing of the names of each horse that has been schooled sufficiently to participate in a race and its approved equipment. The starter shall establish and publish schooling procedures.

(4) The starter may appoint assistants, must verify that they are licensed by the commission, and shall assign their positions at the starting gate. The positions of the assistant starters shall be changed daily by the starter, but without notice to them until the horses have appeared on the track for the first race.

(5) No starter or assistant starter shall wager, directly or indirectly, on any race in which they perform official duties.

(6) The starter shall ensure that the starting gate is functioning properly at least three days before the beginning of the race meet, and shall make sure the gate is properly maintained throughout the race meet.

(7) Horses shall take their positions in the starting gate in post position order (beginning at the inside rail) unless the starter has reasonable cause to alter the order of loading.

(8) No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive, money, or other compensation, gratuity or reward, in connection with the running of any race or races; except such compensation as salaries received from race meet licensees.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

#### 462-140-0260

##### Patrol Judge

When required by the commission, there shall be one or more patrol judges, appointed by the race meet licensee, whose duties are to view each race from the vantage point to which the stewards have assigned them. At the end of each racing day the patrol judges shall report their observations of each race in writing to the stewards.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-140-0270

##### Announcer

(1) The announcer shall announce:

(a) All program corrections;

(b) All over weights;

(c) All jockey changes;

(d) All changes of equipment;

(e) All scratches;

(f) Each race;

(g) Any other information as directed by the stewards.

(2) The announcer shall not announce the official winners of any race until the race has been declared "official" by the stewards.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-140-0280**

**Placing Judge(s)**

When required by the commission the placing judges shall stand at the designated spot on the finish line at the time the horses pass the winning post and shall place the horses in order of finish and display the results. If the photograph of the finish of the race indicates a close finish, or if the placing judges are not unanimous as to the correct order of finish, the photograph shall be submitted to the stewards for examination and concurrence on the result before the order of finish of a race is displayed or announced.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-140-0290**

**Clocker**

The clocker/timer shall keep an accurate record of all workouts on the track and shall promptly provide a copy of these records to the racing secretary and to the stewards on every race day. The record shall include the name of the horse, the time for all official workouts, and the results of all mandatory schooling. The clocker/timer shall time all races and keep a record of the times.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0300**

**Paymaster of Purses**

- (1) The paymaster of purses shall disburse purse money due to horse owners after purses are released by the stewards.
- (2) The paymaster of purses shall maintain an itemized record of monies due to all horse owners based upon order of finish.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-140-0310**

**Claims Clerk**

- (1) The claims clerk is a person designated to handle all claims as directed by the board of stewards. The duties are, but are not limited to:
  - (a) Knowing the claiming rules.
  - (b) Checking the claims.
  - (c) Contacting the stewards if at any time a problem develops.
  - (d) Handling the shake in a manner set by the stewards in the event more than one valid claim is deposited for the same horse.
- (2) The claims clerk may be required to do other duties as designated by the association and/or the board of stewards.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0320**

**Trainer**

- (1) The trainer shall be responsible for and shall be the absolute insurer of the condition of horses entered in an official workout or race, regardless of the acts of third persons.
  - (a) The trainer is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule.
  - (b) If any of the trainer's duties are delegated to other personnel, the trainer remains responsible if those jobs are not properly done.
  - (c) The trainer shall be responsible for the condition and contents of stalls, tack rooms, and other areas which have been assigned to the trainer by the association.
- (2) No trainer shall practice his/her profession except under the trainer's real and true name.
- (3) A trainer is responsible for insuring that all employees and owners under his/her supervision, and any other person who assists the trainer in the performance of his/her duties, are properly licensed with the commission and shall report to the commission within 24 hours the discharge or change of any permanent employee.

(4) When a trainer is unable to perform the duties required of the trainer for a period of more than 24 hours, the trainer shall promptly notify the stewards and shall recommend another qualified person to assume the responsibilities of the trainer, subject to approval of the stewards. The trainer shall immediately advise the stewards when the regular trainer resumes his/her duties.

(5) The trainer shall ensure that all horses under his/her care are in sound racing condition and are eligible under the conditions of the race before entering a horse in any race. If a trainer discovers that an entered horse is ineligible or no longer meets all entry requirements and conditions of the race, or is not in sound racing condition, the trainer shall immediately notify the racing secretary and submit any required form. A horse is not in sound racing condition if it is ill, lame, injured, not properly plated, is blind, or its vision is seriously impaired in both eyes.

(6) It shall be the responsibility of the trainer to:

(a) Attend their horse in the paddock, saddle and/or supervise the saddling of the horse, unless the permission of the stewards has been given to send another licensed trainer as a substitute.

(b) Maintain the assigned stable area in a clean, neat and sanitary condition at all times:

(c) Ensure that fire prevention rules are strictly observed in the assigned stable area.

(d) Ensure the proper identity, custody, care, health, condition and safety of horses in his/her charge.

(e) Disclose the true and entire ownership of each horse in his/her care, custody or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.

(f) Train all horses owned wholly or in part by him/her which are participating at the meeting.

(g) Register with the racing secretary each horse in his/her charge within 24 hours of the arrival on association grounds.

(h) Ensure that, at the discretion of the Oregon Racing Commission, upon arrival at a licensed racetrack, each horse in his/her care is accompanied by a valid health certificate which shall be filed with the racing secretary.

(i) When and where required have each horse in his/her care that is racing, or is stabled on association grounds, test for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.

(j) Use the services of those veterinarians licensed by the Commission to attend horses that are on association grounds.

(k) Promptly report the death of any horse in his/her care on association grounds to the commission veterinarian and to maintain compliance with the rules in governing post-mortem examinations.

(l) Maintain knowledge of medication record and status of all horses in his/her care.

(m) Immediately report to the stewards and the official veterinarian if he/she knows, or has cause to believe, that a horse in his/her custody, care or control has received any prohibited drug or medication.

(n) Represent an owner in making entries and scratches.

(o) Ensure the fitness of a horse to perform creditably at the distance entered.

(p) Ensure that his/her horses are properly shod, bandaged and equipped.

(q) Attend the collection of urine or blood sample from the horse in his/her charge or delegate a licensed representative or the owner of the horse to do so.

(r) Notify horse owners upon the revocation or suspension of his/her trainer's license. Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer, such horses may be entered to race.

(7) No trainer shall remove or permit to be removed from the racecourse any horse under his or her care without written permission of the racing secretary.

(8) The trainer shall see to it that the foal certificate of any horse in his/her care shows if a horse has been nerved, and shall verify that the horse's name is on the list of nerved horses posted by the racing secretary, and shall inform the commission veterinarian of any nerved horses.

(9) No trainer shall employ a jockey for the purpose of preventing the jockey from riding in any race.

(10) Any trainer that accepts the responsibility, either whole or in part, for the care or racing of another trainer's horse or horses may be

held equally responsible for any violation of the Oregon rules of racing that occur while in his/her care.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0330**

**Assistant Trainer**

Assistant trainers have the same duties as trainers, and may be held equally responsible with the regular trainer as the absolute ensurer of the condition of racing animals in their care.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-140-0340**

**Jockey**

(1) Jockeys shall fulfill all engagements.

(2) A jockey who is engaged to ride shall report to the scale room 1 hour before 1st post time to report his/her weight to the scale clerk, unless excused by the board of stewards or a person designated by the board of stewards.

(a) No jockey shall leave the jockey room, other than to ride in a race, until all engagements of the day have been fulfilled, except with express authorization of the stewards.

(b) After fulfilling all riding engagements, a jockey may leave, but may not re-enter the jockey room without permission of the stewards.

(c) A jockey who is not riding on any given day may not enter the jockey room during the time of pari-mutuel or qualifying trial races, except with permission of the stewards.

(d) Jockeys must be neat in appearance and must wear the colors of the race meet licensee.

(e) Jockeys must wear an approved safety helmet which must be properly secured upon entering the track.

(f) Only safety helmets that meet ASTM standards will be approved for use by jockeys.

(g) Jockeys must wear an approved safety vest weighing no more than two pounds, which is designed to provide shock absorbing protection to the upper body of at least a rating of five as defined by the British Equestrian Trade Association (BETA).

(h) Jockeys in a race shall wear a number on the right arm, and this number shall correspond to the saddle cloth number of the horse in the official program.

(3) No jockey shall own any racehorse racing in Oregon.

(4) No jockey shall wager on any race or accept the promise or token of any wager with respect to a race in a race meet in which he or she is participating, except from the owner or trainer of the horse the jockey is riding, and only on that horse.

(5) Jockeys shall report to the paddock immediately when summoned by the paddock judge.

(6) A jockey may have one jockey agent. All engagements to ride shall be made by the jockey agent.

(7) No jockey shall have an attendant other than a licensed valet. No jockey attendant shall wager on any race or place a wager for anyone else.

(8) A jockey who is under suspension for a riding infraction will not be permitted to fulfill any engagements, including stakes races, other than designated races. During the period of suspension, a jockey may be permitted to exercise or gallop horses during the morning hours at the discretion of the stewards.

(9) No jockey shall name him/herself on a horse without first having a call from the owner, trainer, or authorized agent.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2005, f. & cert. ef. 10-18-05; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

**462-140-0350**

**Apprentice Jockey**

(1) Apprentice jockeys are bound by all rules for jockeys, except when the rules for jockeys are in conflict with the rules for apprentices.

(2) An apprentice jockey 16 years of age or older who has the equivalent of at least one full year of experience exercising race horses and who has never been licensed as a jockey to ride in race meets which are reported in the Daily Racing Form or other official racing publications is eligible to apply for an "Apprentice Jockey Certificate," subject to approval of the stewards. The conditions of an apprentice jockey license, however, do not apply to quarter horse racing, and a jockey's per-

formances in quarter horse racing do not apply to the conditions of an apprentice jockey license.

(3) The racing commission may extend the weight allowance of an apprentice jockey when, at the discretion of the commission, an apprentice jockey is unable to continue riding due to:

- (a) Physical disablement or illness;
- (b) Military service;
- (c) Attendance in an institution of secondary or higher education;
- (d) Restriction on racing;
- (e) Other valid reasons.

In order to qualify for an extension an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances total days lost collectively will be given consideration. The racing commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced documentation verifying time lost as defined by this regulation. An apprentice may petition one of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(4) No person may be licensed as an apprentice jockey after losing his or her entitlement to apprentice jockey weight allowance as determined in OAR 462-150-0050(16)(g).

(5) In all overnight races four furlongs or over, except stakes and handicaps, an apprentice jockey shall ride with a five pound weight allowance beginning with his/her first mount and for one full year from the date of his/her fifth winning mount. If after riding one year from the date of his/her fifth winning mount the apprentice jockey has failed to ride a total of forty winners from the date of his/her first winning mount, he/she shall continue to ride with a five pound weight allowance for one more year from the date of his/her fifth winning mount or until he/she has ridden forty winners, whichever comes first.

(e) An apprentice allowance may be waived with the consent of the stewards.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

**462-140-0360**

**Pony Rider and Exercise Rider**

(1) All exercise and pony riders shall wear a safety helmet and safety vest of the type approved by the commission when working, exercising, or ponying horses. The chinstrap of the helmet must be securely fastened.

(2) No device other than authorized riding equipment may be used for any workout.

(3) Pony riders are required to present a neat and clean appearance and conduct themselves in an orderly manner, and are prohibited from holding conversations with the public or from holding any unnecessary conversations with one another enroute to the starting gate. Smoking is not allowed during the post parade.

(4) Pony riders may not wager on the results of any race in which they perform official duties.

(5) No pony which is leading a horse in the post parade shall obstruct the public's view of the horse it is leading, except with permission of the stewards.

(6) Pony and exercise riders may provide assistance to a trainer in the paddock.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-140-0370**

**Jockey Agent**

(1) No person other than the jockey with no agent or a licensed jockey agent properly employed by the jockey shall make engagements for or manage a jockey. A jockey agent must apply to the commission for a license and the application shall bear the signatures of the riders that the jockey agent represents.

(2) No jockey agent shall be permitted to contract riding engagements for more than three jockeys. Each jockey agent shall maintain accurate records of all engagements and shall make those records available for examination by the stewards at all times:

(a) No jockey agent shall name his/her jockey on a horse without first having a call from the owner, trainer or authorized agent.

(b) The jockey agent shall not give out more than one first call and one second call for his/her jockey in any race.

(c) A jockey agent is the authorized representative of a jockey if he/she is registered with the stewards as his/her representative by the employing jockey. Jockeys are bound by engagements made on their behalf by their agents.

(d) The officials may require that the jockey agent file his/her first, second calls with the racing secretary and may require the jockey agent to display his/her record of engagements. A trainer or owner may demand a written confirmation of an engagement from a jockey or his/her agent. Conflicting claims for the service of a jockey shall be decided by the stewards.

(3) When a jockey dismisses a jockey agent, the jockey shall give immediate notice to the stewards in writing setting forth the reasons for dismissal of the jockey agent.

(4) Jockey agents are not permitted to:

(a) Enter the paddock, winner's circle, an unauthorized area or jockey room during racing hours, except with permission of the stewards.

(b) Communicate with any jockey in the jockey room during racing hours without permission of the stewards.

(c) Hold any other license as long as he/she holds a jockey agent license or perform any other duties unless written permission is granted by the stewards.

(5) No jockey agent shall wager on any horse in a race in which he or she is an agent for a rider, other than on the horse ridden by the jockey for whom he or she is the agent.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08

#### 462-140-0380

##### Groom

(1) A groom assists the trainer or assistant trainer in the care of a racehorse.

(2) A groom may assist the trainer or assistant trainer in the paddock.

(3) A groom may be the trainer's or assistant trainer's authorized representative in the test barn.

(4) A groom must be employed and on a trainer's list of employees.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### DIVISION 150

#### HORSE RACING REQUIREMENTS AND PROCEDURES

#### 462-150-0010

##### Workouts; Exercise; Schooling

(1) An official workout must be under the supervision of the clocker. The galloping or ponying of horses for exercise, and unofficial schooling out of the gate, are not official workouts.

(2) Before a horse has an official workout, the trainer shall ensure that the clocker is notified and the horse is properly identified. Mandatory schooling must be under the supervision of the appropriate racing official, who must keep a record of the results of the schooling. Official workouts must be timed and recorded. Official workouts may be accepted from other training tracks if the track and clocker are approved and licensed by the commission.

(3) Official workouts may be accepted from a race meet or licensed public training track in another state if reported by a licensed clocker of the other state to the licensed clocker in Oregon or reported in the Daily Racing Form, or other approved publications.

(4) No devices other than authorized riding equipment may be used for any workout, and no horse shall be worked out while under the influence of a prohibited drug or an unauthorized quantity of a permitted drug. The levels of permitted medications for workouts are the same as for race days. The stewards or commission veterinarian may require any horse to be tested for drugs after a workout.

(5)(a) A Thoroughbred horse that has never run in a recognized race must have a minimum of two official workouts within 30 days before being eligible to start in an official race. Any Thoroughbred horse that has not run in a recognized race in the 30 days prior to the race in which it is sought to be entered must have at least one official workout within the previous 30 days before being eligible to race in an official race.

(b) A Quarter Horse, Appaloosa, Paint, Arabian or mule that has never run in a recognized race must have a minimum of two official workouts within 45 days before being eligible to start in an official race. Any Quarter Horse, Appaloosa, Paint, Arabian or mule that has not run in a recognized race in the 45 days prior to the race in which it is sought to be entered must have at least one official work within the previous 45 days before being eligible to start in an official race. (c) The first time a horse or mule races around a turn it must have not less than 1 work around the turn within the past 45 days.

(6) No horse may be worked out during pari-mutuel racing hours without prior permission from the paddock judge and the stewards.

(7) Before accepting the entry of any horse, the stewards may require the horse to have additional official workouts. Also the stewards or the commission veterinarian may, for good cause, order a horse to be worked at a specific distance and effort.

(8) No workout other than an official workout which has been recorded by a licensed clocker shall be submitted for publication in the Daily Racing Form, Equibase or other approved publications.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

#### 462-150-0020

##### Change of Ownership; Change of Trainer

(1) Any horse being registered into the race office must have the current ownership recorded on the foal certificate prior to being accepted by the race office.

(2) After a horse has been registered with the racing secretary, it may not be transferred (unless claimed during the race meet) without permission of the stewards. A notarized bill of sale from the registered owner may be required before the stewards will give permission for the change of ownership, unless a commission official witnesses the signing of the bill of sale. The share of a part owner of any horse may not be sold or assigned without the consent of the other owners. The commission and/or stewards may declare a horse ineligible to race if the ownership or control of the horse is in question. Ownership changes may be made after entry at the discretion of the Board of Stewards, however, no horse may start in a race without the proper and current owner(s) listed on the foal certificate.

(3) An owner who wishes to change a trainer must notify the racing secretary, obtain a change of trainer form, fill out the form completely and have it signed by the stewards. Upon receipt of the completed and signed form by the racing secretary, the former trainer shall not be given any further access to the horse's papers. No trainer change shall be made after the horse is entered into a race.

(4) If an owner has horses with more than one trainer at a race meet the owner must notify the race office and the stewards prior to the horses being entered into a race.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

#### 462-150-0030

##### Claiming Rules

(1) The primary purpose of claiming races is the classification of horses. No person shall enter or allow to be entered in a claiming race a horse against which any mortgage, bill of sale or lien of any kind is held, unless the written consent of the mortgagor, the holder of the bill of sale or the lien claimant has been filed with the racing secretary.

(2) In claiming races, any horse is subject to claim for the entered price by any owner licensed by the commission and in good standing who has at least one eligible horse registered with the racing secretary of a race meet in Oregon, or by any licensed owner with a valid claim certificate. Any other person who wishes to claim a horse must complete a prospective horse owner's application form, and the completed form must be approved by the board of stewards or the commission. After the board of stewards or the commission has approved the prospective horse owner's application a claim certificate may be issued. A claim certificate shall become void on the date of a successful claim.

(3) A claim may be made by an authorized agent, but only for the account of those for whom he or she is licensed as an authorized agent by the commission. A trainer's license is not an authorized agent's license.

(4) No person shall claim or cause to be claimed, directly or indirectly, a horse in which the person has an ownership interest.

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(5) A person may claim more than one horse from any one race. An authorized agent may submit claims for more than one owner in any one race, but may not submit more than one claim for any one horse. When a trainer's stable consists of more than one owner, each owner may submit a claim in any one race, but no two or more shall submit a claim for any one horse or all such claims shall be void. No person will be eligible to claim another owner's horse from his/her own trainer's stable. "Person" includes any corporation, partnership, stable name or other legal entity.

(6) The claiming price of each horse in a claiming race shall be printed on the official program, and all claims shall be for the designated amount. However, if there is a printer's error in the official program, the claiming price designated on the official entry form shall govern. Submission of a claim in excess of the official claiming price shall not void the claim.

(7) All claims shall be made in writing by the prospective owner or authorized agent on forms and in the envelopes furnished by the race meet licensee and approved by the commission. Forms and envelopes must be filled out completely and must accurately identify the claim, and be properly signed. If two or more owners are claiming the horse together as Owner #1 "and" Owner #2 "and" Owner #3, all owners must sign the claim form otherwise, the claim will be void. If two or more owners are claiming the horse together as Owner #1 "or" Owner #2 "or" Owner #3, any one or all of the owners may sign the claim form.

(8) All claim forms shall be deposited in the claiming box at least 15 minutes before the established post time of each race. After the claim is deposited the claimant shall have no access to the claim form or the envelope.

(9) No money or its equivalent shall be put in the claiming box. For a claim to be valid, the claimant must have a credit balance of not less than the amount of the claim in the claimant's account with the race meet licensee's paymaster of purses.

(10) Claims are irrevocable unless fraud or deception is involved. The claimant former owner and/or authorized agent shall have 48 hours from the start of the race from which the horse was claimed to file a protest.

(11) Title to a claimed horse shall be vested in the successful claimant from the time the horse is determined to be a starter by the board of stewards. The successful claimant shall then become the owner of the horse whether the horse is alive or dead, sound or unsound or is injured during or after the race.

(12) A claimed horse shall run in the interest and for the account of the owner from whom it is claimed.

(13) Claims which are not in keeping with these rules shall be void. The stewards may at any time require any person filing a claim to attest in writing that the person is claiming in accordance with these rules. The stewards shall be the judges of the validity of all claims.

(14) A claim shall represent a bona fide offer by the claimant to buy at the claiming price. Claiming owners are bound by claims made by their authorized agent. By entering a horse in a claiming race, all owners agree to sell at the designated claiming price if the stewards determine there is a valid claim.

(15) Any horse that has been claimed may be directed by the board of stewards to be taken to the test barn by the prior owner or their representative for delivery to the claimant or representative. The claimant or representative shall accompany the claimed horse to the test barn, however, the care and custody of the horse shall be the responsibility of the original owner or representative until the post race samples have been taken. If a claimed horse is not directed to the test barn, the original owner or their representative shall accompany the horse to the paddock for delivery to the claimant or their representative unless otherwise instructed by the stewards. Written authorization for any claim must be signed by a steward, the clerk of scales, or claims clerk and delivered to the original owner or representative.

(16) No person shall refuse to deliver to a valid claimant a horse claimed out of a claiming race. A horse that has been validly claimed shall be disqualified until delivery is made to the claimant.

(17) If more than one valid claim is filed for the same horse, the title to the horse shall be determined by lot in the paddock under the supervision of one or more of the stewards or claims clerk.

(18) No horse claimed in a claiming race shall be sold or have ownership in said horse transferred, wholly or in part, to anyone within 30 days after the date it was claimed, except in another claiming race.

(19) No claimed horse shall remain in or return to the same trainer's stable or under the care or management of the owner or trainer from whom the horse was claimed for the 30 days.

(20) In claiming races, engagements follow the horse unless the conditions of the race specifically state to the contrary.

(21) No person shall offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming, any horse in a claiming race. No person shall attempt to prevent anyone from running a horse in any claiming race. No owner or trainer shall make any agreement with another owner or trainer or jockey for the protection of each other's horses in a claiming race, or refuse to race to prevent a claim.

(22) Should any stable name be eliminated by sale or removal from the racecourse, the right to claim is void without a valid claim certificate. When a stable name has been eliminated by claiming, the affected owner shall have the right to claim during the next 30 calendar days at the same continuous race meet in this state, even though all or a portion of the next 30 calendar days may take place in the following year.

(23) No official or employee of a race meet licensee shall give any information as to the filing of claims until after the race has been run.

(24) When a claimed horse goes to the test barn, a representative of both the former owner and the new owner shall accompany the horse to the test barn. The claiming of any horse in a race shall not diminish or limit the liability or responsibility of the former owner and trainer for compliance with the statutes and rules of horse racing as to the claimed horse.

(25) The foal certificate of a claimed horse must remain in the custody of the racing secretary until the new owner removes the horse from the racecourse. No registration papers on a claimed horse may be removed from the racing secretary's office for 48 hours after the race.

(26) No person shall enter a mare in any claiming race when the mare is pregnant, unless prior to the time of entry the owner shall have deposited with the racing secretary a signed agreement whereby the owner, at the time of entry, shall provide to the successful claimant without cost, protest or fee of any kind, a valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare in a claiming race may file with the commission a petition for rescission of the claim within forty-five (45) days exclusive of the day of claim if the claimant finds that the claimed mare is pregnant and the agreement to provide a stallion service certificate has not been deposited as required by this section.

(27) If, in a claiming race, a horse is scratched after scratch time or is declared a non-starter, any claim or claims for the horse will be void. The stewards may require the horse to run back at the same price in the horse's next start.

(28) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

Stat. Auth.: ORS 462.270(3)  
Stats. Implemented: ORS 462.270  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

### 462-150-0040 Entering for Official Racing; Subscriptions

(1) Before a horse is eligible to race, it must be properly entered into that race by the horse's licensed owner (unless the horse is leased), lessee, trainer or authorized agent, unless authorized by the stewards for good cause. Telephone entries will be accepted if the person entering the horse is properly identified.

(2) No alteration shall be made in any entry after close of entries, but an error may be corrected. Any correction of an entry must be approved by a steward.

(3) No horse may be entered for more than one race on a single day.

(4) No trainer may enter or start more than two horses in a purse race or overnight race, but may enter more than two horses in a stakes race or high weighted race. Provided, however, in a divided overnight race, a trainer may enter 2 horses in each division. When making a double entry under the same ownership or if the trainer has an ownership interest in either horse, the owner or trainer must express a preference. When a preference system is used, two horses under the same ownership may not start to the exclusion of a single entry except in the case of an "In Today Horse" or a maiden in a winner's race.

(5) Entries shall be closed at an advertised time, and no entry will be accepted after that time. The racing secretary may postpone the closing of entries for overnight races. If there is an error in carding a race

before entries are drawn, the race may be canceled or opened for more entries.

(6) A jockey must be named by the owner or trainer at the time of the entry. At the draw, if a jockey has been named on more than one horse, a preference call must be declared at that time. If the jockey originally named to ride a horse is not available due to the preference call at the draw, the owner or trainer must name another rider, at the draw or prior to scratch time, if such scratch time is provided; otherwise, the stewards may name a rider and that person shall ride the horse.

(7) No horse may be entered to start unless:

(a) It has been properly registered with the appropriate horse registry. If a horse's name is changed, its new name must be registered with the appropriate horse registry and both its old and new names must be given in every entry list until it has run three races. Both names must be printed on the official program for those three races.

(b) The foal certificate is on file in the office of the racing secretary. The stewards may waive this requirement for horses shipped in from a race track recognized by the Daily Racing Form if the horse is properly identified. However if waived, the foal certificate must be on file with the racing secretary one hour prior to first post of the day, if a photocopy or a facsimile copy of the foal certificate and any epistaxis certificate is on file with the racing secretary by scratch time. In stakes races only, a horse shall be allowed to start without the foal certificate on file, provided that a photocopy or facsimile copy of the foal certificate is on file with the racing secretary, which copy has been forwarded from the race office of a recognized race track which has the original foal certificate on file. The copy of the foal certificate must show the true ownership of the horse.

(c) All ownerships in the horse, except a trainer's percentage of its winnings, are on file with the racing secretary. All changes in ownership after initial entry must be filed with the racing secretary before a horse may start.

(d) It is clearly identified on the entry form by its age, name, color, sex, and names of its sire and dam. If its dam was covered by more than one stallion, the names of all of them must be given in order of service.

(e) It has been clearly tattooed on the upper lip. The stewards may waive this requirement if the horse has been identified by the tattoo technician, and arrangements have been made to tattoo the horse prior to the race. Tattooing must be done by a person authorized to identify the horse by the appropriate horse registry. Arabians using freeze brands in lieu of tattoos may be entered to race with no freeze brand provided they are branded prior to the race.

(f) It has been fully identified from its papers, and is entered in the name of its true owner(s).

(g) It is in the care of a trainer licensed in Oregon. The stewards may waive this requirement for trainers who were previously licensed in Oregon or are currently licensed in another jurisdiction. However, if waived, the trainer must obtain a trainer's license before the horse(s) may start.

(h) It has had the required number of official races and/or workouts, including working from the gate and first time starters being gate approved. The stewards may require additional official workouts if they believe they are necessary to enable the public to make a reasonable assessment of the horse's capabilities, or to ensure that the horse will perform satisfactorily.

(i) It meets the conditions of the race.

(j) It is in sound racing condition.

(k) If leased, a copy of the lease shall be filed, on a prescribed form, with the commission, lessee, lessor, horseman's bookkeeper, Stewards and a copy attached to the foal certificate.

(8) A horse is ineligible to be entered or to start if:

(a) Any of its recent workouts have not been recorded by the clocker, including the correct time.

(b) It is on the stewards' list, veterinarian's list, bleeder's list, starter's list, or paddock judge's list.

(c) Any owner or trainer of the horse has been ruled off the race-course or is under suspension by the commission, unless the horse is transferred, sold, or its lease agreements abandoned, with approval of the stewards. If a trainer is suspended, any horse owned or trained by the suspended person will be ineligible during the period of the suspension if the horse is transferred to that person's spouse or a person living at the same residence.

(d) The horse has been placed on the veterinarian's list, or bleeder's list, and has not been removed from the list by a commission veterinarian. The commission veterinarian may require saliva, urine, or

blood samples, and may require a satisfactory workout, before giving approval.

(e) It has been blocked, nerved or otherwise drugged to desensitize any nerves except in the case of heel nerved, (posterior digital neurectomy) below the fetlock, in only one leg and on approval of a commission veterinarian.

(9) Entrance Fees and Subscriptions:

(a) The entrance to a race shall be free, unless otherwise stipulated in the conditions of the race. If the conditions required an entrance fee, the fee must accompany the entry, unless waived by the race meet licensee. Payment of entry fees shall be in cash, certified check, or money order.

(b) Entrance and nomination fees may not be refunded, even if the horse dies, is scratched, or fails to start. Entrance fees shall be refunded if the horse is prevented from starting the race through failure of the starting gate to open or if the gate in front of the horse opened late, and the stewards declare the horse to be a non-starter.

(c) Nomination to or entry of a horse in a stakes race cannot be withdrawn after the close of entries. Any subscriber to a stakes race may transfer or withdraw the subscription prior to closing. Joint subscriptions and entries may be made by any one of the joint owners of a horse, and each owner shall be jointly and severally liable for all payments due. Death of a horse, or a mistake in its entry when the horse is eligible, does not release the subscriber or transferee from liability for all stakes due. Death of the original subscriber or nominator to a stakes race shall not render void any subscription, entry or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent. When a horse is sold or claimed, stake engagements for the horse shall be transferred automatically with the horse to its new owner, except that if the horse is transferred to a person whose license is suspended or who is otherwise ineligible to race or enter the horse, then the subscription shall be void as of the date of the transfer notwithstanding OAR 462-150-0030(25).

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

#### 462-150-0050

##### Forming the Race; Weights, Penalties, and Allowances; Scratches

(1) The racing secretary, in conjunction with the race meet licensee, shall set the conditions of all races. For each racing day, the racing secretary shall use every reasonable effort to card the number of Thoroughbred, Quarter Horse, Appaloosa, Paint, Arabian, and mule races listed in the license application and approved by the commission. Also, for each racing day the racing secretary shall card one race which is limited to Oregon-bred Thoroughbred horses. If there are not enough available horses of that class on any day, the race may be replaced with the approval of the stewards. If the race is reopened to allow other horses to enter, preference at the draw shall be given to the Oregon-bred Thoroughbred horses, including preference extending to an Oregon-bred maiden over a non Oregon-bred winner. If feasible, an Oregon-bred Thoroughbred race which does not fill shall be carried over to a subsequent day's racing program. The stewards shall report to the commission the reasons for the cancellation of an Oregon-bred Thoroughbred race.

(2) After entries have closed, the racing secretary shall compile a list of the entries without delay and post the list in a conspicuous place.

(3) In determining the number of horses that can be drawn into a race the width of the track shall be at least the total of 10 feet for the first horse plus 5 feet for each additional horse.

(4) If the number of entries in any race exceeds the number of horses that will be allowed to start, the starters for the race shall be determined by lot when not determined by an advertised preference system. Persons who made the entry shall be given an opportunity to attend the drawing for starting positions. Post positions shall be determined by lot. A steward or designated representative shall be present at the draw.

(5) If the number of entries in any one race is sufficient to reasonably assure that two separate races will fill from those entries, the racing secretary may divide the race. If an overnight race is divided and a trainer has entered two horses in the race, the horses will be placed in separate divisions of the race for the draw. They will be drawn in the separate divisions of the race with both horses retaining their preferences.

(6) If any race is canceled because of insufficient entries, the racing secretary may divide an overnight race. The overnight race is subject to the same conditions, with entries in each race drawn by lot when not determined by an advertised preference system. In cases where a

trainer has entered two or more horses in a divided race, those races will be handled as outlined in OAR 462-150-0050(5).

(7) When a scratch time is provided, a list of horses not to exceed four may be drawn from the overflow entries and listed as eligible to start if any horse which was originally carded is scratched. When an originally carded horse is scratched, horses from the "Also Eligible" list shall fill the race in the order in which they were originally drawn. The owner or trainer of any horse on the "Also Eligible" list which is drawn into a race must notify the racing secretary not later than scratch time if he or she does not intend the horse to start. Any "Also Eligible" horse which does not start when drawn into a race shall forfeit all preferences.

(8) In all races, horses which fill a race from the "Also Eligible" list shall take the outside post positions in the order that they are drawn from the original draw. In all races run on the straight-away, except Thoroughbred races, an "Also Eligible" horse shall take the post position of the horse which was scratched.

(9) Unless a preference system is used, the racing secretary shall keep a list of all horses excluded from races because of too many entries, and those horses shall have preference in the next race in accordance with a system established by the racing secretary. This list shall be known as the "Preferred List".

(10) When a horse on the "Preferred List" is entered in a subsequent race, a claim of preference must be made at the time of entry and noted on the entry form, or the preference will be lost and the horse will be removed from the list.

(11) If a race overfills, any "In Today Horse" which has been entered shall be given no preference. A horse on the "Also Eligible" list shall not be considered an "In Today Horse" until it has actually been given a position in a race.

(12) In all races that have filled over the number of starters and "Also Eligible", an "In Today Horse" shall receive no future preference if it is drawn in as an "Also Eligible". A maiden horse shall have preference over an "In Today Horse" but not over the second choice of an entry to the exclusion of a winner. The second choice of an entry or an "In Today Horse" on the race's "Also Eligible" list shall have no preference over any other "Also Eligible" horses. A horse on the "Also Eligible" list that is scratched will receive no preference, regardless of any scratches in the race itself. This horse shall not be considered an "In Today Horse".

(13) If through error an "In Today Horse" or a horse lacking preference is drawn into a race that has overfilled, the horse shall be scratched if the error is discovered before scratch time, enabling another horse to be drawn into the race. No horse having started any race shall be deemed ineligible because of the error.

(14) In high weighted races, high weights will have preference to the draw. In all races determined by time trials, the fastest times shall have preference to the draw.

(15) No race which has closed shall be canceled except by the stewards.

**(16) Weights, Penalties, and Allowances:**

(a) Fillies two years old shall have an allowance of three pounds, except in handicaps and races where the conditions expressly state to the contrary. Fillies and mares three years old and older shall have an allowance of five pounds between January 1 and August 31, and three pounds between September 1 and December 31.

(b) To be eligible for weight allowances they must be claimed at the entry. Except sex allowances, which are mandatory, all other allowances are optional. Failure to claim any allowance, except for sex allowance, is not a cause for disqualification. No sex allowances will be given in straight-away races.

(c) A horse shall start with only the allowance to which it is entitled at the time of starting, regardless of its allowance at the time of entry. Horses incurring penalties for a race shall not be entitled to any of the weight allowances for that race. Penalties are mandatory.

(d) Horses not entitled to the first allowance in a race shall not be entitled to the second, and so on. Penalties and allowances are not cumulative unless specified in the conditions of the race.

(e) No horse shall incur a weight penalty for a placement from which it is disqualified, but a horse winning through a disqualification of another horse shall incur the weight penalties of that placement. No placement of a horse moved up shall make that horse ineligible for a race which has already been run.

(f) The racing secretary shall append to the weight for every handicap, the hour and day in which winners will be liable to a penalty. No alteration shall be made after publication except for erroneous omissions

of the name or weight of a horse duly entered. In that case, the racing secretary may correct the omission with permission of the stewards.

(g) In all overnight races of four (4) furlongs or over, except handicaps, apprentice jockey weight allowances may be claimed per OAR 462-140-0350(5).

(h) In all overnight races, except handicaps, the minimum weight, subject to sex and apprentice allowances, shall be 112 pounds for Thoroughbreds, 116 pounds for Quarter Horses, and for all other breeds of horses shall be as designated by the commission.

(i) The racing secretary shall publish in the condition book the criteria for eligibility for horses running at the meet.

(j) Winnings shall include all money won for first place finishes up to the time appointed for the start, shall apply to all races in any country, and shall include walkover or forfeit money. The value of any prize not of money or not paid in money shall not be included. Winnings during the year shall be computed from January 1 of that year. The earnings of a winning horse shall be computed on the value to the winner. The winner of certain sum shall mean the winner of single race of that value unless otherwise expressed in the conditions.

(k) The following rules shall apply to Quarter Horse, Appaloosa, Arabian and Paint racing:

(A) In straight-away races no weight allowances will be given for sex or apprentice jockeys, whereas in races run around a turn, the same allowances for sex which are granted in Thoroughbred races will be in effect.

(B) Horses which gain a position in a race from the "Also Eligible List" shall take the outside post positions in order that they are drawn from the "Also Eligibles", except in the case of races run on the straight-away, in which case, the "Also Eligible" shall take the post position of the horse declared out or scratched.

(C) The respective breed's chart book shall be the official chart for each breed's horse racing.

**(17) Scratches:**

(a) Scratches from stakes races will close 60 minutes before post time for the first race. If a scratch time is provided, scratches from all other races must be made prior to the "scratch time" designated by the racing secretary. The field may be scratched down to the number as stated in the condition book by the racing secretary. If the field has already been scratched down to the minimum number, the scratch will not be allowed except for medical reasons verified by the commission veterinarian, or as approved by the stewards. If more than one horse is competing for the last available non-medical scratch, the right to scratch shall be determined by lot. "Also Eligibles" shall have the same scratch privileges as regularly carded horses.

(b) If any of a horse's owners is not properly licensed it shall be scratched by the board of stewards 15 minutes prior to post of the race.

(c) No horse may be scratched until the owner, trainer, or authorized agent has notified the racing secretary in writing prior to scratch time, except for medical reasons discovered after scratch time and approved by the commission veterinarian. If a horse is stabled off the racecourse a valid request to scratch the horse may be accepted from the trainer by telephone if the trainer provides his or her Oregon Racing Commission license number for identification purposes. A scratch made by telephone must be confirmed in writing if required by the stewards. If the scratch is for medical or physical reasons, the trainer must submit a letter from a licensed veterinarian within 72 hours explaining the reason and necessity for the scratch.

(d) The stewards may scratch any horse from a race when it appears that there has been a violation of the rules of horse racing. Any racing official who has knowledge of a violation must report it immediately to the stewards.

(e) The commission veterinarian may scratch a horse at any time for reasons as per OAR 462-140-0070(4).

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08

**462-150-0060**

**Weighing Out; Equipment; Paddock Procedures**

(1) All jockeys in a race must be weighed out by the clerk of scales prior to going to the paddock for that race.

(2) If overweight is in excess of the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of scales at least one hour before post time of the first race of the day, and the clerk of scales shall have the overweight announced immediately.

(3) Seven pounds is the maximum overweight any horse may carry unless waived by the board of stewards.

(4) A jockey's weight shall include the running equipment for the mount, including saddle with attachments and clothing, but shall not include the riding crop, helmet, safety vest or the horse's bridle.

(5) The trainer shall be responsible for the weight assigned to be carried by the horse. If the jockey scheduled to ride the horse is more than two pounds overweight, the jockey may be replaced by the owner or trainer without any liability for a mount fee to the overweight jockey if replaced with a rider of less weight.

(6) No jockey shall be weighed out for any race unless the jockey's fee for a losing mount in the race has been deposited or guaranteed to the paymaster of purses. Failure to deposit or guarantee the fee for the engaged jockey may result in an involuntary scratch of the horse the jockey was to ride.

(7) The only attendants who will be permitted to assist jockeys in weighing out are valets.

(8) Equipment:

(a) Helmets: Any licensee mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The licensee is responsible for providing sufficient evidence that his/her helmet meets one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015; or, Australian/New Zealand Standard (AS/NZ 3838).

(b) Safety Vests: A safety vest, approved for use by the commission, must be worn at all times on association grounds when racing, parading or warming up a horse prior to racing; or jogging or exercising a horse at any time.

(c) Riding Crops: Each jockey in a race shall carry a riding crop as part of his or her equipment. The board of stewards may, for good cause, grant permission not to carry and use a riding crop. Riding crops and blinkers may be used on two-year-olds and all other first-time starters if schooled before the starter with that equipment and approved by the starter before the time of entry.

(A) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows:

- (i) Maximum weight of eight ounces;
- (ii) Maximum length, including flap of 30 inches;
- (iii) Minimum diameter of the shaft of one-half inch; and
- (iv) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference.

(B) The flap is the only allowable attachment to the shaft and must meet these specifications:

- (i) Length beyond the end of the shaft a maximum of one inch;
- (ii) Width a minimum of 0.8 inch and a maximum of 1.6 inches;
- (iii) No reinforcements or additions beyond the end of the shaft;
- (iv) No binding within seven inches of the end of the shaft; and
- (v) Shock absorbing characteristics similar to those on the contact area of the shaft.

(d) Permission to use or discontinue the use of a tongue restraint must be obtained from the paddock judge. Material to be used as a tongue restraint may not be furnished by anyone other than the trainer of the horse. Only the trainer or assistant trainer shall be permitted to tie the tongue or replace or repair a tongue restraint, except at the starting gate under the supervision of the commission veterinarian.

(e) Any change in equipment from that which a horse carried in its previous race must be approved by the paddock judge. Any change shall be announced or posted for public information. "Rundowns" are not considered to be equipment. All bandages in excess of 6 inches in length shall be considered part of the horse's equipment. Permission for a horse to add blinkers, screens, or goggles to his equipment or discontinue the use of them must be made prior to entry with approval from the starter and noted on the entry form.

(f) The Cornell Collar®, a throat support device which research indicates can assist those horses believed to suffer intermittent displacement of the soft palate during running, may be used in horse racing subject to the following conditions:

(A) Prior to a horse being entered to race for the first time with the Cornell Collar® in Oregon, the trainer must:

(i) Submit a letter from a commission licensed veterinarian who has performed an endoscopic throat examination of that horse, certifying that the use of the Cornell Collar® is justified and appropriate; and

(ii) Have the horse, with the Cornell Collar® properly in place, perform one official work in the presence of a commission veterinarian.

(B) A horse that has previously raced in Oregon or another jurisdiction with the Cornell Collar® may enter to race with the Cornell Collar®.

(C) Any trainer of a horse that races with a Cornell Collar® must consult with an commission licensed veterinarian to become educated and proficient in the appropriate use and placement of the throat support device.

(D) The use of the Cornell Collar® must be declared at the time of entry of the first race (or any change thereafter) a horse races with the Cornell Collar®.

(E) Once a horse races with the Cornell Collar®; the use of the device must be continued in each subsequent race unless the trainer submits a letter from a licensed veterinarian to the commission veterinarian stating that the collar is no longer appropriate for the horse. It is at the Commission Veterinarian's discretion to allow a horse to again race with a Cornell Collar® once it has been deemed that it is no longer appropriate.

(F) Only the original Vet-Aire™ Cornell Collar® is approved for use. Any other throat support device must be approved for use by the Oregon Racing Commission veterinarian.

(G) The commission veterinarian may check for proper placement of the Cornell Collar® in the paddock and/or post parade.

(g) Every horse in a race shall have a head number which shall be attached in the junction of the brow band, and the head piece of the bridle, unless waived by the stewards for good cause. This number shall correspond to the saddle cloth number of the horse as shown on the program.

(h) Racing silks, caps, and saddle towels shall be the following color, unless a change is approved by the stewards:

- (A) No. 1 — Red with White;
- (B) No. 1A — Red with White Bands;
- (C) No. 2 — White with Black;
- (D) No. 2B — White with Black Bands;
- (E) No. 3 — Blue with White;
- (F) No. 4 — Yellow with Black;
- (G) No. 5 — Green with White;
- (H) No. 6 — Black with Yellow;
- (I) No. 7 — Orange with Black;
- (J) No. 8 — Pink with Black;
- (K) No. 9 — Turquoise with Black;
- (L) No. 10 — Purple with White;
- (M) No. 11 — Gray with Red Stripes;
- (N) No. 12 — Lime with Black.

(i) All jockeys must wear white color pants in any race on which pari-mutuel wagering is conducted, unless otherwise approved by the board of stewards.

(j) Racing plates must be of a type and design approved by the board of stewards and the commission veterinarian. Front toe grabs shall not exceed 4 mm.

(k) No training devices, such as iron halters, shall be used to approve a horse from the gate, to be schooled from the Starter's List, to get removed from the Paddock List, to work for time, to be removed from the Stewards' List or used during the running of a race.

(9) Paddock: Horses must be in the paddock at least 15 minutes before scheduled post time unless otherwise authorized by the stewards. Every horse must be saddled in the paddock by, or supervised by, the horse's trainer or assistant trainer as shown in the program unless expressly authorized by the stewards, in which case a licensed trainer or assistant trainer approved by the stewards may saddle the horse.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-150-0070  
 Post Parade; Start; Race**

(1) All horses shall parade from paddock to post carrying their respective weights and, to the extent feasible, shall pass the stewards' stand in numerical order. Any horse failing to do so without good cause may be disqualified by the stewards. After passing the stand once, horses may break formation and canter, warm up, or go as they please to the post.

(2) Jockeys shall remain on their mounts whenever reasonably possible. In case of an emergency, the stewards or the starter may permit all jockeys to dismount and all horses to be attended during the delay.

(3) The post parade shall last no more than 12 minutes, unless approved by the stewards. When the horses have reached the post, they shall be started without unnecessary delay.

(4) A jockey shall exert every effort to ride his/her horse to the finish in the best and fastest run of which the horse is capable. No jockey shall ease up or coast to a finish, without adequate cause, even if the horse has no apparent chance to win prize money.

(5) In a straight-away race, every horse must maintain position as nearly as possible in the lane in which it starts. Every horse in the race is entitled to racing room. A horse which drifts out of its lane or lugs in or out, and interferes with, or impedes another horse in a manner which, in the opinion of the board of stewards, could have affected the outcome of the race, may be disqualified by the stewards.

(6) In a race run around a turn, a horse that is in the clear may be taken to any part of the track. However, a horse which weaves back and forth in front of another horse and/or drifts out of its lane, lugs in or out, and interferes with or impedes another horse in a manner which, in the opinion of the board of stewards, could have affected the outcome of the race, may be disqualified by the stewards.

(7) Jockeys shall make every effort to prevent their horse from lugging in or out in a manner which interferes with another horse.

(8) Jockeys shall make every effort to prevent their horse from weaving back and forth in front of another horse.

(9) Jockeys shall not ride in such a manner as to endanger another horse or jockey.

(10) Jockeys must be in full control of their horse before applying the riding crop. No jockey shall use the riding crop more than is reasonably necessary under the circumstances. No jockey carrying a riding crop during a race shall fail to use the riding crop in a manner consistent with using his/her best efforts to win.

(a) Jockeys are prohibited from using the riding crop on a horse:

(A) On or about the head,

(B) During the post parade except when necessary to control the horse, or

(C) Excessively or brutally.

(b) An announcement shall be made over the public address system in all races where a jockey will not ride with a riding crop.

(11) No jockey shall willfully strike or touch another jockey or another jockey's horse or equipment.

(12) Jockeys shall not unnecessarily cause or allow their horse to shorten its stride. Jockeys shall ride out their horse in every race.

(13) If a horse leaves the designated racing surface after leaving the paddock and prior to the finish of the race, it may be scratched or disqualified.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

#### 462-150-0080

##### Order of Finish; Weighing In; Objections and Disqualification

(1) The winner of a race shall be the horse whose nose first reaches the finish line with the jockey aboard, unless the horse is disqualified by the stewards for ineligibility or other good cause. The decision of the board of stewards as to the order of finish shall be final.

(2) When two or more horses reach the finish line at the same time, or the photofinish photographs do not clearly establish which of the horses reached the finish line first, the stewards may declare a dead heat. When horses run a dead heat, all money and prizes to which the horses would have been entitled if it were not a dead heat shall be divided equally among them. When a dead heat is for first place, each horse finishing first in the dead heat shall be deemed a winner, and shall be liable as a winner for any penalty which attaches to the winning of the race, but only in the amount of winnings actually received.

(3) 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 or more of the stewards.

(4) The time recorded for the first horse to cross the finish line with the jockey aboard shall be the official time of the race.

(5) If there is a mechanical failure of the gate, and horses are allowed leave at irregular intervals instead of all horses leaving at one time, the stewards shall decide whether the race is official or whether to declare "no race", and which horses, if any, will be deemed non-starters. In the event of a mechanical failure, interference during the running of the race which affects the majority of the horses in such race, or any other unusual circumstance or situation that the stewards determine resulted

in an unfair race for the majority of the horses in the race, the stewards may declare the race as "no race." When, in the opinion of the stewards, a race cannot be conducted in accordance with the rules and regulations of the commission, they shall cancel and call off such race. Any wagers on such races called off, canceled or declared as "no race" shall be refunded, and no purse, prize or stakes shall be awarded. A race shall be canceled if no horse finishes the race.

(6) Weighing In, Unsaddling:

(a) Weigh In. Upon completion of a race each jockey shall ride promptly to the winners circle and dismount. He/she shall then present himself/herself to the clerk of scales to be weighed in. If a jockey is prevented from riding his/her mount to the winner's circle because of accident or illness either to himself/herself or his/her horse he/she may walk or be carried to the scales unless excused by the stewards.

(b) Unsaddling. Each jockey upon completion of a race must return to the winners circle and must unsaddle his/her own horse, unless excused by the stewards.

(c) Removing Horse's Equipment. No person except the valet-attendant for each mount is permitted to assist the jockey in removing the horse's equipment that is included in the jockey's weight, unless the stewards permit otherwise. To weigh in each jockey shall carry to the scales all pieces of equipment with which he/she weighed out. Thereafter he/she may hand the equipment to the valet-attendant.

(d) Under Weight. When any horse places first, second, third or fourth in a race, and thereafter the horse's jockey is weighed in short by more than two pounds of the weight of which he/she was weighed out, his/her mount may be disqualified and all purse monies forfeited.

(e) Over Weight. No jockey may be weighed in more than two pounds over his/her declared weight but consideration shall be given for excess weight caused by rain or mud.

(f) If a jockey does not present himself or herself to be weighed in, is guilty of any fraudulent practice with respect to weight or weighing, or if unless the jockey or horse is ill, injured, or disabled, the jockey dismounts before reaching the scales or dismounts without permission, or if the jockey touches (except accidentally) any person or thing other than the jockey's own equipment before weighing, the clerk of scales shall report it to the stewards, and the stewards may disqualify the horse and place it last, and the jockey and any other licensee involved may be fined or suspended.

(7) Objections, Inquiries and Disqualifications:

(a) Objections which can be made prior to a race must be made to the stewards in writing, must be signed by the objector, and must be filed with the stewards prior to post time. No objection based upon the distance of a race shall be made after the start of the race.

(b) Objections based upon an occurrence during the running of a race must be made before the order of finish has been declared "official". Objections as to what occurs in a race with respect to the performance of a horse or jockey must be made by the owner, trainer, or jockey of the horse which is aggrieved. However, the stewards may take any appropriate action even if no formal objection is made.

(c) Permission of the stewards is necessary before an objection may be withdrawn.

(d) The stewards may disqualify any horse which is the subject of fraudulent or corrupt practices, or any horse whose jockey has committed a violation of the rules of horse racing. A horse which interferes with, impedes or intimidates another horse may be disqualified by the stewards unless the impeded horse or jockey was partly at fault or the interference was wholly caused by some other horse or jockey.

(e) If a horse which has won or been placed in a race is disqualified after a valid objection or otherwise, the stewards shall declare a new order of finish as, in their sole discretion, they deem just.

(f) The stewards must decide every objection properly filed which pertains to a race. In cases of fraud or willful deception, the time limitations for filing objections shall not apply.

(g) If a horse is disqualified, any other horse in the race owned wholly or in part by the same interest or trained by the same trainer may also be disqualified.

(h) Pending a decision on an objection/inquiry, any prize which the horse subject to the objection/inquiry may have won, and any money held by the race meet licensee as the price of a horse claimed in the race (if involved in the determination of the objection/inquiry) shall be withheld until the objection/inquiry is determined.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 5-2002, f. 12-6-02, cert. ef. 1-1-03; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

**462-150-0090**

**Purses; Claims Against Horse; Jockey Fees**

(1) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the conditions for the race.

(2) Whenever the board of stewards has reasonable grounds to believe that any violation of the statutes or rules of racing has occurred, it may order that a purse not be released. Otherwise, all portions of purse money shall be made available to the winners promptly following the release of purses by a designated representative of the commission.

(3) If a horse raced while it was not eligible, the board of stewards may order forfeiture of any person's share of an undistributed purse.

(4) No percentage of a purse may be deducted by the race meet licensee for itself or another person except as provided by law or by written agreement with the person to whom such winnings are payable.

(5) Jockey Fees:

(a) In the event an owner or trainer elects to remove a jockey from his/her mount at a reasonable time designated by the stewards after the draw, the stewards may require a double 'jock mount' to be paid. The fee to be paid for the double jock mount may be equal to that earned by the jockey who rode the horse or a losing fee to be determined by the stewards.

(b) A jockey's fees shall be considered earned from the time the jockey weighs out for that race. The fee shall not be considered earned if the jockey voluntarily does not finish the race, except where injury to the horse or rider is involved.

(c) All jockey fees shall be deposited in advance of the races for that day, unless guaranteed by the race meet licensee.

(d) Jockeys involved in a dead heat shall divide equally the sum total of the fees which they would have received individually had one beaten the other or others. The owners of the horses involved shall pay equal shares of the jockeys' fees.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-150-0100**

**Use and Distribution of Breakage Monies**

(1) Each race meet licensee conducting a race meet shall maintain a separate account in which each horsemen's association's share of the breakage shall be placed. The breakage shall be accumulated on a weekly basis, Monday through Sunday. The account shall be subject to audit by the commission. The race meet licensee, except small fair race meet licensees, shall make a weekly report as to all such breakage money calculated, received, deposited, and paid. Small fair race meet licensees shall remit the breakage to the appropriate horsemen's associations upon notification from the commission.

(2) Oregon-bred Thoroughbreds shall share in the breakage money resulting from breakage derived from Thoroughbred races and similarly the other breeds shall share in the money derived from the breakage of their respective races. The race meet licensee shall remit to each Oregon association of horsemen, recognized by the commission as representing that breed of horse, their proportionate share of any breakage monies accumulated during the meet, seven (7) days following the end of each weekly period.

(3) All expenditures of monies derived from breakage are subject to prior approval of the commission. Each recognized horsemen's association shall submit a schedule of such expenditures annually to the commission for its approval.

(4) For computation of breakage distribution from received interstate wagering, see OAR 462-200-0440.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.140

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-150-0110**

**Use and Distribution of Purse Supplements for Owners of Oregon-Bred Horses**

(1) A race meet licensee designated in subsection (2) of ORS 462.057 shall maintain and deposit in a separate account from all other funds the Oregon-bred purse supplements authorized by 462.057(1)(c)(B)(C)(D). A race meet licensee subject to 462.062 shall maintain and deposit in a separate account from all other funds three-quarters of one percent of the gross mutuel wagering on all races for purse supplements to owners of Oregon-bred horses. The race meet licensee shall accumulate the Oregon-bred purse supplement monies on a weekly basis Monday through Sunday. These accounts shall be sub-

ject to audit by the commission. No disbursements shall be made from these accounts except as provided in subsection (2).

(2) Each breed shall share in the Oregon-bred purse supplements derived from that breed's races only. The race meet licensee shall remit to the accounts of the appropriate breeders organizations (or division of the organization) their proportionate share of any Oregon-bred purse supplement monies within five (5) business days following the end of the weekly period in which they were accumulated. The accounts shall be subject to audit by the commission.

(3) Each Oregon breeders association shall distribute all Oregon-bred purse supplement monies to respective owners of the Oregon-bred horses within 75 days after the close of the race meet or continuous race meet. Subject to prior approval of the commission, each horsemen's association may use a portion of the Oregon-bred purse supplements for operating expenses. Any request for operating expenses from the Oregon-bred purse supplements must be approved by the commission prior to payment of the Oregon-bred purse supplements.

(4) Sections (1), (2) and (3) of this rule are applicable only at race meets or continuous race meets where the average daily gross mutuel wagering during the preceding fiscal year exceeded \$150,000.

Stat. Auth.: ORS 462.057

Stats. Implemented: ORS 462.057 & 462.130

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**DIVISION 160**

**HORSE MEDICATION AND MISCELLANEOUS PROVISIONS**

**462-160-0100**

**Purpose**

To describe requirements and procedures used to ensure the health and welfare of racehorses and to safeguard the interests of the public and the participants in racing.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07

**462-160-0110**

**Veterinary Practices**

(1) Veterinarians under Authority of Commission Veterinarians:

(a) Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of commission veterinarians and the stewards:

(b) The commission veterinarian(s) shall recommend to the stewards or the commission the discipline that may be imposed upon a veterinarian who violates the rules.

(2) Treatment Restrictions:

(a) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer, via injection, topical application, inhalant, per os or per rectum, a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission;

(b) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in race day samples or as they may interfere with race day testing:

(A) A recognized non-injectable nutritional supplement or other substance approved by a commission veterinarian;

(B) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(C) A non-injectable non-prescription medication or substance.

(c) No person shall possess a hypodermic needle, syringe or injectable of any kind on association grounds, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only one-time disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission;

(d) Veterinarians shall not treat an entered horse within the 24 hours prior to the original post time in which the horse is entered except for the

administration of furosemide under the guidelines set forth in OAR 462-160-0130(5) unless approved by a commission veterinarian and if so treated, that horse shall be scratched from racing on that day.

(e) Any horse entered for racing must be present on the grounds 5-hours prior to the post time of the race they are entered in unless that horse is not entered to race with furosemide in which case that horse must be on the grounds no later than one hour prior to the post time of the race for which the horse is entered.

(3) Veterinarians' Reports:

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the commission shall, in writing on the Medication Report Form prescribed by the commission, report to a commission veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the commission, the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by a commission veterinarian;

(b) The Medication Report Form shall be signed by the practicing veterinarian;

(c) The Medication Report Form must be filed by the treating veterinarian within 48-hours of any treatments in section (a) and not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment;

(d) A timely and accurate filing of a Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

(4) Veterinary Licenses. Any veterinarian licensed by the Oregon Racing Commission to practice veterinary medicine on a racecourse shall be prohibited from concurrently holding any other license at any location under the jurisdiction of the commission unless otherwise approved by the board of stewards.

(5) The stewards in consultation with a commission veterinarian may adjust the medication administration time to accommodate a significantly delayed post time.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10

**462-160-0120**

**Prohibited Practices**

The following are considered prohibited practices:

(1) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the commission or its designee.

(2) The possession and/or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the commission is forbidden:

- (a) Erythropoietin;
- (b) Darbepoetin;
- (c) Oxyglobin®; and
- (d) Hemopure®.

(3) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any treated horse shall not be permitted to race for a minimum of 10 days following treatment;

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the commission;

(c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the commission or its designee before use; and

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to a commission veterinarian on the prescribed form not later than the time prescribed by the commission veterinarians.

(4) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24-hours prior to the original post time of the race in which the horse is entered is prohibited without the prior permission of a commission veterinarian.

(5) No medication may be taken into a stall where a horse is stabled unless it is intended for use on that horse.

(6) An animal may not participate in any race if the animal has been administered any drug that is prohibited by the commission less than 24 hours before the original post time for the race in which the horse is entered.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

**462-160-0130**

**Medications and Prohibited Substances**

(1) No horse may be administered any substance, other than foods, by any route or method less than 24 hours before the original post time for the race in which the horse is entered except furosemide (by the manner described in these rules) unless approved by a commission veterinarian:

(a) Any licensee of the commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer;

(b) The licensed trainer is responsible for notifying the licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding of any hearings and any resulting action. In addition their presence may be required at any and all hearings relative to the case;

(c) Any veterinarian found to be involved in the administration of any drug with an RCI Classification of 1, 2, or 3, involved in a prohibited practice as outlined in OAR 462-160-0120, or involved in an ORS 462 violation shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission;

(d) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the commission;

(e) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(2) Medication Restrictions:

(a) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a race day test, was present in the horse's body on race day. Prohibited substances include:

(A) Drugs or medications for which no acceptable threshold concentration has been established;

(B) Therapeutic medications in excess of established threshold concentrations;

(C) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(D) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter less than 24-hours before post time for the race in which the horse is entered.

(3) Medical Labeling:

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection;

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(A) The name of the product;

(B) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(C) The name of each patient (horse) for whom the product is intended/prescribed;

(D) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(E) The name of the person (trainer) to whom the product was dispensed.

(4) Non-Steroidal Anti-Inflammatory Drugs (NSAIDs):

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(A) The approved NSAIDs shall be authorized medication at race meets at which the average daily gross mutuel wagering during the preceding year exceeded \$150,000. If a race meet with average daily gross mutuel wagering during the preceding year of \$150,000 or less desires NSAIDs be authorized medications at their race meet they may petition the commission to approve the use of permitted NSAIDs at their race meet. The commission may approve the use of permitted NSAIDs at such race meet, if in the opinion of the commission the race meet can provide for the necessary qualified staffing, security and for the additional laboratory analysis costs and any other controls necessary to administer the program adequately. Horses on any permitted NSAID will be designated on the overnight and the daily racing program;

(B) No horse utilizing a permitted NSAID may be entered into a race unless the presence of the specific NSAID is stated on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected;

(C) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection not less than 24-hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone (or its metabolite oxyphenylbutazone) — 5 micrograms per milliliter;

(ii) Flunixin — 50 nanograms per milliliter;

(iii) Ketoprofen — 10 nanograms per milliliter.

(D) These or any other NSAID are prohibited to be administered within the 24-hours before the original post time for the race in which the horse is entered;

(E) The presence of more than one of the three approved NSAIDs in serum or plasma is not permitted in a race day sample; however, the presence of two approved NSAIDs in a race day sample is allowed if one of them is phenylbutazone with a serum or plasma concentration less than one microgram per milliliter (mcg/ml).

(F) The presence of any unapproved NSAID in serum, plasma or urine sample is not permitted in a race day sample.

(b) Any horse to which an NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of a commission veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s);

(c) When listed to race on a permitted NSAID, the approved laboratory must be able to detect the presence of a permitted NSAID in serum, plasma or urine by the routine methods of detection;

(d) If a permitted NSAID is detected in the urine or in any other specimen taken from a horse not stated to have permitted medication in its system on the entry form and/or program, the violation will result in a penalty to the horse's trainer and may result in loss of purse;

(e) If the same horse has three (3) overages of any permitted NSAID during a 365 day period a commission veterinarian may rule the horse off all NSAIDs for a period of one year (365 days); (f) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian.

(5) Furosemide:

(a) The commission may approve the use of furosemide at any race meet if, in the opinion of the commission, the race meet can provide the necessary qualified staffing, security and for the additional laboratory

analysis costs and any other controls necessary to administer a furosemide program;

(b) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of a commission veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only if the following process is followed:

(A) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, the horse may be so entered.

(B) The horse may discontinue from racing on furosemide at the licensed trainer's choice at the time of entry.

(C) Furosemide shall only be administered on association grounds;

(D) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication which may then be submitted for testing.

(c) Horses to run with furosemide must be so noted on the entry form at the time of entry. Errors may be corrected up until scratch time. If no scratch time is used, the stewards may designate a time until which errors may be corrected:

(A) Horses entered to race with furosemide will be designated on the overnight and the daily racing program with a "Lasix®" or "L". If the race is the first race the horse is to run in on furosemide, it shall be designated in the daily racing program with a "1-L". If the race is the first race the horse runs without furosemide after running one or more races with furosemide, it shall be designated in the program by "O-L" or "L-X";

(B) When discovered prior to the race, errors in the listing of furosemide treatments in the program shall be announced to the public.

(d) The use of furosemide shall be permitted under the following circumstances:

(A) Furosemide shall be administered no more than five hours but not less than four hours prior to the original scheduled post time for the race for which the horse is entered;

(B) The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg;

(C) Furosemide shall be administered by a single, intravenous injection;

(D) The veterinarian treating the horse shall cause to be delivered to a commission veterinarian or designated representative no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form approved by a commission veterinarian:

(i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide;

(iv) Violations of this subsection (d) shall result in a fine and scratch from the race the horse was entered to run. Violations may also result in a commission veterinarian ordering the loss of furosemide privileges.

(e) Test results must show a detectable concentration of the drug in the race day serum, plasma or urine sample. If furosemide is not detected in a race day sample, a penalty may be imposed upon the horse's trainer without loss of purse:

(A) Quantification of furosemide in serum or plasma shall be performed. Concentrations of furosemide in serum or plasma shall not exceed 100 nanograms of furosemide per milliliter of serum or plasma. When the concentration of furosemide exceeds 100 nanograms of furosemide per milliliter of serum or plasma, specific gravity of the corresponding urine sample shall be measured.

(B) The specific gravity of race day urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010.

(f) Unauthorized use of furosemide shall result in a penalty to the horse's trainer;

(g) The decision of whether to scratch a horse which has been entered incorrectly or is incorrectly treated shall be left to the discretion of a commission veterinarian;

(h) A commission veterinarian may rule a horse off furosemide if in his/her opinion it is in the horse's best interest, the interest of the citizens of the state or the best interest of horse racing.

(6) Bleeder List:

(a) The commission veterinarians shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by a commission veterinarian;

(b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to enter for the following time periods:

- (A) First incident — 14 days;
- (B) Second incident within 365 day period — 30 days;
- (C) Third incident within 365 day period — 180 days;
- (D) Fourth incident within 365-day period — barred for racing life-time.

(c) For the purposes of counting the number of days a horse is ineligible to be entered for a race, the day the horse bled externally is the first day of the recovery period;

(d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy;

(e) A horse may be removed from the Bleeder List only upon the direction of a commission veterinarian;

(f) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

(7) Anti-Ulcer Medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to 24 hours prior to the post time for a race in which the horse is entered:

(a) Cimetidine — 8-20 mg/kg by mouth two to three times a day; and

(b) Omeprazole — 2.2 grams by mouth once a day; and

(c) Ranitidine — 6.6 mg/kg by mouth three times a day.

(8) Environmental Contaminants and Substances of Human Use:

(a) The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases: Polyethylene glycol (PEG), PEG-like substances, Hordenine;

(b) Regulatory thresholds have been set for the following substances: Caffeine — 100 nanograms of caffeine per milliliter of serum or plasma;

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(9) Dimethylsulfoxide (DMSO): The use of DMSO shall be permitted under the following conditions:

(a) It is only administered as an external topical application;

(b) A test sample shall not exceed 10 micrograms / ml. in serum of DMSO or its analogs.

(10) Androgenic-Anabolic Steroids (AAS)

(a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations equal to or less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following urine threshold concentrations in total (free drug; or metabolite and drug; or metabolite liberated from its conjugates):

(A) 16beta-hydroxystanozolol (metabolite of stanozolol (Winstrol)): 1 ng/ml for all horses regardless of sex.

(B) Boldenone (Equipose® is the undecylenate ester of boldenone) in:

(i) Male horses other than geldings — 15 ng/ml.

(ii) No boldenone shall be permitted in geldings or female horses.

(C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) in:

(i) Geldings — 1 ng/ml.

(ii) Fillies and mares — 1 ng/ml.

(iii) In male horses other than geldings — forty-five (45) ng/ml of nandrolone metabolite, 5a-oestrane-3B17a-diol

(D) Testosterone in:

(i) Geldings — 20 ng/ml.

(ii) Fillies and mares — 55 ng/ml.

(iii) Male horses other than geldings — Testosterone will not be tested.

(c) All other AAS are prohibited in racing horses.

(d) Race day urine samples collected from intact males must be identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the urine concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(11) Clenbuterol. The use of Clenbuterol shall be permitted under the following conditions: A test sample shall not exceed 2 picograms/milliliter (ml) of Clenbuterol in the blood or serum.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270 & 462.415

Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 6-2007(Temp), f. & cert. ef. 11-28-07 thru 5-23-08; RC 1-2008, f. & cert. ef. 4-7-08; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 1-2012(Temp), f. 5-21-12, cert. ef. 5-22-12 thru 11-17-12; RC 4-2012, f. 11-14-12, cert. ef. 11-15-12

462-160-0140

Testing

(1) Reporting to the Test Barn:

(a) The board of stewards or a commission veterinarian may require any horse to be tested for drugs prior to removal from any list, after any race or workout, or whenever they have a reasonable suspicion that an illegal drug or excessive quantity of an authorized drug has been used in a horse;

(b) The official winning horse and any other horse ordered by the commission and/or the stewards shall be taken to the test barn to have a blood and urine samples taken at the direction of a commission veterinarian. The horse(s) ordered to the test barn shall be identified by a readily identifiable tag or ribbon attached to the bridle;

(c) Random or extra testing may be required by the stewards or the commission veterinarian at any time on any horse on association grounds;

(d) Unless otherwise directed by the stewards or a commission veterinarian, a horse that is selected for testing must be taken directly to the test barn;

(e) A track security guard shall monitor access to the test barn area during hours posted by a commission veterinarian. All persons who wish to enter the test barn area must be a minimum of 15 years old, be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area;

(f) Whenever requested by the stewards or a commission veterinarian, any horse on a racecourse or that was on a racecourse, shall be immediately submitted by the horse's owner or trainer to a commission veterinarian or designated representative for examination or testing. If the horse is not on the racecourse, it must be promptly returned to the racecourse. An extension of time may be granted if good cause is given at the time the request is made;

(g) A claimed horse shall remain in the care and custody of the original trainer or his/her representative until after the post race test has been taken.

(2) Sample Collection:

(a) Sample collection shall be done in accordance with these rules and the guidelines and instructions provided by a commission veterinarian;

(b) A commission veterinarian shall determine a minimum sample requirement for the primary testing laboratory;

(c) If a urine sample is not obtained within one hour of the time the horse started walking, the commission veterinarian may administer furosemide to the horse. The needle and syringe used for the diuretic shall be labeled and attached to the urine sample container. The quantity of furosemide administered shall be indicated on all portions of the urine sample tag;

(d) Any examination made by a commission veterinarian or test taken by a commission veterinarian or designee may be witnessed by the owner, trainer, or the trainer's designated representative.

(3) Storage and Shipment of Split Samples:

(a) Split samples obtained in accordance with subsection (2) above shall be secured and made available for further testing in accordance with the following procedures:

(A) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred

to a freezer and/or refrigerator at a secure location approved by the commission;

(B) A freezer and/or refrigerator for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(C) Split samples remain the property of the commission and in the case of a compromised primary sample, shall be used as the primary sample.

(b) A trainer of a horse having been notified by commission staff that a prohibited substance or overage of a permitted medication has been found in a sample may request a split sample be sent to another laboratory approved by the commission for referee testing. In the case of a compromised primary sample, the remaining portion of the split sample used by the primary laboratory for primary testing may be sent to another laboratory approved by the commission. The request for referee testing must be made in writing, in person or by telephone. Payment for the testing must be paid in full and be delivered to a designated commission representative not later than 72-hours after the trainer of the horse receives notice of the findings of the primary laboratory. Notification, for the purpose of this rule, will include efforts to contact the trainer by commission staff using the information supplied by the trainer on his/her license application.

(c) The trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the trainer or designee to appear at the time and place designated by a commission veterinarian or other commission staff shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested and arrangements for payment satisfactory to the split sample laboratory;

(d) The package containing the split sample shall be transported in a manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission-approved laboratory selected by the owner or trainer;

(e) The commission will not release a horse's specimen to any representative of the horse. All expenses for a confirmation test, including but not limited to transportation, analysis and personal testimony from the reference laboratory shall be borne by the horse's representative. A copy of all written material received by the laboratory which conducted the confirmation analysis shall be forwarded to the horse's representative. The commission or stewards may use the written material as evidence at any hearing.

(4) Laboratory Minimum Standards: Laboratories conducting either primary or split race day or other sample analysis must meet at least the following minimum standards:

(a) A testing laboratory must adhere to and comply with any standards set forth and required by the commission;

(b) A testing laboratory must have, or have access to, LC/MS instrumentation for screening and/or confirmation purposes;

(c) A testing laboratory must be able to meet minimum standards of detection, which is defined as the specific concentration at which a laboratory is expected to detect the presence of a particular drug and/or metabolite or by the adoption of a regulatory threshold.

(5) Refusal or Interfering With Sample(s)/Collection:

(a) Failure to be present at or refusal to allow the taking of a sample is prohibited;

(b) Any act, disturbance or threat to impede, prevent or interfere with the taking of a sample, ORC personnel while documenting a sample or following a commission veterinarian's guidelines for collection and documentation of a sample is prohibited and shall be reported to the stewards;

(c) Any violation of this section shall be deemed an admission of violation of ORS 462.415(b).

(6) Substances That Cause Interference with Testing Procedures:

(a) If laboratory analysis detects any adulteration or substance in quantities that interfere with routine screening or the true and accurate testing and analysis of any sample taken from an animal, the laboratory shall perform alternate testing procedures to determine if any other prohibited drug(s) are present. If another prohibited or unauthorized drug is found, the sanctions for the use of such drug shall additionally apply;

(b) Sulfa drugs. Non-interfering levels of sulfa drugs in urine tests shall not be considered a violation of the prohibited medication statutes of rules. Non-interfering level shall be considered to be anything less than 1 microgram per milliliter of urine.

(7) Presence of A Prohibited Substance:

(a) Laboratory analysis of saliva, urine, blood or other sample taken from a horse on race day which indicates the presence of an unauthorized drug or an excessive quantity of an authorized drug shall be conclusive evidence that the horse contained that drug or quantity of drug on race day;

(b) When laboratory analysis confirms the presence of an unauthorized drug, the commission investigators shall immediately conduct a thorough investigation of the incident. Within a reasonable time after receipt of the lab results and investigative report, the stewards shall hold or request the commission to hold a hearing to determine if the horse on race day had an unauthorized drug and/or an excessive amount of an authorized drug in its system, and if so, who was responsible for the horse's condition;

(c) If a horse on race day is found in violation of the medication statutes and rules, excluding those statutes and rules governing the use of non-steroidal anti-inflammatory drugs or with trace levels of therapeutic medications as determined by the commission as authorized by ORS 462.415, its owners shall not participate in the purse distribution of that race and the horse shall be disqualified. Those owners shall promptly return any portion of the purse, together with any trophy. When a horse is disqualified in a race because of this rule, the eligibility of other horses which ran in the race and which have started in a subsequent race before announcement of the disqualification shall not be affected. If the ruling or order disqualifying a horse is appealed to the commission, all horses involved in the race shall participate in future races based upon the original order of finish of the race in question until final disposition of the appeal by the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270 & 462.415  
 Hist.: RC 2-2006(Temp), f. & cert. ef. 10-2-06 thru 3-21-07; RC 1-2007, f. 2-28-07, cert. ef. 3-7-07; RC 2-2007(Temp), f. 2-28-07, cert. ef. 3-7-07 thru 8-31-07; RC 5-2007, f. & cert. ef. 8-6-07; RC 2-2008, f. & cert. ef. 9-30-08; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

**DIVISION 200**

**PARI-MUTUEL RULES AND REGULATIONS**

**462-200-0010**

**Pari-Mutuel Rules and Regulations**

All rules of pari-mutuel wagering herein contained (OAR 462-200-0010 through 462-200-0620) shall apply to horse races and greyhound races alike.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0020**

**Minimum Payoff**

No mutuel ticket shall be paid off at less than 10 cents net for each dollar wagered except when the breaks compute to less than 10 cents on the first dollar, the license shall pay five cents for each dollar wagered. The infield board shall indicate the amount due on each minimum price winning mutuel ticket sold for each specific pool.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.140  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0030**

**Breakage and Computation on Each Mutuel Pool**

The race meet licensee in its computation of all mutuel pools shall first subtract a sum commonly known as the "commission." The balance, less breakage, shall be returned to those holding valid wining tickets. All of the breaks shall be distributed as prescribed in ORS Chapter 462. Other portions of the "commission" shall be distributed in accordance with ORS Chapter 462.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.140  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0040**

**Days Racing Permitted**

Any race meeting properly licensed under ORS Chapter 462 by the Oregon Racing Commission may conduct racing with pari-mutuel wagering on any day of the week. No wagering or actual running of a race shall be permitted after midnight on any day except in the case of emergency.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0050**

**Underpayment**

If during any race meet conducted under this law, there shall be underpayments of the amount actually due to the wagerers, the amount of such underpayments to wagerers shall revert and belong to the State of Oregon and paid to the commission and become a part of its fund, and shall not be retained by the race meet licensee under whose license such race meet was held.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.150  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0060**

**Identification and Conduct of Mutuel Employees**

(1) A race meet licensee's mutuel department, at every race meeting, must be conducted in a strict, dignified, and proper manner. All pari-mutuel selling machines must be located only in places easily accessible and in plain view of the general public. All employees coming in contact with patrons must at all times demean themselves in respectful and temperate fashion.

(2) Every employee of the mutuel department, who by nature of his employment comes in contact with patrons, shall be designated by name or number, that easy identification may be made by the public.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0070**

**Closing Wagering and Locking Pari-Mutuel Machines**

(1) For Horse Racing: The pari-mutuel machines must be locked when the starting gates open. Unless the pari-mutuel machines were locked through error, they may not be reopened once they have been locked, even if there is a malfunction of the starting gate which causes a delay or a scratch.

(2) For Greyhound Racing: The pari-mutuel machines shall not be locked until the lure begins to move, signifying the start of the race. After the lure has commenced to move, if there is a malfunction of the starting box which causes a delay, at the sole discretion of the board of judges, the pari-mutuel machines may be reopened for wagering. In addition, if the pari-mutuel machines were locked through error, the board of judges may order the machines reopened for wagering.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0080**

**Totalizator Standards**

The Oregon Racing Commission shall set standards for procedure, equipment and personnel and any other areas the commission deems necessary to insure the operations and integrity of the tote system.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0090**

**Totalizator and Tote Board Operations**

(1) The race meet licensee shall install, maintain in operable condition and operate continuously an electric totalizator during each meeting.

(2) A totalizator shall be so designed that it will indicate the total amounts and the amounts on each runner, entry and field so wagered from time to time as the wagering progresses. There shall be operated in connection with such totalizator one or more boards on which shall be prominently displayed, within view of the public, winning odds on each runner as indicated from time to time during the progress of such wagering, and at intervals of not more than ninety (90) seconds between each complete change. The totalizator shall be designed so that the ticket machines shall be automatically locked by the stewards or judges by the pressing of a button ringing what is commonly known as the "off bell."

(3) The presiding steward or the presiding judge or his/her appointed official shall push the button that closes the pari-mutuel machines, and shall see to it that every effort in the racing operation is made by all departments to meet advertised post time.

(4) At no time shall the odds board display odds to figure less than a gross of 104 percent or more than a gross of 127 percent.

(5) Copies of all takeoff sheets from the totalizator, or otherwise, shall be delivered at once to the supervisor of mutuels or his/her representative.

(6) The calculator of the approximate odds shall keep a complete detailed record of each race containing each change of readings of odds, the percentage figures on the final reading and the actual possible "pay-off" on each runner. Such records shall be delivered to the supervisor of mutuels at the end of each racing day.

(7) Any faulty operation of the totalizator or infield board (tote board) shall be explained in detail in a written report by the "tote operator," and a copy of said report given to the manager of mutuels and to the state supervisor of mutuels without delay. Said report shall be immediately communicated to the Oregon Racing Commission.

(8) Whenever the totalizator mechanism fails and is obviously unreliable as to the amounts wagered, all figures on the "tote board" so affected shall be removed immediately and the payoff shall be computed on the sums wagered in each pool, as shown by the recapitulation of the sales registered by each individual ticket issuing machine.

(9) Whenever there is a difference in any pool or pools (i.e., a difference between the sum total of the wagers on individual runners as compared with the grand total as shown by the "tote board"), the larger amount shall be used as the base on which the commissions are computed and paid to the race meet licensee and to the state, respectively.

(10) If an error is made in posting the payoff prices on the "tote board," it shall be corrected promptly, and the public shall be so advised of the correction by announcement over the public address system. The correct amounts so announced shall be used in the payoff, irrespective of the amounts posted on the "tote board."

(11) Nothing in these rules shall be construed to prevent the stewards/judges from correcting an error before the display of the sign "Official." If the "Official" sign is displayed in error, in the order of finish or incorrectly posted mutuel prices, and the error is discovered within forty eight (48) hours after the displaying of the "Official" sign, the pools and purses shall be calculated in the correct manner and the race meet licensee shall assume any losses. Holders of pari-mutuel tickets cashed prior to discovery of such error shall not have any claim for any additional or corrected amounts.

(12) Prices shall not be displayed before the race is "official" and prices shall be promptly displayed after the race is declared "official."

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0100**

**Public Information**

The general public, through newspapers, magazine, and periodicals of general circulation, shall be entitled to any and all information of reference to facts and figures concerned in the operation of the mutuel department.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0110**

**Emergency**

(1) Should an emergency arise in the connection with the operation of the pari-mutuel department not specifically covered by these rules and an immediate decision be necessary, the manager of the pari-mutuel department shall make the decision and shall make an explanation in detail in a written report to the state supervisor of mutuels immediately, and said report shall be forthwith communicated to the commission.

(2) In case of unanticipated and unforeseen emergencies and delays (such as electrical failure, totalizator problems, etc.) which arise either preceding or during the conduct of a race program, the stewards/judges may take any action which they deem appropriate to permit the completion of such program, including, but not limited to, extending wagering and running of races beyond the hour of midnight. Any such extension shall be considered a part of a single, continuing race day, and not as a new race day. A complete report of any event requiring invocation of this rule shall be filed by the stewards/judges with the commission secretary.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0120**

**Minus Pool**

The "breakage" from each pool in a race shall be applied on any "minus" pool in that particular race. In the event a minus pool occurs after all breakage has been applied from that particular race, the expense of said minus pool for the race shall be borne by the race meet licensee.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0130  
 Unclaimed Winnings Account**

(1) Every race meet licensee conducting a race meet or continuous race meet shall carry on its books for each race meet an account to be known as the Unclaimed Winnings Account showing the total amount due on outstanding winning mutuel wagering tickets not presented for payment. All funds in the Unclaimed Winnings Account shall be retained by the licensee and deposited in a separate account from all other funds. No payments shall be made by the licensee from this account except to a person who presents a valid, clearly identifiable winning ticket. The account number and place of deposit shall be reported to the commission within 96 hours of the first day of the race meet or continuous race meet. All deposits by the licensee to the Unclaimed Winnings Account shall be made by the third business day following each race day. A statement of the balance of the Unclaimed Winnings Account shall be furnished to the commission within 72 hours after any change in the account balance during the race meet, and after the race meet, within five days following the last day of each month in which there is any change in the account balance.

(2) Any person claiming to be entitled to any part of the winnings from a mutuel wagering system operated by the race meet licensee, who fails to claim the money due such person prior to the competition of the race meet at which the pari-mutuel wagering ticket was purchased, may within 90 days after the close of the meet file with the race meet licensee a claim, in such form as the commission shall prescribe, accompanied by the valid winning ticket. If the claimant establishes the right to winnings from the mutuel wagering system, the race meet licensee shall pay such winnings to the claimant. At the expiration of such 90 day period, the holder of such a winning ticket shall possess no right to any portion of the wagering and the ticket shall be deemed void. Notwithstanding the provisions of this section, if the 90th day prescribed herein falls upon a Saturday, Sunday or legal holiday, then the holder shall file such claim with the licensee on the first business day thereafter.

(3) One hundred and twenty days after the close of a race meet conducted by a race meet licensee or after the close of a continuous race meet conducted by two or more race meet licensees, and amount equal to the outstanding balance of the Unclaimed Winnings Account shall be paid to the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.073  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0140  
 Daily Racing Program Publishing Requirements**

(1) The daily racing program shall contain a notice to the effect that the race meet licensee will furnish, upon request, copies of the pari-mutuel rules governing all types of wagering conducted at that track. The notice will be available at the Change and Information windows, and shall include the location of such windows.

(2) The race meet licensee shall publish in the daily racing program OAR 462-200-0060 and a notice to the effect that all uncashed, valid winning mutuel tickets become void 90 days after the close of each race meet conducted on their premises. The notice shall include the last date for payment and address where any outstanding valid winning mutuel ticket may be presented.

(3) A summary explanation of pari-mutuel wagering and each type of betting pool offered shall be published in the program for every wagering performance. The rules of racing relative to each type of pari-mutuel pool offered must be prominently displayed on race meet licensee's grounds and available upon request through race meet licensee representatives.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0150  
 General Provisions**

Each race meet licensee shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the commission. The totalizator shall be tested prior to and during the meeting as required by the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0160  
 Records**

(1) The race meet licensee shall maintain records of all wagering so the commission may review such records for any contest including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each race meet licensee and safeguarded for a period of time specified by the commission. The commission may require that certain of these records be made available to the wagering public at the completion of each contest.

(2) The race meet licensee shall provide the commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0170  
 Pari-Mutuel Tickets**

(1) A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the race meet licensee and is evidence of the obligation of the race meet licensee to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The race meet licensee shall cash all valid winning tickets when such are presented for payment during the course of the meeting where sold, and for a specified period after the last day of the meeting.

(2) To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the race meet licensee 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 race meet licensee operating the meeting;
- (b) A unique identifying number or code;
- (c) Identification of the terminal at which the ticket was issued;
- (d) A designation of the performance for which the wagering transaction was issued;
- (e) The contest number for which the pool is conducted;
- (f) The type or types of wagers represented;
- (g) The number or numbers representing the betting interests for which the wager is recorded;
- (h) The amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

(3) No pari-mutuel ticket recorded or reported as previously paid, cancelled, or non-existent shall be deemed a valid pari-mutuel ticket by the race meet licensee. The race meet licensee may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in OAR 462-200-0180(5).

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.073 & 462.250  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0180  
 Pari-Mutuel Ticket Sales**

(1) Pari-mutuel tickets shall not be sold by anyone other than an race meet licensee licensed to conduct pari-mutuel wagering.

(2) No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no race meet licensee shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalizator is closed for wagering on such contest.

(3) Pari-mutuel tickets may be exchanged or cancelled prior to the running of a race pursuant to the written policies of the race meet licensee. Such policies shall not be implemented or changed prior to being approved by the commission.

(4) Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the stewards or commission shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

(5) The race meet licensee shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the commission.

(6) The race meet licensee shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0190**

**Pay Out**

(1) All money wagered on a scratched horse/greyhound shall be refunded. If a horse is left in the starting gate when the doors of the starting gate open at the start, there shall be no refund except on a horse which the stewards determine to be a non-starter. If a greyhound is left in the starting box when the doors of the starting box open at the start, there shall be no refund. However, in any race which is declared "no race" all moneys wagered shall be refunded.

(2) If a greyhound is placed in the wrong numbered starting box when the doors of the starting box open, there shall be no refund.

(3) Pay outs on wagering may begin as soon as the stewards/judges declare a posted order of finish to be "official." If an error is later discovered in either the order of finish or in the posted pari-mutuel prices, the pools and purses shall be recalculated in the correct manner and all pay outs from that time shall be the corrected adjusted amounts. Holders of pari-mutuel tickets cashed prior to discovery of the error shall not have any claim for additional or corrected amounts.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0200**

**Advance Performance Wagering**

No race meet licensee shall permit wagering to begin before the mutuel windows open on the day of the performance unless it has first obtained the authorization of the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0210**

**Claims for Payment from Pari-Mutuel Pool**

(1) At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the race meet licensee in any case where the race meet licensee has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be made on such form as approved by the commission, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the commission within 48 hours.

(2) In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required in OAR 462-200-0170(2) of these provisions, the race meet licensee shall make a recommendation to accompany the claim forwarded to the commission as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

(3) In the case of a claim made for payment on a pari-mutuel wager, the commission shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the race meet licensee, or may deny the claim, or may make such other order as it may deem proper.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.073 & 462.250  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0220**

**Payment for Errors**

If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed; and as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) Verification is required to show that the amount of the commission, the amount in breakage, and the amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall revert and belong to the State of Oregon and be paid to the commission and become part of its fund, and shall not be retained by the race meet licensee under whose license such meet was held.

(2) In the event the error results in an overpayment to winning wagers, the race meet licensee shall be responsible for such payment.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0230**

**Cancelled Contests**

If a contest is cancelled or declared "no contest" or "no race," refunds shall be granted on valid wagers in accordance with these rules.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0240**

**Refunds**

(1) Notwithstanding other provisions of these rules, refunds of the entire pool may be made on:

(a) Win pools, Exacta pools, and first half Double pools offered in contests in which the number of betting interests has been reduced to fewer than two (2).

(b) Place pools, Quinella pools, Trifecta pools, first half Quinella Double pools, first half Twin Quinella pools, first half Twin Trifecta pools, and first half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three (3).

(c) Show pools, Superfecta pools, and first half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four (4).

(2) Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0250**

**Coupled Entries and Mutuel Fields**

(1) Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of these rules.

(2) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This rule shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided by these rules.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0260**

**Pools Dependent Upon Betting Interests**

Unless the commission otherwise provides, at the time the pools are opened for wagering, the race meet licensee:

(1) May offer win, place, and show wagering on all contests with six (6) or more betting interests.

(2) May be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start.

(3) May be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start.

(4) May be allowed to prohibit Quinella wagering on any contest with three (3) or fewer betting interests scheduled to start.

(5) May be allowed to prohibit Quinella Double wagering on any contests with three (3) or fewer betting interests scheduled to start.

(6) May be allowed to prohibit Exacta wagering on any contest with three (3) or fewer betting interests scheduled to start.

(7) May prohibit Trifecta wagering on any contest with seven (7) or fewer betting interests scheduled to start.

(8) May prohibit Superfecta wagering on any contest with seven (7) or fewer betting interests scheduled to start.

(9) May be allowed to prohibit Twin Quinella wagering on any contests with three (3) or fewer betting interests scheduled to start.

(10) May prohibit Twin Trifecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.

(11) May prohibit Tri-Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.

(12) May prohibit Twin Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0270**

**Prior Approval Required for Betting Pools**

(1) A race meet licensee that desires to offer new forms of wagering must apply in writing to the commission 30 days in advance and receive written approval prior to implementing the new betting pool if the pool is contained in these rules.

(2) The race meet licensee may suspend previously approved forms of wagering with the prior approval of the commission. Any carryover shall be paid out on the last performance in which the wage is offered. An race meet licensee may request approval of a form of wagering or separate wagering pool for specific performances.

Stat. Auth.: ORS 462.270(3)  
Stats. Implemented: ORS 462.270(3)  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-200-0280

#### Complaints Pertaining to Pari-Mutuel Operations

(1) When a patron makes a complaint regarding the pari-mutuel department to a race meet licensee, the race meet licensee shall immediately issue a complaint report, setting out:

- (a) The name of the complainant;
- (b) The nature of the complaint;
- (c) The name of the persons, if any, against whom the complaint was made;

(d) The date of the complaint;  
(e) The action taken or proposed to be taken, if any, by the race meet licensee.

(2) The race meet licensee shall submit every complaint report to the commission within 48 hours after the complaint was made.

Stat. Auth.: ORS 462.270(3)  
Stats. Implemented: ORS 462.270(3)  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### Interstate Simulcast Wagering

### 462-200-0290

#### Duties of Sending Track

(1) Every sending track simulcasting its performance, if requested, may contract with other parties for the purpose of providing authorized users its simulcast.

(2) A sending track is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of each performance.

(3) Unless otherwise permitted by the commission, every simulcast will contain in its video content a digital display of actual time of day, the name of the sending track from where it emanates, the number of the contest being displayed, and any other relevant information available to patrons at the sending track.

(4) The sending track shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the commission.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-200-0300

#### Duties of Authorized Receiving Track

(1) An authorized receiving track conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more sending track and with the approval of the commission.

(2) An authorized receiving track shall provide:

(a) Adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the sending track for providing any host facility patron information.

(b) Pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the simulcast sending track, and the receiving track including approved off track sites.

(c) A voice communication system between the receiving track and the sending track providing timely voice contact among the commission designees, placing judges and pari-mutuel departments.

(3) The authorized receiving track and all of its off track sites shall conduct pari-mutuel wagering pursuant to the applicable commission rules.

(4) The commission may appoint at least one designee to supervise all approved simulcast facilities and may require additional designees as is reasonably necessary for the protection of the public interest.

(5) The receiving track and its off track sites shall initiate a test program of its transmitter, encryption and decoding, and data communication not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests for each day or night to assure proper operation of the system.

(6) The authorized receiving track shall, in conjunction with the sending track or race meet licensees for which it operates pari-mutuel wagering, provide the commission with a certified report of its pari-mutuel operations as directed by the commission.

(7) Every authorized receiving track shall file with the commission an annual report of its simulcast operations and an audited financial statement.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-200-0305

#### Approval Criteria of the Commission for Authorizing Receiving Tracks

The Oregon Racing Commission will use the following criteria to approve Oregon tracks (race meet licensees) to receive out-of-state simulcast signals.

(1) During Live Race Meet. The Oregon track must be conducting a live race meet during the time in which it is requesting to simulcast in the out-of-state races. The commission will use calendar weeks in determining if a race meet is being conducted by the track during the time that the simulcasting of out-of-state racing is being requested.

(2) Consent. A race meet that wishes to simulcast in races from out-of-state must receive the consent from the organization which represents the majority of the persons who race animals at the meet. If in the opinion of the commission this consent is being unreasonably withheld the commission may waive this requirement.

(3) Purses. An application for simulcasting must include a method for protecting purses at the live meet from the effects of simulcasting. Unless otherwise approved by the commission or a different agreement is reached pursuant to the consent requirement set out in section (2) of this rule, the commission will require that purses shall be paid as a percentage of total handle (live+simulcast).

(4) Live Signals. A race meet authorized to simulcast must send its live signal to all off-track outlets. The off-track outlets must accept the signal of any Oregon track which simulcasts its live signal to the exclusion of any out-of-state signal.

(5) Singularity of Importing Race Meets. The commission will not approve more than one Oregon race meet to import out-of-state signals during the same day(s).

(6) Allocation of Simulcast Dates. On a date set during January of each year, the commission will accept and consider proposals to simulcast submitted by commercial race meets scheduled to begin during that calendar year. For race meets which have not yet received a license to run a live meet during that year, any authorization to simulcast will be subject to the receipt and approval of an application for a race meet license. In the event the commission receives more than one proposal to simulcast during the same period of time, preference will be given to the best overall proposal. Consideration will be given to all factors the commission deems relevant, including but not limited to: the number of live performances, history and financial strength of its principals and licensees, and the quality of the race meet facility.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.710(6) & 462.720  
Hist.: RC 4-2000, f. & cert. ef. 5-22-00; RC 5-2000, f. & cert. ef. 9-28-00

#### Simulcast Intrastate Off-Track Wagering

### 462-200-0310

#### Off-Track Wagering; Authorized; Executive Director's Authority

(1) The Oregon Racing Commission authorizes the conducting of off-track wagering which meets the criteria set forth in these rules.

(2) Except as otherwise directed by the commission the executive director is hereby authorized to approve the selection, the operation of off-track facilities, and to approve contractual agreements which comply with the requirements of the commission for the conduct of off-track wagering.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-200-0320

#### General Provisions

(1) A host racing race meet licensee is solely responsible to the commission for the content of its simulcast and shall use all reasonable effort to present a simulcast which offers viewers an exemplary depiction of its racing program, at least a periodic display of wagering

information as part of the audio/visual signal and continuity programming between racing events.

(2) Every simulcast will be encrypted using an encryption algorithm system approved by the commission.

(3) Except as otherwise approved by the state supervisor of mutuels, every simulcast will contain in its video content a digital display of the actual date, day, and time of day, the name of the race track from where it emanates, the number of the race being displayed, and for horse races, the sequential fractional time of the race as the race is being run. Every race shall be recorded on both video and audio tape and shall contain the same information as the video content of a simulcast.

(4) The totalizator system will combine the pari-mutuel pool amounts from all off-track wagering facilities with the pari-mutuel pool contributions accepted at an Oregon host track.

(5) No race meet shall simulcast its races without first receiving authorization from the Oregon Racing Commission.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

462-200-0330

Intrastate Wagering Approval Orders

(1) Any race meet licensee must receive authorization from the Oregon Racing Commission before conducting off-track wagering. No unauthorized person, partnership, corporation or other entity shall conduct or attempt to conduct wagering on the results of races simulcast from a race meet held in Oregon. Applications for authorization shall be in such form as may be prescribed by the commission and shall contain such information or other material or evidence as the commission may require.

(2) Within forty-five days of receipt of the plan of operation provided in OAR 462-200-0340, the commission shall issue an order approving the plan, approving it with modifications, or denying approval; if denied, the commission shall state its reasons for denial. Within such period the commission may request additional information or suggest amendments. If the commission fails to approve the plan, the applicant may request a public hearing to be held within thirty days. The commission shall issue its final determination within ten days of such hearing. The applicant may submit an amended application no sooner than thirty days after a denial.

(3) No person, partnership, corporation or other entity shall be allowed to operate an off-track wagering facility except according to the provisions of an "approved plan of operation." No change in such plan of operation may occur until an amendment proposing a change to the plan is approved by the commission. A plan of operation may be amended from time to time at the request of either the operator or the commission. The operator shall have the right to be heard concerning any amendment to the plan and the commission shall dispose of such proposed amendments as expeditiously as practicable, but no later than thirty days following submission by the operator or, in the case of amendments proposed by the commission, objection by the operator.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

462-200-0340

Application and Approval of Off-Track Wagering Facilities

Any race meet licensee desiring to simulcast its racing program including races in Oregon, out-of-state races, or any combination thereof, to an off-track wagering facility(ies) shall file an application for approval for each facility with the commission. The application shall describe a plan of operation for the facility which includes, but is not limited to, the following information:

(1) The name, address, and date of birth of the applicant and owner(s) of the facility and any other information which may be required by the commission to perform a criminal history and financial background investigation. The commission may also require an applicant/owner to provide fingerprints and a written consent in order to perform a nationwide criminal record check. In carrying out this subsection, the commission may require the applicant/owner to pay the cost of performing a criminal record check. The application will be denied if the applicant, or in the case of a partnership or corporation, a general partner, officer, director, major stockholder (over 5%) or employee has engaged in any unlawful activity determined to be conduct detrimental to the best interests of racing, or has failed, refused or neglected to comply with any rule, regulation, condition of license or order of any state or federal regulatory agency, including the Oregon Racing Commission or its representatives reasonably related to its conduct as a simulcast oper-

ator, or who has engaged in any activity which is grounds for denial, suspension, or revocation of license pursuant to the statutes or rules of racing in the State of Oregon.

(2) A description of the management groups responsible for the operation of the facility, including a description of any subcontractors who will be substantially involved in the operation of the facility.

(3) The location of the facility and a written confirmation from appropriate local officials that the location of such facility and the number of patrons expected to occupy such facility are in compliance with all applicable local ordinances.

(4) A scale drawing of the facility, including its public accommodations, equipment, concessions, and office space.

(5) A security plan approved by the executive director outlining the security measures to be employed to protect the facility, to control crowds, to protect the public and employees, to safeguard the transmission of the simulcast signals and to control the transmission of wagering data to effectuate common wagering pools.

(6) The type of data processing, communication and transmission equipment to be utilized.

(7) The system of accounts to maintain a separate record of revenues collected by the simulcast facility, the distribution of such revenues and the accounting of costs relative to the simulcast operation.

(8) An agreement that has been executed with the simulcast operator for the conduct of simulcast wagering at the facility

(9) An agreement that has been executed with the owner of the facility allowing its use as an off-track wagering facility.

(10) An agreement that has been executed with the totalizator company for the equipment and system necessary for the conduct of simulcast wagering at the facility.

(11) Financial reports in sufficient detail for the commission to determine the applicant's ability to adequately perform the duties of a simulcast operator.

(12) A posted surety bond or other suitable instrument as approved by the Oregon Racing Commission, in an amount sufficient to ensure payment of distributable amounts of pari-mutuel pools held by the race meet licensee pursuant to statute and the faithful performance of the duties of a simulcast operator. The bond may be the same as the one posted by the race meet licensee for the conduct of the race meet.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09

462-200-0350

Financial Reports

A race-track licensee shall provide the Oregon Racing Commission with an audited report of its pari-mutuel operations at the off-track wagering facility(ies) not more than 120 days following the end of the race meet's fiscal year, and shall provide at the commission's or their representative's request all of the simulcast operator's business records for examination.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

462-200-0360

Licenses for Other Employees and Officials at the Off-Track Wagering Facility

(1) All employees and officials at the off-track wagering facility shall obtain a license for such employment from the Oregon Racing Commission as if the individual were performing the duties at a race course.

(2) Unless otherwise prohibited by provisions of statute or these rules, all off track licensees (e.g. owners, business managers, or employees) may wager at the off track sites they are connected with, EXCEPT, under no circumstances, shall any on duty mutuel clerk or mutuel manager wager at such a site.

Stat. Auth.: ORS 462.700  
Stats. Implemented: ORS 462.700  
Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

462-200-0370

General Operations of Off-Track Facility

(1) The video/audio signal receiving controls, the fax machine and ring-down phone or business system phone with speed dial must all be in an area accessible to the mutuel line supervisor.

(2) The mutuel windows and self service machines at the off-track facilities will be open upon the broadcast of the video display to the off-track facility of the first performance to be carried at the off-track site

that day. Once the site is open for wagering on a given day, wagers may be taken on races from performances scheduled to be available at the site later that day.

(a) Notwithstanding any other provision of this rule, the track operator managing the off-track site may submit a plan to the Oregon Racing Commission for approval in the event an employee of the track operator will not be physically present at the off-track site. The plan will include provisions for displaying the signal, facility wagering, customer problem resolution and cashing tickets/vouchers.

(3) Signal Priority and Continuity of Program. The advent of off-track wagering was to enhance live racing in Oregon. For that reason, the priority of the signals going to the off-track sites should be set in a way which supports that public policy. The priority of signals shall be as follows:

(a) Any signal of a live race originating from a racetrack in the State of Oregon.

(b) Simulcast signals which the track and the off-track site may agree upon which best meets the desires of the patrons at the site, in priority order, limited by the number of satellite dishes the site may have. All contracts between tracks and off track sites shall contain a provision which states they are subject to the authority of the commission to consider the mix and balance of simulcast signals offered to off-track sites during the review of individual race meet applications.

(4) Track Responsibilities. The Oregon race meet licensee is responsible to the commission for the proper conduct and performance in all aspects of the operation of the off-track sites approved to carry the signal(s) of the race meet license. The race meet operator shall report to the commission's designee all problems encountered at off-track sites in a timely fashion, along with solutions or proposed solutions. At a minimum the race meet licensee shall ensure the following prior to allowing the initial start up and the continued operation of an off-track site:

(a) There are qualified and properly trained mutuel employees of a sufficient number to reasonably be expected to handle the number of patrons at the site;

(b) That data line is in place and operating. That a separate voice phone line and a fax line are in good working order. All lines must be separate from the other lines required by this rule and other lines in the facility and shall not be used by unauthorized persons;

(c) That audio visual signals are secure from receipt by unauthorized sites and are of a quality to allow viewers an exemplary depiction of the racing program;

(d) That the totalizator system is configured in a manner to allow accurate and timely transmission of wagers, wagering information and odds to and from the off track site, as well as reports which provide wagering information of the site individually;

(e) Timely distribution of all program; past performance information; weight changes; over weights; tip sheets where available; and any other information made available to the patrons at the race meet licensee's track, to the off track site(s) so that such information can be made available, in a legible format, to the patrons at the off track site;

(f) Dissemination of surcharge information to the off-track sites;

(g) Provide the necessary management of off-track site mutuel employees.

(5) Site Responsibilities. Off-track site operators shall provide a site which is suitable for the conduct of off-track wagering activity. Off-track sites are an extension of the race track's public area and should be of a standard which enhances the image of racing in the State of Oregon. Off-track sites must provide the following prior to start-up of the site and for the continued operation of the site:

(a) A clean well lighted area for patrons during the wagering performances.

(b) Clean rest room facilities for the public.

(c) An area suitable for the placement of wagering terminals and which provides adequate safety and security for the mutuel employees working at the site.

(d) An area in which the necessary decoders, modems, fax machine, and voice line phone can be securely housed within easy reach of the mutuel employees.

(e) A safe, approved by the racing commission, for safe keeping of the money used for the pari-mutuel wagering activity between the performances.

(f) Posting of the surcharge information in a conspicuous place for inspection by the wagering public.

(g) A written security plan and provisions approved by the racing commission.

(6) Equipment Related. The issue as to who is responsible for providing which pieces of equipment necessary for the conduct of the wag-

ing activity can be set forth in the contract between the race meet licensee and the off-track site; however, the commission will hold the race meet licensee responsible for ensuring all of the necessary equipment is available and in good working order. At a minimum the following equipment must be on site:

(a) Enough wagering terminals to adequately serve the number of patrons reasonably expected to be in attendance at the site. In addition, one extra wagering terminal as a backup for those sites over 30 minutes driving time from the race meet licensee track.

(b) The necessary number of satellite dishes and audio/visual monitors. The satellite dishes will be installed in a manner which will withstand the weather conditions normally expected at the off-track site.

(c) A fax machine, a voice telephone for communication with the tote room and mutuel office at the race track. Both the fax machine and the voice phone must be on separate lines and must be immediately available to the mutuel employees at the site. The lines may not be used for other purposes at the site.

(7) The track will ensure its staff at the off-track site are instructed in and be knowledgeable of the operation of the satellite signal receiving and tote equipment in use on site.

(8) When there is a loss of data transmission, the wagering at the facility will be cancelled until the data transmission can be re-established. Tickets purchased prior to the loss of data transmission will be considered valid wagers. Winning tickets will only be cashed after the data transmission to the mutuel machines has been re-established.

Stat. Auth.: ORS 462.700

Stats. Implemented: ORS 462.700

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2009, f. 8-24-09, cert. ef. 10-1-09; RC 2-2011, f. 9-23-11, cert. ef. 10-1-11

#### 462-200-0390

##### Surcharges

(1) The method of charging surcharges will be set forth in the race meet licensee's application for off track sites. The percentage of the surcharge will be in an amount agreed on by the race meet licensee and the off track site, set forth in the contract between the race meet licensee and the off track site and approved by the commission. No surcharge may be in an amount over 5% of the wager or the winnings depending on the surcharge method chosen.

(2) The distribution of the surcharge will be set forth in the contract between the race meet licensee and the off-track site. Payment of the surcharge to the parties or account(s) entitled to a portion of the surcharge will be made at least every two weeks and not later than five (5) days after the last day of racing of the two week period. Surcharge amounts will be deposited into a separate account containing only surcharges from off-track sites on a weekly basis. All surcharge monies will remain in that account until such time as they are distributed to the parties or account(s) entitled to a portion of the monies.

(3) If a portion of the surcharge is to be used for advertising or promotion per the contract between the race meet licensee and the off-track site, the party holding the funds will maintain a ledger showing the amount of money deposited in the "advertising/promotion" account for each off-track site, the amount of money spent for advertising/promotion of each off-track site, and the amount of money available for expenditure for each off-track site.

(a) The race meet licensee and the off-track site shall prepare a written agreement prior to the opening of the site regarding an advertising/promotion program which includes what types of expenditures will fall into the "advertising/promotion" category, and whether the payment of the funds will be made on a reimbursement or a direct payment basis. (If the payment from the advertising fund is a reimbursement, payment shall be made not later than ten (10) days after the receipt of the appropriate documentation and invoice by the holder of the funds. If the payment is directly to the vendor of the service, payment shall be made by the holder of the funds within the time-line set forth on the invoice, given that proper documentation has been received.) A copy of the plan shall be available for inspection by a representative of the commission at either the race meet licensee's track or the off-track site.

(b) In cases of a dispute between the race meet licensee and the off-track site as to payment of invoices, the amount of money available for an off-track site, or other issue regarding the advertising/promotion account, the holder of the funds will make all records available to the commission or its representative.

(c) Disbursement of portions of the surcharge dedicated to advertising and promotion not used during a race meet shall be set forth in the contract between the race meet licensee and the off track-site.

(4) Surcharges may be charged using one of two methods: A surcharge on the amount wagered; or, A surcharge on the amount of the winnings at the time the winnings are paid.

(a) Surcharge on the Amount Wagered. A surcharge on the amount wagered may be an amount up to 5% which will be collected, at the time of the wager, in addition to the amount actually wagered. The surcharge will not be considered as part of the mutuel pool and will be accounted for separately from the mutuel pool. In cases of a refund, the surcharge amount will also be refunded.

(b) Surcharge on the Amount of Winnings. "Winnings" is defined as the unbroken on-track price of the winning payout.

(A) After the \$1 Unbroken On-Track Price is Calculated:

(i) Surcharge Liability = \$1 Unbroken On-Track Price x Surcharge %;

(ii) \$1 Unbroken Off-Track Price = \$1 Unbroken On-Track Price – Surcharge Amount;

(iii) \$1 Broken Off-Track Profit = \$1 Unbroken Off-Track Price Rounded Down to the Break Point;

(iv) Posted Off-Track Price = \$1 Broken Off-Track Price x \$2;

(v) Total Off-Track Payout = \$1 Broken Off-Track Price x Gross Amount Bet on Winner at Off-Track Sites;

(vi) Total Off-Track Breakage = \$1 Breakage x Gross Amount Bet on Winner at Off-Track Sites and Cashed;

(vii) Total Surcharge = \$1 Surcharge Amount x Gross Amount Bet on Winner at Off-Track Sites and Cashed.

**NOTE:** Surcharges on Winnings are paid at the time the winnings are paid, therefore, prior to the cashing of the winning ticket the surcharge and off track breakage amounts are liabilities only.

(B) Winnings shall not be surcharged when it would cause the profit on one dollar wagered to be reduced below five cents.

(C) The surcharge on winnings will be paid when the wagerer cashes the winning ticket. The totalizer system shall provide a daily report showing the surcharges paid from cashed tickets from previous day's wagering, surcharges paid from today's tickets and surcharge payables to date. This report shall also show the debits and credits between off-track sites.

(D) Surcharges received from surcharges on winnings shall be credited to the site at which the wager was placed.

(E) Surcharges on the winnings shall not be deducted from the unclaimed winnings reverting to the State of Oregon.

Stat. Auth.: ORS 462.700

Stats. Implemented: ORS 462.720

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### Common Pool Wagering

#### 462-200-0400

##### General

(1) All contracts governing participation in interstate common pools shall be submitted to the commission for approval.

(2) Individual wagering transactions are made at the point of sale in the state where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs, but will be held separate for auditing and all other purposes.

(3) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.

(4) In determining whether to approve an interstate common pool which does not include the host track or which includes contests from more than one race meet licensee, the commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the commission.

(5) The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interstate common pool need not be identical to the similar information permitted or required to be displayed under these rules.

Stat. Auth.: ORS 462.700 & 462.720

Stats. Implemented: ORS 462.720

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-200-0410

##### Guest State Participation in Interstate Common Pools

(1) With the prior approval of the commission, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host state, or with corresponding pools established by one or more other jurisdictions.

(2) The commission may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.

(3) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.

(4) Rules established in the state of the host race meet licensee designated for a pari-mutuel pool shall apply.

(5) The commission shall approve agreements made between the race meet licensee and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(6) If, for any reason, it becomes impossible to successfully merge the bets placed into the interstate common pool, the race meet licensee shall declare such accepted bets void and make refunds in accordance with the applicable rules. If the race meet licensee decides not to apply the refund rule, then they may either pay on-track prices or pay off at the host track prices. If either of these payoffs are used, it must be determined prior to the first day of racing and used consistently throughout the race meet. A statement for the rule the race meet licensee is enforcing shall be included on all racing programs with which the licensee is common pooling.

Stat. Auth.: ORS 462.700 & 462.720

Stats. Implemented: ORS 462.720

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-200-0420

##### Host State Participation in Merged Pools

(1) With the prior approval of the commission, a race meet licensee licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other states, and may also determine that pari-mutuel pools in guest states be combined with corresponding wagering pools established by it as the host track or comparable wagering pools established by two or more states.

(2) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.

(3) Rules of racing established for races held in this state shall also apply to interstate common pools unless the commission shall have specifically otherwise determined.

(4) The commission shall approve agreements made between the race meet licensee and other participants in interstate common pools governing the distribution of breakage between the jurisdictions.

(5) Any contract for interstate common pools entered into by the race meet licensee shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another state into the interstate common pool formed by the race meet licensee, or if, for any reason, the commission's or the race meet licensee's representative determines that attempting to effect transfer of pool data from the guest state may endanger the race meet licensee's wagering pool, the race meet licensee shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

Stat. Auth.: ORS 462.700 & 462.720

Stats. Implemented: ORS 462.720

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-200-0430

##### Takeout Rates in Interstate Common Pools

(1) With the prior approval of the commission, an race meet licensee wishing to participate in an interstate common pool may change its takeout rate so as to achieve a common takeout rate with all other participants in the interstate common pool.

(2) An race meet licensee wishing to participate in an interstate common pool may request that the commission approve a methodology whereby host and guest states with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different states into an interstate common pool.

Stat. Auth.: ORS 462.700 & 462.720

Stats. Implemented: ORS 462.720

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-200-0440

##### Distribution of Takeout and Breakage from Received Interstate Wagering

All race meet licensees authorized to conduct simulcast wagering from race tracks out of state shall make the distributions of the takeout

and breakage required for the class of racing they are authorized to run live at their race meet. In the case of cross class simulcasting or the simulcasting of a breed not running live at the meet the distributions required by ORS 462.062(4), (5), (6) and 462.140(3)(a), (b), (c) shall be made on a pro rata basis to the breeds which are running live, based on the number of live races each breed runs.

Stat. Auth.: ORS 462.700  
 Stats. Implemented: ORS 462.700  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0450**

**Hearing in Cases of Alleged Violation of Intra State or Inter State Simulcasting Rules or Statute**

The executive director of the Oregon Racing Commission is appointed as hearing master per ORS 462.405(2) to hear cases of alleged violation of the Oregon rules and statutes involving intra and inter state simulcasting and wagering. The authority of the hearing master is the same as shown in ORS 462.405. Rulings of the hearing master may be appealed to the commission in the same manner as for appeal from board of stewards' or judges' rulings.

Stat. Auth.: ORS 462.700  
 Stats. Implemented: ORS 462.405 & 462.700  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**Calculation of Payoffs and Distribution of Pools**

**462-200-0460**

**General**

(1) All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as pay-off on winning wagers.

(2) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.

(3) Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

(a) Standard Price Calculation Procedure:

(A) SINGLE PRICE POOL (WIN POOL):

(i) Gross pool = sum of wagers on all betting interests - refunds;

(ii) Takeout = gross pool x percent takeout;

(iii) Net pool = gross pool - takeout;

(iv) Profit = net pool - gross amount bet on winner;

(v) Profit per dollar = profit / gross amount bet on winner;

(vi) \$1 unbroken price = profit per dollar + \$1;

(vii) \$1 broken price = \$1 unbroken price rounded down to the break point;

(viii) Total pay out = \$1 broken price x gross amount bet on winner;

(ix) Total breakage = net pool - total pay out.

(B) PROFIT SPLIT (PLACE POOL):

(i) Profit is net pool less gross amount bet on all place finishers;

(ii) Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

(C) PROFIT SPLIT (SHOW POOL):

(i) Profit is net pool less gross amount bet on all show finishers;

(ii) Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(b) Net Price Calculation Procedure:

(A) SINGLE PRICE POOL (WIN POOL):

(i) Gross pool = sum of wagers on all betting interests — refunds for each source;

(ii) Takeout = gross pool x percent takeout;

(iii) \* for each source:

(I) Net pool = gross pool — takeout;

(II) Net bet on winner = gross amount bet on winner x (1 - percent takeout);

(iv) Total net pool = sum of all sources net pools;

(v) Total net bet on winner = sum of all sources net bet on winner;

(vi) Total profit = total net pool - total net bet on winner;

(vii) Profit per dollar = total profit / total net bet on winner;

(viii) \$1 unbroken base price = profit per dollar + \$1 for each source;

(ix) \* for each source:

(I) \$1 unbroken price = \$1 unbroken base price x (1 - percent takeout);

(II) \$1 broken price = \$1 unbroken price rounded down to the break point;

(x) Total payout = \$1 broken price x gross amount bet on winner;

(xi) Total breakage = net pool - total payout.

(B) PROFIT SPLIT (PLACE POOL):

(i) Total profit is the total net pool less the total net amount bet on all place finishers.

(ii) Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

(C) PROFIT SPLIT (SHOW POOL):

(i) Total profit is the total net pool less the total net amount bet on all show finishers.

(ii) Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

(4) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.

(5) Minimum payoffs and the method used for calculating breakage shall be established by the commission.

(6) The individual pools outlined in these rules may be given alternative names by each race meet licensee, provided prior approval is obtained from the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0470**

**Win Pools**

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

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

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

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

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

(d) The entire pool shall be refunded on Win wagers for that contest.

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

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

(b) Contestants representing two or more betting interests, the Win pool shall be distributed as a profit split. **Table 1.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0480**

**Place Pools**

(1) The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.

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

(a) If contestants of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers; then

(c) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers; then

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(d) As a single price pool to those who selected the third-place finisher; but if there are no such wagers; then

(e) The entire pool shall be refunded on Place wagers for that contest.

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

(a) Contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.

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

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

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

(b) Contestants representing two or more betting interests, the Place pool is divided with one-half (1/2) of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second. **Table 2.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-200-0490

#### Show Pools

(1) The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.

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

(a) If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise

(b) If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds (2/3) distributed to those who selected the coupled entry or mutuel field and one-third (1/3) distributed to those who selected the other betting interest included within the first three finishers; otherwise

(c) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers; then

(d) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then

(e) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers; then

(f) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers; then

(g) The entire pool shall be refunded on Show wagers for that contest.

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

(a) Two contestants representing the same betting interest, the profit is divided with two-thirds (2/3) distributed to those who selected the first-place finishers and one-third (1/3) distributed to those who selected the betting interest finishing third.

(b) Three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.

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

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

(a) Contestants representing the same betting interest, the profit is divided with one-third (1/3) distributed to those who selected the betting interest finishing first and two-thirds (2/3) distributed to those who selected the second-place finishers.

(b) Contestants representing two betting interests, the Show pool shall be distributed as a profit split.

(c) Contestants representing three betting interests, the Show pool is divided with one-third (1/3) of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for second.

(5) If there is a dead heat for third involving:

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

(b) Contestants representing two or more betting interests, the Show pool is divided with two-thirds (2/3) of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for third. **Table 3, Table 4.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

### 462-200-0500

#### Double Pools

(1) The Double requires selection of the first-place finisher in each of two specified contests.

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

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

(b) As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers; then

(c) As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers; then

(d) As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers; then

(e) The entire pool shall be refunded on Double wagers for those contests.

(3) If there is a dead heat for first in either of the two contests involving:

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

(b) Contestants representing two or more betting interests, the Double pool shall be distributed as a profit split if there is more than one covered winning combination.

(4) Should a betting interest in the first half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.

(5) Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.

(6) Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.

(7) If either of the Double contests are cancelled prior to the first Double contest, or the first Double contest is declared "no contest," the entire Double pool shall be refunded on Double wagers for those contests.

(8) If the second Double contest is cancelled or declared "no contest" after the conclusion of the first Double contest, the net Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool shall be distributed as a profit split.

(9) Before post time of the second half of the "Daily Double," the "payoff" on each combination coupled with the winner of the first half of the "Daily Double" shall be announced to the public. **Table 5, Table 6.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0510**

**Pick Three Pools**

(1) The Pick Three requires selection of the first-place finisher in each of three specified contests.

(2) The net Pick Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

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

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

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

(d) The entire pool shall be refunded on Pick Three wagers for those contests.

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

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

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

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

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

(6) If one or two of the Pick Three contests are cancelled or declared "no contest," the Pick Three pool will remain valid and shall be distributed in accordance with subsection 2 of this rule.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0520**

**Pick (n) Pools**

(1) The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The race meet licensee must obtain written approval from the commission concerning the scheduling of Pick (n) contests, the designation of one of the methods prescribed in Part (2) and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the commission.

(2) The Pick (n) pool shall be apportioned under one of the following methods:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) If at least one contest included as part of a Pick (n) is cancelled or declared "no contest," but not more than the number specified in subsection 5 of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.

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

(8) A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the commission. The request must contain justification for the distribution, an explana-

tion of the benefit to be derived, and the intended date and performance for the distribution.

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

(a) Upon written approval from the commission as provided in subsection 8 of this rule.

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

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

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

(11) With the written approval of the commission, the race meet licensee may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.

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

(13) The race meet licensee may suspend previously approved Pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended Pick (n) wagering is reinstated. Any race meet licensee may request approval of a Pick (n) wager or separate wagering pool for specific performances. **Table 7.**

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0530**

**Quinella Pools**

(1) The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.

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

(a) If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers; then

(c) As a profit split to those whose combination included either the first or second-place finisher; but if there are no such wagers on one of the those two finishers; then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers; then

(e) The entire pool shall be refunded on Quinella wagers for that contest.

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

(a) Contestants representing the same betting interest, the Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Contestants representing two betting interests, the Quinella pool shall be distributed as if no dead heat occurred.

(c) Contestants representing three or more betting interests, the Quinella pool shall be distributed as a profit split.

(4) If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving contestants representing two or more betting interests, the Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination; then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers; then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers; then

(d) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers; then

(e) The entire pool shall be refunded on Quinella wagers for that contest.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0540**

**Quinella Double Pools**

(1) The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.

(2) The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) If a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise

(b) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers; then

(c) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests; then

(d) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers; then

(e) The entire pool shall be refunded on Quinella Double wagers for those contests.

(3) If there is a dead heat for first in either of the two Quinella Double contests involving:

(a) Contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.

(b) Contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.

(c) Contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.

(4) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as profit split.

(6) Should a betting interest in the first half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall deducted from the Quinella Double pool and refunded.

(7) Should a betting interest in the second-half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.

(8) Should a betting interest in the second-half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winning combination

in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not utilized in this calculation. The consolation payoff is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.

(9) If either of the Quinella Double contests is cancelled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest," the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

(10) If the second Quinella Double contest is cancelled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0550  
 Exacta Pools**

(1) The Exacta requires selection of the first two finishers, in their exact order, for a single contest.

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

(a) If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

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

(c) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers; then

(d) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers; then

(e) the entire pool shall be refunded on Exacta wagers for that contest.

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

(a) Contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

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

(4) If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.

(5) If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination; then

(b) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers; then

(c) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers; then

(d) The entire pool shall be refunded on Exacta wagers for that contest.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0560  
 Trifecta Pools**

(1) The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.

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

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

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

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

(d) The entire pool shall be refunded on Trifecta wagers for that contest.

(3) If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

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

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

(b) Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(5) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

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

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0570  
 Superfecta Pools**

(1) The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.

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

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

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

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

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

(e) The entire pool shall be refunded on Superfecta wagers for that contest.

(3) If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

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

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

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

(c) Contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

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

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

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

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

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

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0580**

**Twin Quinella Pools**

(1) The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests shall be included in only one Twin Quinella pool.

(2) In the first Twin Quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:

(a) If a coupled entry or mutuel field finishes as the first two finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise;

(b) Those whose combination finished as the first two betting interests shall be winners; but if there are no such wagers; then

(c) Those whose combination included either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers; then

(d) Those whose combination included the one covered betting interest included within the first two finishers shall be winners; but if there are no such wagers; then

(e) The entire pool shall be refunded on Twin Quinella wagers for that contest.

(3) In the first Twin Quinella contest only, if there is a dead heat for first involving:

(a) Contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.

(b) Contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred.

(c) Contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners.

(4) In the first Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination; then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers; then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers; then

(d) As a profit split to those whose combination include the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers; then

(e) The entire pool shall be refunded on the Twin Quinella for that contest.

(5) In the second Twin Quinella contest only, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:

(a) If a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(b) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers; then

(c) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers; then

(d) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers; then

(e) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets; then

(f) In accordance with subsection 2 of the Twin Quinella rules.

(6) In the second Twin Quinella contest only, if there is a dead heat for first involving:

(a) Contestants representing the same betting interest, the net Twin Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.

(b) Contestants representing two betting interests, the net Twin Quinella pool shall be distributed as if no dead heat occurred.

(c) Contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included any two of the betting interests finishing in the dead heat.

(7) In the second Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(a) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination; then

(b) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers; then

(c) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers; then

(d) As a profit split to those whose combination include the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; then

(e) As a single price pool to all exchange ticket holders for that contest; but if there are no such tickets; then

(f) In accordance with subsection 2 of the Twin Quinella rules.

(8) If a winning ticket for the first half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest.

(9) Should a betting interest in the first half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest shall be refunded.

(10) Should a betting interest in the second-half of the Twin Quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Quinella contest, the ticket holder forfeits all rights to the Twin Quinella pool.

(11) If either of the Twin Quinella contests is cancelled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "no contest," the entire Twin Quinella pool shall be refunded on Twin Quinella wagers for that contest.

(12) If the second-half Twin Quinella contest is cancelled or declared "no contest" after the conclusion of the first Twin Quinella contest, the net Twin Quinella pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Twin Quinella contest and all valid exchange tickets. If there is no such wagers, the net

Twin Quinella pool shall be distributed as described in subsection 2 of the Twin Quinella rules.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0590**

**Twin Trifecta Pools**

(1) The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests shall be included in only one Twin Trifecta pool.

(2) After wagering closes for the first half of the Twin Trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools: the first half Twin Trifecta pool and the second-half Twin Trifecta pool.

(3) In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:

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

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

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

(d) The entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be cancelled.

(4) If no first half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool shall be retained and added to any existing Twin Trifecta carryover pool.

(5) Winning tickets from the first half of the Twin Trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets; then

(b) The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance.

(6) If a winning first half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.

(7) Should a betting interest in the first half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest shall be refunded.

(8) Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Trifecta contest, the ticket holder forfeits all rights to the second-half Twin Trifecta pool.

(9) If, due to a late scratch, the number of betting interests in the second-half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning tickets shall be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin-Trifecta carryover.

(10) If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead

heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

(a) The first half of the Twin Trifecta, the payoff shall be calculated as a profit split.

(b) The second-half of the Twin Trifecta, the payoff shall be calculated as a single price pool.

(11) If either of the Twin Trifecta contests are cancelled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest," the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be cancelled.

(12) If the second-half Twin Trifecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first half winning Twin Trifecta tickets shall be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin-Trifecta carryover. If there are no such tickets, the net Twin Trifecta pool shall be distributed as described in subsection (3) of the Twin Trifecta rules.

(13) The Twin-Trifecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the Twin-Trifecta carryover equals or exceeds the designated cap, the Twin-Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the Twin Trifecta carryover is frozen, 100 percent of the net Twin Trifecta pool for each individual contest shall be distributed to winners of the first half of the Twin Trifecta pool.

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

(15) Should the Twin-Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Trifecta after completion of the first half of the Twin Trifecta:

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

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

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

(d) As a single price pool to holders of valid exchange tickets.

(e) As a single price pool to holders of outstanding first half winning tickets.

(16) Contrary to subsection 4 of the Twin Trifecta rules, during a performance designated to distribute the Twin-Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Trifecta, all first half tickets will become winners and will receive 100 percent of that day's net Twin Trifecta pool and any existing Twin-Trifecta carryover as a single price pool.

(17) The Twin-Trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (15) of the Twin Trifecta rules.

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

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

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

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

(20) The race meet licensee must obtain written approval from the commission concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0600  
 Tri-Superfecta Pools**

(1) The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-Superfecta contests shall be included in only one Tri-Superfecta pool.

(2) After wagering closes for the first half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first half Tri-Superfecta pool and the second-half Tri-Superfecta pool.

(3) In the first Tri-Superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:

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

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

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

(d) The entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second-half shall be cancelled.

(4) If no first half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-Superfecta pool shall be retained and added to any existing Tri-Superfecta carryover pool.

(5) Winning tickets from the first half of the Tri-Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets; then

(b) The entire second-half Tri-Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.

(6) If a winning first half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool.

(7) Should a betting interest in the first half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest shall be refunded.

(8) Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Tri-Superfecta con-

test, the ticket holder forfeits all rights to the second-half Tri-Superfecta pool.

(9) If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning tickets shall be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.

(10) If there is a dead heat or multiple dead heats in either the first- or second-half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in

(a) The first half of the Tri-Superfecta, the payoff shall be calculated as a profit split.

(b) The second-half of the Tri-Superfecta, the payoff shall be calculated as a single price pool.

(11) If either of the Tri-Superfecta contests are cancelled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest," the entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second-half shall be cancelled.

(12) If the second-half Tri-Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If no there are no such tickets, the net Tri-Superfecta pool shall be distributed as described in subsection (3) of the Tri-Superfecta rules.

(13) The Tri-Superfecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Tri-Superfecta carryover is frozen, 100 percent of the net Tri-Superfecta pool for each individual contest shall be distributed to winners of the first half of the Tri-Superfecta pool.

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

(15) Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Tri-Superfecta after completion of the first half of the Tri-Superfecta:

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

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

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

(d) As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers; then

(e) As a single price pool to holders of valid exchange tickets;

(f) As a single price pool to holders of outstanding first-half winning tickets.

(16) Contrary to subsection 4 of the Tri-Superfecta rules, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Tri-Superfecta, all first half tickets will become winners and will receive 100 percent of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.

(17) The Tri-Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (15) of the Tri-Superfecta rules.

(b) Upon written approval from the commission when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.

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

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

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

(20) The race meet licensee must obtain written approval from the commission concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the commission.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

#### 462-200-0610

##### Twin Superfecta Pools

(1) The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning first half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests shall be included in only one Twin Superfecta pool.

(2) After wagering closes for the first half of the Twin Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first half Twin Superfecta pool and the second-half Twin Superfecta pool.

(3) In the first Twin Superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:

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

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

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

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

(e) The entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second-half shall be cancelled.

(4) If no first half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool shall be retained and added to any existing Twin Superfecta carryover pool.

(5) Winning tickets from the first half of the Twin Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Twin Superfecta. The second-half Twin Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:

(a) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets; then

(b) The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance.

(6) If a winning first half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool.

(7) Should a betting interest in the first half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest shall be refunded.

(8) Should a betting interest in the second-half of the Twin Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second Twin Superfecta contest, the ticket holder forfeits all rights to the second-half Twin Superfecta pool.

(9) If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning tickets shall be entitled to the second-half Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover.

(10) If there is a dead heat or multiple dead heats in either the first or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

(a) The first half of the Twin Superfecta, the payoff shall be calculated as a profit split.

(b) The second-half of the Twin Superfecta, the payoff shall be calculated as a single price pool.

(11) If either of the Twin Superfecta contests are cancelled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no contest," the entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second-half shall be cancelled.

(12) If the second-half Twin Superfecta contest is cancelled or declared "no contest," all exchange tickets and outstanding first half winning Twin Superfecta tickets shall be entitled to the net Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool shall be distributed as described in subsection (3) of the Twin Superfecta rules.

(13) The Twin-Superfecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the Twin-Superfecta carryover equals or exceeds the designated cap, the Twin-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100 percent of the net Twin Superfecta pool for each individual contest shall be distributed to winners of the first half of the Twin Superfecta pool.

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

(15) Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Superfecta after completion of the first half of the Twin Superfecta:

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

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

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

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

(e) As a single price pool to holders of valid exchange tickets;

(f) As a single price pool to holders of outstanding first half winning tickets.

(16) Contrary to subsection (4) of the Twin Superfecta rules, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first half of the Twin Superfecta, all first half tickets will become winners and will receive 100 percent of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.

(17) The Twin Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(a) Upon written approval from the commission as provided in subsection (15) of the Twin Superfecta rules.

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

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

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

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

(20) The race meet licensee must obtain written approval from the commission concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the commission.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0620  
 Place Pic (n) Pools**

(1) The Place Pic (n) requires selection of the first or second-place finisher in each of a designated number of contests. The race meet licensee must obtain written approval from the commission concerning the scheduling of Place Pic (n) contests, the designation of one of the methods prescribed in Part (2), the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved Place Pic (n) format require prior approval from the commission.

(2) The Place Pic (n) pool shall be apportioned under one of the following methods:

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

(b) Method 2, Place Pic (n) with Minor Pool and Carryover: The major share of the net Place Pic (n) pool and carryover, if any, shall be distributed to those who selected the first or second-place finisher in each of the Place Pic (n) contests, based upon the official order of finish. The minor share of the net Place Pic (n) pool shall be distributed to those who

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

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

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

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

(3) If there is a dead heat for first in any of the Place Pic (n) contests involving:

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

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

(4) If there is a dead heat for second in any of the Place Pic (n) contests involving:

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

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

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

(6) The Place Pic (n) pool shall be cancelled and all Place Pic (n) wagers for the individual performance shall be refunded if:

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

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

(c) At least four contests included as part of a Place Pic 7, Place Pic 8 or Place Pic 9 are cancelled or declared “no contest.”

(d) At least five contests included as part of a Place Pic 10 are cancelled or declared “no contest.”

(7) If at least one contest included as part of a Place Pic (n) is cancelled or declared “no contest,” but not more than the number described in subsection (6) of this rule, the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pic (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Place Pic (n) carryover but not the carryover from previous performances.

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

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

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

(a) Upon written approval from the commission as provided in subsection (9) of this rule.

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

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

(12) With the written approval of the commission, the race meet licensee may contribute to the Place Pic (n) carryover a sum of money up to the amount of the designated cap.

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

(14) The race meet licensee may suspend previously-approved Place Pic (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended Place Pic (n) wagering is reinstated. An race meet licensee may request approval of a Place Pic (n) wager or separate wagering pool for specific performances.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00

**462-200-0635**

**Show Pick N with Unique Ticket Jackpot**

(1) The Show Pick N with Unique Ticket Jackpot (hereinafter “Jackpot”) is a multi horse race mutuel wager consisting of a minimum of five (5) Jackpot races. Contests selected may include races from multiple race tracks. The official order of finish as posted shall determine the race outcome for purposes of this wager. The licensee offering the wager must obtain written approval from the Commission concerning the scheduling of Jackpot contests. Any changes to the approved Jackpot format require prior approval from the Commission.

(2) Wagers placed on the Jackpot shall be placed into two separate pools.

(a) Major Pool: The major pool shall receive 80% of the total amount wagered, subject to applicable takeout. The major pool shall be distributed to those selecting the first, second or third place finisher in

all of the Jackpot contests (Show Pick All). There is no carryover for the major pool. If there are no tickets correctly selecting a first, second or third place finisher in all of the Jackpot contests, the pool shall be distributed to those who selected a first, second or third place finisher in the greatest number of contests.

(b) Minor Pool: The minor pool shall receive 20% of the total amount wagered, subject to allowable takeout. The minor pool shall be distributed to the holder of a “Unique” ticket that selected the first place finisher in all of the Jackpot races. A “Unique” winning ticket shall exist when the total amount wagered on a winning combination selecting the first place finisher in each of the selected Jackpot races is equal to the minimum allowable wager. (e.g. 20 cents if the base wager is \$1.00) If there is not a “Unique” ticket for the minor pool, the net amount in the pool shall be added (carried over) to the minor pool offered at the next scheduled Jackpot event. A single ticket holder possessing multiple winning tickets, even if they are the only winning tickets, will not be deemed to have a “Unique” ticket and the Jackpot shall carryover as prescribed in these rules.

(3) If there is a dead heat for first in any of the Jackpot contests then both horses will be considered winners for Jackpot purposes. Any tickets including both dead heat winners will be considered two separate tickets for the purposes of identifying unique tickets for the Jackpot pool.

(4) If any betting interest is scratched, excused or determined to be a non-starter after the wager has been placed in the Jackpot, the actual favorite, as evidenced by the total amounts wagered in the Win pool at the host race meet licensee for the contest at the close of wagering for that contest, shall be substituted for the scratched betting interest for all purposes. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the favorite betting interest with the lowest program number.

(5) If there is a scratch after the first race in the Jackpot, the betting favorite as determined by the host track’s win pool will be substituted for the scratched horse. Any tickets including both the scratched horse and the betting favorite will be considered two separate, non-unique tickets for the purposes of identifying unique tickets for the Jackpot pool.

(6) The Jackpot pool shall be cancelled and all Jackpot wagers for the individual event shall be refunded if:

(a) If one or more races included in the Jackpot sequence is cancelled or declared “no contest”.

(b) If any of the races in the Jackpot scheduled after the first leg end up being priced and made official prior to the first leg in the Jackpot being priced and made official.

(7) Mandatory payout days: After the Jackpot carryover (Minor Pool) pool reaches \$500,000; the next Jackpot event will require a mandatory payout.

(8) When the Jackpot converts to a mandatory payout, the wager will convert to a traditional Pick 5 wager with no unique ticket provision nor any Show Pick All payout. The Jackpot pool will be distributed to the tickets selecting the winner in the greatest number of contests. In the rare occurrence that no tickets contained a winning horse, the wagering for that event will be refunded and the mandatory payout will carry over to the next Jackpot event.

(9) If any of the races in the Jackpot has a surface change (For example: a race switches from Turf to Dirt), the selections and results for that race remain regardless of whether the surface change occurs before or after the first race in the Jackpot.

Stat. Auth.: ORS 462.270(3)  
 State. Implemented: ORS 462.270(3)  
 Hist.: RC 1-2013(Temp), f. 8-20-13, cert. ef. 8-21-13 thru 2-17-14

**462-200-0640**

**1-2-3 Pick N Pools**

(1) The 1-2-3 Pick N requires the selection of the first, second or third-place finisher in any order, in each of a designated number of contests, which may or may not run consecutively, and may involve contests at multiple tracks as officially posted. One “point” will be awarded for each successful selection in each of the designated contests. The race meet licensee must obtain written approval from the commission concerning the scheduling of 1-2-3 Pick N contests, the designation of one of the methods prescribed in Part (3), the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved 1-2-3 Pick N format require prior approval from the commission.

(2) Contests selected for a 1-2-3 Pick N pool shall be comprised entirely of either horse races or greyhound races with a minimum of three

starters, and shall not contain wagering interests combined as a "mutuel entry" or "mutuel field."

(3) The 1-2-3 Pick N pool shall be apportioned under one of the following methods:

(a) Method 1, 1-2-3 Pick N with Carryover: The net 1-2-3 Pick N pool and carryover, if any, shall be distributed as a single price pool to those who amass the maximum number of points achievable in the 1-2-3 Pick N contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who amass the greatest number of points in the 1-2-3 Pick N contests; and the remainder shall be added to the carryover.

(b) Method 2, 1-2-3 Pick N with Minor Pool: The race meet licensee shall determine the number of Minor Pools, with prior approval from the commission. The major share of the net 1-2-3 Pick N pool shall be distributed to those who amass the greatest number of points in the 1-2-3 Pick N contests, based upon the official order of finish. The minor share(s) of the net 1-2-3 Pick N pool shall be distributed to those who amass the next greatest number of points of 1-2-3 Pick N contests, based upon the official order of finish, and so on until the approved number of Minor Pools has been reached.

(4) If there is a dead heat for any position in any of the 1-2-3 Pick N contests, the 1-2-3 Pick N pool shall be distributed as a winning wager including each betting interest participating in the dead heat.

(5) Should a betting interest in any of the 1-2-3 Pick N contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host race meet licensee for the contest at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(6) The 1-2-3 Pick N pool shall be cancelled and all 1-2-3 Pick N wagers for the individual 1-2-3 Pick N pool shall be refunded if:

(a) At least two contests included as part of a 1-2-3 Pick N with 3 contests are cancelled or declared "no contest."

(b) At least three contests included as part of a 1-2-3 Pick N with 4, 5 or 6 contests are cancelled or declared "no contest."

(c) At least four contests included as part of a 1-2-3 Pick N with 7, 8 or 9 contests are cancelled or declared "no contest."

(d) 50% or more of the total contests included as part of a 1-2-3 Pick N with 10 or more contests are cancelled or declared "no contest."

(7) If at least one contest included as part of a 1-2-3 Pick N is cancelled or declared "no contest," but not more than the number described in subsection (6) of this rule, the net pool shall be distributed in accordance with subsection (3) of this rule. Such distribution shall include the portion ordinarily retained for the 1-2-3 Pick N carryover but not the carryover from previous performances.

(8) A written request for permission to distribute the 1-2-3 Pick N carryover on a specific performance may be submitted to the commission. The request must contain justification for the distribution, an explanation of the benefit derived, and the intended date and performance for the distribution.

(9) Should the 1-2-3 Pick N carryover be designated for distribution on a specified date and performance in which no one amasses the maximum number of points achievable in the 1-2-3 Pick N contests, the entire pool shall be distributed as a single price pool to those who amass the greatest number of points in the 1-2-3 Pick N contests. The 1-2-3 Pick N carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:

(a) Upon written approval from the commission as provided in subsection (8) of this rule.

(b) Upon written approval from the commission when the 1-2-3 Pick N wager is discontinued.

(10) If, for any reason, the 1-2-3 Pick N carryover must be held over to the corresponding 1-2-3 Pick N of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The 1-2-3 Pick N carryover plus accrued interest shall then be added to the net 1-2-3 Pick N pool of the following meet on a date and performance so designated by the commission.

(11) With the written approval of the commission, the race meet licensee may contribute to the 1-2-3 Pick N carryover a sum of money.

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

(13) The race meet licensee may suspend previously-approved 1-2-3 Pick N wagering with the prior approval of the commission. Any carryover shall be distributed in accordance with subsection (8) of this rule, or held until the suspended 1-2-3 Pick N wagering is reinstated. A race meet licensee may request approval of a 1-2-3 Pick N wager or separate wagering pool for specific performances.

(14) Interpretation:

(a) 1-2-3 Pick N shall be considered a form of interstate simulcast wagering.

(b) In the event of any inconsistency between the provisions of this rule regarding 1-2-3 Pick N and the provisions of any other rule, the provisions of this rule shall control.

Stat. Auth.: ORS 462.270(3)

Stats. Implemented: ORS 462.270(3)

Hist.: RC 4-2004, f. & cert. ef. 10-14-04

#### 462-200-0650

##### Choose (n) Rules

(1) The Choose (n) is a form of pari-mutuel wagering. Each bettor attempts to select the winner of (n) races but chooses the races at his own discretion from a group of races established by the licensee instead of having the races designated for him by the licensee. The races need not be consecutive and the ticket's first race may begin at any time provided that there are an equal number of races left within the designated group to meet the necessary number of races for the wager. The licensee must obtain written approval from the Commission concerning the scheduling of Choose (n) contests and the amount of any cap to be set on the carryover. Any changes to the approved Choose (n) format require prior approval from the Commission.

(2) The Choose (n) pool shall be held separately from all other pools and is in no way part of a daily double, exacta, trifecta or any other wagering pool. The Choose (n) is a pool wherein the bettor is required to select any (n) winning horses from that particular group of races and is not a parlay.

(3) Choose (n) tickets shall be sold in denominations as determined by the licensee. No less than or no more than the (n) races will comprise a Choose (n) ticket.

(4) Races in which Choose (n) wagering is permitted shall be approved by the Commission. Some races may be closed to Choose (n) wagering at the discretion of the licensee. The Choose (n) pool shall close after each race but shall reopen with respect to subsequent races that have not yet been run provided that there are at least as many races remaining as required to be selected on a winning Choose (n) ticket.

(5) The design of the Choose (n) tickets shall be clearly and immediately distinguishable from other pari-mutuel tickets.

(6) Those horses constituting an entry or field, as defined within the rules and regulations of the Commission, shall race in any Choose (n) race as a single wagering interest for purposes of the Choose (n) pool calculations. A scratch after wagering has begun of any part of the entry or field selection in a race shall be of no effect with respect to the status of such entry and/or field as a viable wagering interest.

(7) At any time after wagering begins on the Choose (n), should a horse, entire betting entry or field be scratched or declared a non-starter in any Choose (n) race, no further tickets selecting such horses, entry or field shall be issued, and wagers upon such horse, entry or field for purposes of the Choose (n) shall be deemed wagers upon the horse, entry or field on which the most money has been wagered in the win pool at the close of win betting for such race. In the event of a tie, the horse, entry or field with the lowest program number shall be designated.

(8) In the event of a dead heat for win between two or more horses in any of the Choose (n) races, all such horses shall be considered as the winning horse for the purpose of distributing the Choose (n) pool.

(9) The Choose (n) pool shall be calculated as follows:

(a) 100% of the net amount in the Choose (n) pool subject to distribution among winning ticket holders shall be distributed among holders of Choose (n) tickets which have correctly selected the winner of the (n) races comprising the Choose (n).

(b) In the event there is no Choose (n) ticket which correctly designates the winner of the (n) winners that make up the Choose (n), 25% of that racing date's net amount available for distribution shall be distributed among the holders of Choose (n) tickets correctly designating

the most winning selections of the races that comprise the Choose (n), and the remaining 75% of said pool shall be carried over and added to the pool on the next day that the wager is conducted.

(c) If, on the last day on which the Choose (n) is conducted at a horse race meeting, no one selects the winning horse in (n) races, the total amount of the Choose (n) pool which exists on that day shall be paid to the bettor or bettors selecting the largest number of winning horses in those races. In no event shall any part of the pool be carried over to the next year's race meeting.

(10) When the condition of the turf course warrants a change of racing surface in any of the races open to Choose (n) wagering, and such change has not been made known to the betting public prior to the close of wagering for the first Choose (n) race, the Stewards shall declare the changed races a "no contest" for Choose (n) wagering purposes and the pool shall be distributed in accordance with subsection (11). Following the designation of a race as a "no contest", no tickets shall be sold selecting a horse in such "no contest" race.

(11) If, for any reason, one or more races are cancelled or declared a "no contest", the Choose (n) pool shall be paid using the following formula, or an alternative formula developed by the licensee and made available to the public (the following formula assumes a Choose 6 pool):

(a) Any race that has been cancelled or declared a "no contest" shall not be considered a contested race for Choose 6 purposes.

(b) Any ticket, regardless of its starting point, that has not completed at least four contested legs will be refunded.

(c) In the event that only 4 Choose 6 races have been contested: 100% of that day's net pool (not including any carryover), after refunds (the "Daily Pool"), shall be paid to tickets with 4 wins.

(d) In the event that only 5 Choose 6 races have been contested: 75% of the Daily Pool shall be paid to tickets with 5 wins and 25% of the Daily Pool shall be paid to tickets with 4 wins, no losses, and selections in two non-contested races.

(e) In the event that at least 6 races have been contested for the Choose 6 and two or more races have not been contested: 75% of the Daily Pool plus any carryover shall be paid to tickets with 6 wins, 18.75% of the Daily Pool to tickets with 5 wins and a selection in a non-contested race, and 6.25% of the Daily Pool to tickets with 4 wins and selections in two non-contested races. If no ticket has 6 wins, 50% of the Daily Pool shall be paid to tickets with 5 wins and a selection in a non-contested race, 25% of the Daily Pool to tickets with 4 wins and selections in two non-contested races, and 25% of the Daily Pool to tickets with 5 wins and 1 loss.

(f) In the event that at least 6 races have been contested for the Choose 6 and one race has not been contested: 75% of the Daily Pool plus any carryover shall be paid to tickets with 6 wins and 25% of the Daily Pool to tickets with 5 wins and a selection in the non-contested race. If no ticket has 6 wins, 75% of the Daily Pool shall be paid to tickets with 5 wins and a selection in the non-contested race and 25% of the Daily Pool to tickets with 5 wins and 1 loss.

(g) In the event that there is no payable ticket in a category within any of these subsections, that portion of the Daily Pool will be divided equally between the other categories within that subsection. In the event that there is no payable ticket within a subsection, the entire Daily Pool shall be carried over and added to the pool on the next day that wagering is conducted.

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

(13) A written request for permission to distribute the Choose (n) carryover on a specific day of designated races may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and day of designated races for the distribution.

(14) Should the Choose (n) carryover be designated for distribution on a specified date and day of designated races in which there are no wagers with (n) wins, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Choose (n) contests. The Choose (n) carryover shall be designated for

distribution on a specified date and day of designated races only under the following circumstances:

(a) Upon written approval from the Commission as provided in subsection (n) of this rule.

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

(c) On the closing day of the designated races.

(15) If, for any reason, the Choose (n) carryover must be held over to the corresponding Choose (n) pool of a future group of designated races, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Choose (n) carryover plus accrued interest shall then be added to the net Choose (n) pool of the day's group of designated races so designated by the Commission.

(16) With the written approval of the Commission, the association may contribute to the Choose (n) carryover a sum of money up to the amount of any designated cap.

(17) Providing information to any individual regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data. The licensee shall be permitted to provide information regarding number of tickets sold and number of live tickets remaining to the wagering public.

(18) The licensee may suspend previously approved Choose (n) wagering with the prior approval of the Commission. Any carryover shall be held until the suspended Choose (n) wagering is reinstated. A licensee may request approval of a Choose (n) wager or separate wagering pool for specific performances.

(19) Should circumstances occur which are not addressed by these rules, questions arising thereby shall be resolved in accordance with general pari-mutuel practice. Decisions regarding distribution of the Choose (n) pool made by the Executive Director or his/her designee shall be final.

Stat. Auth.: ORS 462.270(3)  
 Stats. Implemented: ORS 462.270(3)  
 Hist.: RC 1-2006, f. & cert. ef. 8-24-06

**DIVISION 210**

**ACCOUNT WAGERING**

**462-210-0010**

**Definitions**

The following definitions and interpretations shall apply to these rules unless otherwise indicated or text otherwise requires.

(1) "Account": An account for account wagering with a specific identifiable record of deposits, wagers, and withdrawals established by an account holder and managed by the advance deposit wagering licensee or race meet licensee.

(2) "Account Holder": A person who successfully completed an application and for whom an account has been opened.

(3) "Account Wagering": A form of pari-mutuel wagering in which a person may deposit money in an account with an advance deposit wagering licensee or race meet licensee and then use the current balance to pay for pari-mutuel wagering.

(4) "Account Wagering Center": An actual location, equipment, and staff of an advance deposit wagering licensee or race meet licensee and/or agents involved in the management, servicing, and operation of account wagering.

(5) "Advance Deposit Wagering Licensee or ADW": Any person or entity holding a currently valid license to engage in related activities as a multi-jurisdictional simulcasting and interactive wagering totalisator hub as defined in Oregon Administrative Rule 462-220-0010(1).

(6) "Agent": Those persons or entities with the authority to accept deposits and wagers or issue a receipt or other confirmation to the account holder evidencing such deposits and wagers, and transfer credits and debits to and from accounts on behalf of the advance deposit wagering licensee or race meet licensee.

(7) "Applicant": A person who has submitted an application to establish an account with an advance deposit wagering licensee or race meet licensee.

(8) "Application": The form or forms and other required submissions received from an applicant with the intent of opening an account.

(9) "Business Day": Monday through Friday with the exception of a federal or state observed holiday.

(10) "Commission": The Oregon Racing Commission or any successor agency.

(11) "Confidential Information":

(a) The amount of money credited to, debited from, withdrawn from, or present in any particular account holder's account;

(b) The amount of money wagered by a particular account holder on any race or series of races;

(c) The account number and secure personal identification code of a particular account holder;

(d) The identities of particular entries on which the account holder is wagering or has wagered; and

(e) Unless otherwise authorized by the account holder, the name, address, and other information in the possession of the account wagering center and race meet licensee that would identify the account holder to anyone other than the commission, the account wagering center or the race meet licensee.

(12) "Credits": All positive inflows of money to an account.

(13) "Debits": All negative outflow of money from an account.

(14) "Deposit": A payment of money by cash, check, money order, credit card, debit card, or electronic funds transfer made by an account holder to the account holder's account.

(15) "Person": Any natural person at least 18 years of age or a single member limited liability company where the single member is a natural person.

(16) "Principal Residence Address": That place where the person submitting an application for an account resides at least fifty percent (50%) of the time during the calendar year.

(17) "Proper Identification": A form of identification accepted in the normal course of business to establish that the person making a transaction is an account holder.

(18) "Race Course": As defined in ORS 462.010(5).

(19) "Race Meet Licensee": Any person or entity holding a currently valid license to engage in racing or related regulated activities.

(20) "Secure Personal Identification Code": An alpha-numeric character code chosen by an account holder as a means by which the advance deposit wagering licensee or race meet licensee may verify a wager or account transaction as authorized by the account holder.

(21) "Withdrawal": A payment of money from an account by the advance deposit wagering licensee or race meet licensee to the account holder when properly requested by the account holder.

(22) "Withdrawal Slip": A form provided by the race meet licensee for use by an account holder in withdrawing funds from an account.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12; RC 3-2012, f. 10-9-12, cert. ef. 10-15-12

#### 462-210-0020

##### Authorization for Account Wagering

(1) An advance deposit wagering licensee or race meet licensee who is the holder of or applicant for a license issued under ORS 462.057, 462.062, 462.067, 462.142 or 462.725 may request authorization from the commission to conduct account wagering in accordance with 462.142 and these rules. As part of the request, the advance deposit wagering licensee or race meet licensee shall submit a detailed plan of how its proposed account wagering system would operate; the commission may require changes in a proposed plan of operations as a condition of granting a request. No subsequent changes in the system's operation may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.

(2) The commission may conduct investigations or inspections or request additional information from the race meet applicant or multi-jurisdictional simulcasting and interactive wagering totalizer hub applicant for a license as it deems appropriate in determining whether to allow account wagering.

(3) The race meet licensee or multi-jurisdictional simulcasting and interactive wagering totalizer hub licensee and/or their agents shall establish and manage an account wagering center.

(4) The making and/or acceptance of wagers over the communications facility known as the "Internet" is not authorized with the exception of the Multi-Jurisdictional Totalizer Wagering Hubs as authorized in ORS 462.725. However, nothing herein precludes the transmission of handicapping data, race results or other information relating to pari-mutuel racing over the communications facility known as the "Internet."

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

#### 462-210-0030

##### Establishing An Account

(1) An established account is necessary to place account wagers. An account may be established at either an account wagering center or in-person at commercial race meet licensee facilities.

(a) For establishing the account with an account wagering center an application form must be signed or otherwise authorized in a manner acceptable to the commission and include:

(A) The applicant's full legal name;

(B) Principal residence address;

(C) Telephone number; and

(D) Any other information required by the commission.

(b) Each application submitted will be subject to electronic verification with respect to name, principal residence address and date of birth by either a national, independent, individual reference service company or another technology which meets or exceeds the reliability, security, accuracy, privacy and timeliness provided by individual reference service companies. An account wagering center may require the applicant's social security number to complete the verification process and for tax reporting purposes. If there is a discrepancy between the application submitted and the information provided by the electronic verification described above or if no information on the applicant is available from such electronic verification, another individual reference service may be accessed or another technology meeting the requirements described above may be used to verify the information provided. If these measures prove unsatisfactory, then the applicant will be contacted by the account wagering center and given instructions as to how to resolve the matter.

(c) All account holder identities must be verified via electronic means or copies of other documents before a wager can occur.

(2) Each account shall have a unique identifying account number. The identifying account number may be changed at any time by the account wagering center provided the account wagering center informs the account holder in writing prior to the change.

(3) The applicant shall supply the account wagering center with an alpha-numeric code, to be used as a secure personal identification code when the account holder is placing an account wager. The account holder has the right to change this code at any time.

(4) The account wagering center may not establish an account for any person whose principal residence address is not within the State of Oregon. The principal residence address shall be established by reliance on the information submitted on the application form provided and certified by the applicant.

(5) The holder of the account shall receive at the time the account is approved:

(a) Unique account identification number;

(b) Copy of the account wagering rules and such other information and material that is pertinent to the operation of the account; and

(c) Such other information as the account wagering center or commission may deem appropriate.

(6) The account wagering center shall accept accounts in the name of a person only.

(7) The account is nontransferable between persons.

(8) The account wagering center may close or refuse to open an account for what it deems good and sufficient reason, and shall order an account closed if it is determined that information that was used to open an account was false, or that the account has been used in violation of these rules.

(9) The account wagering center shall provide all information requested by the Oregon Racing Commission within ten business days from the date a request is submitted, unless an extension is granted for good cause by either the Hub Manager or Executive Director.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2002, f. & cert. ef. 1-3-02; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 1-2011, f. 6-6-11, cert. ef. 6-9-11; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

#### 462-210-0040

##### Operation of an Account

(1) The account wagering center may refuse deposits to an account for what it deems good and sufficient reason.

(2) The account wagering center may suspend any account or close any account at any time provided that when an account is closed, the account wagering center shall, within five business days, return to the account holder all monies then on deposit by sending a check to the principal residence address as listed on the application.

(3) Credits to an account after the initial establishment of the account may be made as follows:

(a) Deposits to an account by an account holder shall be made in the following forms:

(A) Cash deposit made at an approved outlet, or other deposit mechanisms as approved by the commission; or

(B) Check, money order or negotiable order of withdrawal given or sent to an account wagering center; or

(C) Charges made to an account holder's credit card or debit card upon the direct and personal instruction of the account holder, which may be given by telephone to the account wagering center by the account holder if the use of the card has been approved by the account wagering center; or

(D) Transfer by means of an electronic funds transfer from a monetary account controlled by an account holder to his/her account, said account holder to be liable for any charges imposed by the transmitting or receiving entity with such charges to be deducted from the account.

(E) Funds so deposited will be made available for wagering use in accordance with financial institution funds availability schedules.

(b) Credit for winnings from wagers placed with funds in an account and credit for account wagers on entries that are scratched shall be posted to the account by the account wagering center.

(c) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee.

(4) Debits to an account shall be made as follows:

(a) Upon receipt by the account wagering center of an account wager, the account wagering center shall debit the account in the amount of the wager; or

(b) For fees for service or other transaction-related charges by the race meet licensee and/or agent of the race meet licensee; or

(c) An account wagering center may authorize a withdrawal from an account when one of the following exists:

(A) The account holder of an account appears personally at the account wagering center and provides the following:

(i) Proper identification;

(ii) The correct secure personal identification code; and

(iii) A properly completed and signed withdrawal slip.

(B) The account holder sends to the account wagering center a properly completed and signed withdrawal slip. Upon receipt of a properly completed and signed withdrawal slip, and if there are sufficient funds in the account to cover the withdrawal, the account wagering center shall, within five business days of its receipt, send a check to the account holder. The check shall be payable to the holder of the account and in the amount of the requested withdrawal. If funds are not sufficient to cover the withdrawal, the account holder will be notified in writing and those funds in the account will be withdrawn and sent to the account holder within the five-day time period. Electronic funds transfers may be used for withdrawals in lieu of a check at the discretion of the account holder and the account wagering center subject to the same conditions described for electronic funds transfer credits described in subsection (3)(a)(D) of this rule.

(d) The race meet licensee and/or the agent of the race meet licensee may close accounts in which there has been no activity for at least six (6) months, returning funds remaining therein to the account holder at his/her principal residence address.

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

(5) The account wagering center shall not accept wagers from an account holder in an amount in excess of the account balance.

(6) Checks, money orders and other negotiable instruments shall be posted to the credit of the account holder in accordance with financial institution funds availability schedules.

(7) Monies deposited with the account wagering center for account wagering shall not bear any interest to the account holder.

(8) Account wagers shall be accepted during such time and on such days in such manner as designated by the commission.

(9) Notwithstanding any other rules, the managing employee of the account wagering center may at any time declare the account wagering center closed for receiving wagers on any pari-mutuel pool, race, group of races, or closed for all wagering. Anytime the account wagering center is closed during normal wagering hours by the managing employee a written report must be filed with the commission within forty-eight (48) hours.

(10) The account wagering center has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(11) Accounts are for the personal use of the account holder. The account holder is responsible for maintaining the secrecy of the account number and secure personal identification code. Except where the account wagering center or its employees or agents act without good faith or fail to exercise ordinary care, the account wagering center shall not be responsible for any loss arising from the use by any other person or persons of an account holder's account. The account holder must immediately notify the account wagering center of a breach of the account's security.

(12) Payment on winning pari-mutuel wagers and credits for account wagers on entries which are scratched shall be posted to the credit of the account holder as soon as practicable after the race is declared official.

(13) Upon request by an account holder the account wagering center shall provide on an annual basis, at no cost, a written statement of an individual's account activity. Unless written notice to the contrary is received by the account wagering center within fourteen (14) days of the date that any statement is sent to an account holder, the statement will be deemed accepted as correct.

(14) The principal residence address provided in writing by the account holder at the time of application is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence. The mailing of checks or other correspondence to the address given by the account holder shall be at the sole risk of the account holder.

(15) No employee or agent of the account wagering center shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the account wagering center, except to the account holder as required by these rules, the commission, and as otherwise required by state or federal law, or the rules of racing of this state.

Stat. Auth.: ORS 462.270(3) & 462.700

Stats. Implemented: ORS 462.142

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2002, f. & cert. ef. 1-3-02; RC 1-2011, f. 6-6-11, cert. ef. 6-9-11

DIVISION 220

MULTI-JURISDICTIONAL SIMULCASTING AND INTERACTIVE WAGERING TOTALIZATOR HUB

462-220-0010

Definitions

(1) A multi-jurisdictional simulcasting and interactive wagering totalizator hub is a business that, through a qualified subscriber based service, conducts pari-mutuel wagering on the races that it simulcasts and other races that it carries in its wagering menu. The term "advance deposit wagering licensee" or "hub" will be used in these rules to refer to the multi-jurisdictional simulcasting and interactive wagering totalizator hub.

(2) The terms "qualified subscriber based service" and "closed-loop subscriber based system" shall mean any information service or system that uses:

(a) A device or combination of devices authorized and operated for placing, receiving, or otherwise making a wager and by which a person must subscribe in order to be able to place, receive, or otherwise make a bet or wager;

(b) An effective customer verification and age verification system; and

(c) Appropriate data security standards to prevent unauthorized access by any person who has not subscribed or who is a minor.

(3) "Foreign jurisdiction" means a jurisdiction of a foreign country or political subdivision thereof.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

462-220-0020

Account Wagering Rules Apply

(1) The account wagering rules as set-forth in OAR 462-210-0010 through 462-210-0040 shall apply to the establishing and to the operation of an account for residents of the state of Oregon by the hub operator or its agents unless expressly noted otherwise in these rules.

(2) Notwithstanding OAR 462-210-0030(5) accounts can be established and operated for people whose principal residence is outside of the State of Oregon including residents of foreign jurisdictions if:

(a) Wagering on that same type of live racing is lawful in the jurisdiction which is the natural person's principal residence; and

(b) The hub complies with the provisions of the Interstate Horseracing Act, 15 U.S.C. § 3001 to 3007.

(3) Notwithstanding OAR 462-210-0040(16) there will be no surcharge charged on any wager being processed through the hub for non-Oregon residents.

(4) Nothing in OAR 462-210-0020(4) prohibits the making and/or acceptance of wagers over a closed-loop subscriber based system.

(5) Requirements for the establishment and operation of accounts for individuals whose principle residence is outside of the state of Oregon shall be set forth in the operation plan as stated in OAR 462-220-0030(3).

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. eff. 5-1-00

### 462-220-0030

#### Approval of the License for a Hub Operation

(1) Prior to operating a hub the entity must apply for and be granted a license from the commission to conduct simulcasting and pari-mutuel wagering in accordance with ORS 462.725 and these rules as a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub."

(a) A license may range from one to five years in length and the length should be so noted in the application submitted.

(b) The current, daily licensing fee is to be remitted no later than June 30th of each year licensing has been granted or is being requested.

(2) An applicant for a "Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hub" license must provide the following information as part of the application thirty days prior to the scheduled commission meeting at which the application is to be presented:

(a) The applicant's legal name;

(b) If the applicant is a corporation, the names, addresses, dates of birth of its shareholders, directors and officers; if a shareholder is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders, directors and officers must be provided;

(c) If the applicant is a partnership the names, addresses, dates of birth of the partners; if a partner is a corporation the date of incorporation, the place of incorporation and the names, addresses, and dates of birth of its shareholders must be provided;

(d) If the applicant is a corporation ultimately owned by a not-for-profit entity without any shareholders, or is a publicly traded corporation, the information required in subsection (2)(b) and (2)(c) of this rule shall be required from the directors of the membership organization, or the directors and officers of the publicly traded corporation, in lieu of the shareholders;

(e) The names of the race tracks the applicant, or its agent, has contracts with that allow the applicant to provide the simulcast signals and pari-mutuel wagering on the product;

(f) Financial information from the applicant that demonstrates whether the applicant has the financial resources to install and operate a hub;

(g) A detailed budget showing anticipated revenue, expenditures and cash flows by month, from the hub's operation during the license period;

(h) The number of days that the applicant is planning to operate the hub during the fiscal year in which they are seeking to be licensed;

(i) A list of all hub personnel containing the name, position, job location, license number and expiration date. All current gaming licenses should be listed, regardless of jurisdiction;

(j) A chart illustrating the organizational structure, including reporting lines;

(k) A list of all states where the hub is operating; and

(l) Documentation of proper filing that the Hub applicant and/or parent company is registered to do business in the state of Oregon.

(3) As part of the application for licensure as a hub, the applicant shall submit a detailed plan of operations in a format and containing such information as required by the commission. At a minimum, the operating plan shall address the following issues:

(a) The manner in which the proposed simulcasting and wagering system will operate;

(b) The requirements for a "qualified subscriber based service" or "closed loop subscriber based system" set out in OAR 462-220-0010(2);

(c) Programs for responsible wagering;

(d) Mitigation for the effects of account wagering on the source market in Oregon. In addition to the source market mitigation plan as outlined in the application, more detailed source market information shall be provided by the hub at the commission's request. A mitigation plan must include one of the following options:

(A) An agreement with a state commercial race meet licensee as defined in ORS 462.062, a copy of which has been submitted to the commission; or

(B) A written agreement with the Oregon HBPA, a copy of which has been submitted to the commission; or

(C) A written plan submitted to, and approved by, the commission that mitigates the effect of account wagering and provides equitable compensation to the commercial race meet licensee as defined in ORS 462.062. Source market fees shall be paid statewide on Oregon accounts. Accounts must be available to Oregon residents if a hub is licensed in Oregon.

(e) The requirements for accounts established and operated for persons whose principal residence is outside of the state of Oregon. The commission may require changes in a proposed plan of operations as a condition of granting a license. No subsequent changes in the system's operation may occur unless ordered by the commission or until approval is obtained from the commission after it receives a written request.

(f) A list of any affiliate sites or potential affiliate sites of the hub. The operating plan must provide the following information and meet the following affiliate guidelines:

(A) The name and web address of the affiliate site.

(B) The person or companies involved in the affiliate agreement.

(C) That the affiliate site agreement is clearly noted as either a marketing or service agreement.

(D) Customers using the affiliate site will be customers of the licensed hub, subject to the same verification process and account operational procedures as any other customer of said hub licensee.

(E) The wagers placed through the affiliate site will be processed through equipment owned and operated by the licensed hub and their commission approved tote provider.

(F) The commission approved totalizator provider will incorporate the handle of the affiliate site into the handle report for the licensed hub, or generate a separate daily report for this handle. In either case, the handle will count as part of the hub licensee's handle, and the hub licensee will be responsible for all taxes on the handle generated from their own site and any affiliate sites.

(G) The affiliate site will be branded in some form to indicate to the customer that they will be wagering through systems operated by the licensed hub. The commission reserves the right to approve or deny any affiliate sites. Additionally, the commission may determine a handle level at which an affiliate site may need to apply for its own hub license, or at which the hub licensee must be subject to the tax rate described in OAR 462-220-0040(3)(c).

(4) The commission may conduct investigations or inspections or request additional information from the applicant as it deems appropriate in determining whether to approve the license application.

(5) The fee of \$200 per day that the hub is scheduled to operate must accompany the application. If the license is denied by the commission the fee will be refunded less the amount equal to the amount that the commission expended in conducting investigations and inspections which was in excess of the expenses that would have otherwise been incurred by the commission.

(6) To ensure that the funds of an applicant's account holders will be properly held and maintained by the applicant:

(a) The applicant must provide evidence to the commission that the applicant has established a segregated account (the Bank Account) in which all funds of its account holders will be deposited in an insured account, approved by the commission, solely for the benefit of the account holders:

(A) No hub shall use the funds deposited in the Bank Account for any purpose except to facilitate the wagering activities and other instructions or agreements of account holders. The funds of an account holder held in the Bank Account shall remain the property of the account holder for all purposes until wagered by the account holder or otherwise withdrawn or used in accordance with the account holder's instruction or agreement;

(B) The hub shall maintain a record of each deposit, withdrawal or other use of funds held in the Bank Account for each account holder (the Customer Record);

(C) Any account holder, who claims that any credit or debit to his or her Customer Record is incorrect or who claims that any deposit, withdrawal or use of the account holder's funds is incorrect, may file a claim with the commission. The commission shall investigate all claims and provide the hub with an opportunity to respond to such claim. The hub may submit any information, documentation or other evidence supporting its position with respect to the claim. If the commission determines that the Customer Record is incorrect or that any deposit, withdrawal or use of an account holder's funds was incorrect, the hub shall have 10 days to correct same as instructed by the commission. Such correction may require the hub to correct the Customer Record for the account holder, to deposit additional funds into the Bank Account for the account holder, to remit funds directly to the account holder, or any combination thereof.

(b) The applicant must provide a \$50,000 irrevocable bond, letter of credit, or other security instrument to the commission, in a form acceptable to the commission, which designates the commission as the beneficiary thereof (the Security Instrument). The Security Instrument shall permit the commission to make draws to cover such amounts as the commission finds is necessary. For example, if a hub fails to deposit funds into the Bank Account for an account holder or to remit funds directly to the account holder, as described in subsection (6)(a)(C) above, within 10 days of the commission's decision, the commission may draw down on or take other appropriate action against the Security Instrument to ensure the account holder is immediately made whole.

(7) An applicant licensed under this section may enter into such agreements, as for what it deems good and sufficient reasons, that are necessary to promote, advertise and further the sport of racing or that may be necessary for the effective operation of interstate account wagering, including, without limitation, television production and telecommunications services.

(8) An applicant must maintain an operational presence within the State of Oregon. A call center for customer wagering, a sub-contract with an existing call center for customer wagering, or a business office is required. In addition, totalizator equipment must be located in Oregon, and services must be provided by a totalizator vendor identified in the hub operating plan as approved by the commission.

(9) An applicant must provide the following to the commission:

(a) Access to customer call monitoring, account holder detail, and electronic wagering data;

(b) On site regulatory visits of the call center by authorized commission staff; and

(c) Reimbursement to the commission for expenses associated with out-of-state regulatory visits.

(10) An applicant must maintain all customer account-related documentation for a period of not less than one year, and audio recording for a period of not less than three months.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09; RC 1-2010, f. 9-23-10, cert. ef. 10-1-10; RC 1-2011, f. 6-6-11, cert. ef. 6-9-11

**462-220-0040**

**State of Oregon Share of the Pari-Mutuel Handle**

In addition to the licensing fee set forth in OAR 462-220-0030(5), the hub operator shall pay to the Oregon Racing Commission the tax authorized by ORS 462.725(3)(b) on all gross mutuel wagering receipts recorded by the hub's totalizator system during the license period. The payments shall be made as follows:

(1) Payments shall be made each week based on the gross mutuel wagering receipts for that week.

(2) Payments shall be made in a timely manner as prescribed by the executive director of the commission.

(3) Payments shall be calculated according to one of the following formulas as elected by the hub operator in the manner specified in section (4):

(a) Payment of 0.125% of the first 60 million dollars in gross mutuel wagering receipts during the license period and 0.25% of the gross mutuel wagering receipts in excess of 60 million dollars during that period; or

(b) Payment of 0.25% of gross mutuel wagering receipts, except that, if the hub operator conducts business in a state where hubs are specifically authorized and the tax rate is less than 0.25%, the tax rate

for wagers by the residents of such state would be that of the state in which they reside. This exception is limited to a single state designated by the hub operator in the manner specified in section (4).

(A) The base tax for fiscal year 2007-08 is \$350,000.

(B) The maximum payment set out in section (3), subsection (a), paragraph (A), will increase 7.5% on an annual basis for each fiscal year unless the commission changes that limit before the beginning of a fiscal year.

Fiscal Year	Tax Amount
2008-09	376,250.00
2009-10	404,469.00
2010-11	434,804.00
2011-12	467,414.00
2012-13	502,470.00
2013-14	540,156.00
2014-15	580,667.00
2015-16	624,217.00
2016-17	671,034.00
2017-18	721,361.00

(4) The hub operator shall state in its election to pay tax calculated pursuant to section (3), subsections (a) or (b) for gross mutuel wagering on merged pools and shall designate a state that is subject to the exception in section (3), subsection (b), if that formula is elected, in its license application for each year or at such other time as is specified by the commission. Neither the payment formula nor the state subject to the exception may be changed during a license period without the prior approval of the commission.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 1-2001, f. & cert. ef. 3-19-01; RC 4-2002, f. & cert. ef. 6-28-02; RC 3-2003, f. 6-13-03, cert. ef. 7-1-03; RC 4-2003, f. 6-20-03, cert. ef. 7-1-03; RC 3-2004, f. 6-23-04, cert. ef. 7-1-04; RC 1-2005, f. 5-23-05, cert. ef. 7-1-05; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12; RC 3-2012, f. 10-9-12, cert. ef. 10-15-12

**462-220-0050**

**Total Take-out Rates for Non-Merged Pools**

(1) A Hub operator may include a provision for hosting non-merged pools as part of their operating plan or update to the plan. Subject to approval by the Commission, the Hub operator shall:

(a) As part of the operating plan or update to the plan, set the total take-out rate for those wagering pools which are not merged with the wagering pools of the race track where the race is being run live; and

(b) Pay a 1% fee to the Commission for all hosted non-merged wagers excluding wagers placed through the Hub operator's own ADW system which will be taxed under the formulas set out in OAR 462-220-0040.

(2) Fees required under this provision do not apply to wagering options such as a betting exchange.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

**462-220-0060**

**Where the Wager is Considered to Have Been Made**

(1) Any wager that is made from an account maintained by the hub operator is considered to have been made in the State of Oregon.

(2) Account holders may communicate instructions concerning account wagers to the hub in person, by mail, telephone, or electronic means. Computer assisted wagers are permitted only if there is human intervention in the wagering process. By way of example and not limitation, permissible human intervention includes a natural person making the final decision regarding whether or not a wager formulated by a computer should be submitted. A computer assisted wager means a wager placed by an account holder with respect to which all of the following occur: the tote information relating to the race on which the wager is placed is received by the account holder's computer in electronic format indirectly through an interface provided by a hub; the account holder utilizes a computer to formulate, or assist in formulating, the wager using the electronic tote information; and the account holder submits the wager through an electronic interface provided by a hub.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2008, f. & cert. ef. 9-30-08

**462-220-0070**

**Powers of the Commission to Review and Audit Records; Reporting Requirements**

(1) The commission, or its staff, will be given unrestricted access, for review and audit, to all records and financial information of the hub operator, including all account information. This information will be

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made available to the commission or commission staff, by the hub operator, at the hub location, upon notice from the commission or commission staff, at all reasonable times to the extent such disclosure is not expressly prohibited by law. Commission access to and use of information concerning wager transactions and account wagering customers shall be considered proprietary and shall not be disclosed publicly except as may be required by law. This shall not prevent the sharing of this information for investigative purposes.

(2) The following reports shall be submitted to the Commission:

(a) Wagering Center Closure: A report signed by the hub's managing employee must be filed with the commission within forty-eight (48) hours whenever the account wagering center is closed during normal operating hours;

(b) Transmission Failure: A report signed by the hub's managing employee must be filed with the commission within forty-eight (48) hours whenever wagers are not transmitted to, received by, or otherwise accepted by a racetrack for any reason. The financial implication of such failure should be detailed in this report;

(c) Irregularities or wrong doings: All licensees shall report any known or suspected rules violations by any person involving account wagering immediately to the commission and cooperate in subsequent investigations.

(3) Miscellaneous. The following reports shall be available for inspection by the commission upon request:

- (a) Affiliate account wagering handle;
- (b) Reports for taxation purposes;
- (c) Customer Complaints;
- (d) List of inactive accounts;
- (e) List of Excluded Persons;
- (f) List of account holders, set out by jurisdiction;
- (g) Log of all system accesses and adjustments to the master file;

and

(h) List of all deposits, withdrawals, wagers and winning payouts.

(4) The commission may require the hub operator to annually submit audited financial statements.

(5) The commission requires a 14 day notice in a change of hub ownership prior to such a sale if reasonably possible. In the event that such notice cannot be given, or if all necessary financial soundness checks and personal background checks cannot be completed in that time, the commission may issue a 60 day temporary license pending completion of those investigations.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 1-2009, f. 4-21-09, cert. ef. 7-1-09

### 462-220-0080

#### Distribution of Receipts from Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs

From the payments made to the Oregon Racing Commission by Multi-Jurisdictional Simulcasting and Interactive Wagering Totalizator Hubs per ORS 462.725(3)(b), the commission shall:

(1) Transfer to the State General Fund 33-1/3% of the receipts;

(2) Retain 66-2/3% in the agency's cash account. Of the retained money, the commission may distribute it for the benefit of the Oregon pari-mutuel racing industry as follows:

(a) First, to race meets that were licensed under ORS 462.057 during the 1999 calendar year in the amounts necessary, in the commission's judgment, to allow an appropriate race meet with an appropriate purse level;

(b) Second, if there are funds remaining, to any entity in the Oregon pari-mutuel racing industry, after the receipt of a petition submitted to the commission, for purposes that benefit members of the pari-mutuel industry.

(3) The commission's decision on the distribution of these funds is final.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.725

Hist.: RC 3-2000, f. 3-27-00, cert. ef. 5-1-00; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

### 462-220-0090

#### Enforcement

All proceedings against an applicant or licensed hub shall be before the Commission.

Stat. Auth.: ORS 462.270(3) & 462.725

Stats. Implemented: ORS 462.405

Hist.: RC 3-2007, f. 3-29-07, cert. ef. 7-1-07; RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

## DIVISION 230

### TOTALIZATORS

### 462-230-0010

#### Totalizator Licensing Requirements

(1) A Totalizator company transacting any business within the State of Oregon shall first obtain a license from the Oregon Racing Commission. As a condition of licensing, or annual license renewal, the license application shall include the following:

(a) The applicant's legal name;

(b) A list of personnel assigned to work in this jurisdiction and their current license numbers issued by the Oregon Racing Commission;

(c) Disclosure of all officers, directors, partners, and share holders with at least a five percent share of ownership or beneficial interest;

(d) A completed Oregon Racing Commission Personal History Record application for any individual requiring disclosure under subsection (1)(c);

(e) Documentation that the applicant and/or parent company is registered to do business in the State of Oregon. If the applicant and/or parent company is not required to be registered to do business in the state of Oregon an explanation is to be included;

(f) A chart illustrating the organizational structure, including reporting lines;

(g) A list of all jurisdictions in which the company is operating.

(2) The Commission may conduct investigations or inspections or request additional information from the applicant as it deems appropriate in determining whether to approve the license application.

(3) Totalizator companies shall submit their an application at least 30 days in advance of the scheduled commission meeting at which the application is to be presented.

(4) The fee for Totalizator companies providing service subject to ORS 462.057 shall be \$100.00. The fee for Totalizator companies providing service subject to 462.062 and 462.725 shall be \$1000.00.

Stat. Auth.: ORS 462.727

Stats. Implemented: ORS 462.727

Hist.: RC 2-2012, f. 5-29-12, cert. ef. 6-1-12

### 462-230-0020

#### General Totalizator Requirements

(1) Totalizator companies providing service within the state of Oregon shall meet the following requirements:

(a) Agreement to facility inspections and verification by the commission;

(b) Agreement to testing of hardware and software as may be directed by the Oregon Racing Commission;

(c) Agreement to provide information upon request by the commission.

(2) Totalizator companies providing service subject to ORS 462.062 and 462.725:

(a) Shall make reimbursement to the commission for incurred expenses related to out-of-state regulatory visits; and

(b) Provide a copy of the annual Type II SSAE report or an independent report completed within the previous 12 month period that is approved by the Oregon Racing Commission.

Stat. Auth.: ORS 462.727

Stats. Implemented: ORS 462.727

Hist.: RC 2-2012, f. 5-29-12, cert. ef. 6-1-12