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Charles A. Gardiner III
Executive Director

LOUISIANA STATE RACING COMMISSION

AMENDED MEETING NOTICE

THE LOUISIANA STATE RACING COMMISSION WILL HOLD A MEETING MONDAY, OCTOBER 28, 2019 AT 9:00 AM IN THE QUEEN ANNE BALLROOM OF THE MONTELEONE HOTEL, 214 ROYAL STREET, NEW ORLEANS, LOUISIANA.

I. ASSOCIATION REQUESTS

A. BOYD RACING, LLC d/b/a DELTA DOWNS RACETRACK, CASINO & HOTEL

1. PROGRESS REPORT

2019-2020 THOROUGHBRED MEET

2. RACES

a. Ratification of designated races for 2019-2020 thoroughbred meet:

10/11/19	Magnolia
10/12/19	Gold Cup
10/18/19	Louisiana Jewel
10/19/19	Louisiana Legacy
11/15/19	Treasure Chest
11/16/19	Delta Mile
11/22/19	My Trusty Cat
11/23/19	Jean Lafitte
12/27/19	Lookout
12/28/19	B-Connected
01/10/20	Orleans
01/11/20	Sam's Town
02/08/20	LA Bred Premier Night Distaff
02/08/20	LA Bred Premier Night Ladies Starter
02/08/20	LA Bred Premier Night Championship
02/08/20	LA Bred Premier Night Gentlemen Starter
02/08/20	LA Bred Premier Night Prince
02/08/20	LA Bred Premier Night Old Fillies Starlet
02/08/20	LA Bred Premier Night Ragin Cajun Starter
02/08/20	LA Bred Premier Night Sprint
02/08/20	LA Bred Premier Night Bon Temps Starter
02/08/20	LA Bred Premier Night Matron
02/28/20	Owner Appreciation Distaff
02/28/20	Take Charge Brandi
02/29/20	Owner Appreciation Cup
02/29/20	Big Drama

3. STEWARDS, OFFICIALS & MANAGEMENT

a. Ratification of officials for 2019-2020 thoroughbred meet.

- Chris Warren - Director of Racing
- John Simon - Racing Secretary
- Mohamed Alikhan - Asst. Racing Secretary
- Steve Ruff and Galen Boutte - Association Stewards
- Duane Domingue - Paddock Judge
- Jeff Jerman, Jonathan Boxie, & Holly Boudreaux – Outriders
- Aaron Pelt – Track Superintendent
- Jess Chance – Stall Superintendent
- Jeremy Courville - Starter
- Joe Lopez - Clerk of Scales
- Oscar Lopez - Head Clocker
- Melissa Dueitt - Horse Identifier
- *Anthony Gray - Jocks Room Custodian
- Beverly McNeely – Program Coordinator
- Jeffrey Cernik, Cassandra Silva, & Jordan Jerman – Placing Judges/Racing Office Staff
- *new official*

2020 QUARTER HORSE MEET

4. STEWARD

- a. Approval of Tom Davis to serve as State Steward for 2020 quarter horse meet.**

B. THE OLD EVANGELINE DOWNS, LLC

d/b/a EVANGELINE DOWNS RACETRACK & CASINO

1. PROGRESS REPORT

2019 QUARTER HORSE MEET

2. RACES

- a. Ratification of first condition book for 2019 quarter horse meet.**
b. Ratification of designated races for 2019 quarter horse meet:

- 09/27/19 EVD Dash
- 09/28/19 Billy Montgomery
- 11/02/19 Races and Aces
- 11/09/19 Opelousas
- 11/15/19 LQHBA Million Futurity Trials
- 11/16/19 LQHBA Breeders Derby Trials
- 11/22/19 EVD Futurity Trials
- 11/23/19 EVD Derby Trials
- 12/07/19 LQHBA Million Futurity Finals
- 12/07/19 LQHBA Breeders Derby Finals
- 12/07/19 Scoopies Leaving You
- 12/07/19 LQHBA Invitational
- 12/14/19 Sam's Town
- 12/14/19 EVD 550 HCP
- 12/14/19 EVD Derby
- 12/14/19 EVD Futurity

3. STEWARDS, OFFICIALS & MANAGEMENT

a. Ratification of officials for 2019 quarter horse meet:

- Chris Warren – Director of Racing Operations
- Corey Veazey – Racing Secretary
- Ashley Simon – Assistant Racing Secretary/Stakes Coordinator
- Frank Rudis – Association Steward
- Mark Guidry – Association Steward
- Julie Gipson – Identifier

Traci Vickers – Paddock Judge
Vincent Cline - Clerk of Scales
Damon Menard – Jockey Room Custodian
Sandra Calais – Claims Clerk/Alternate Placing Judge
Angela Hebert – Placing Judge
Esther Rico – Placing Judge
Tori Hayes – Placing Judge
Brett Poole – Clocker
Ray Sibille – Clocker
Russell Comeaux – Starter
Jacob Deville – Outrider
Kenneth Gipson – Outrider
Ronald Lavergne – Outrider
David Correll – Stall Superintendent
Randall Leger – Track Superintendent

**C. CHURCHILL DOWNS LOUISIANA HORSERACING COMPANY, LLC
d/b/a FAIR GROUNDS RACE COURSE & SLOTS**

1. PROGRESS REPORT

2019-2020 THOROUGHBRED MEET

2. RACES

a. **Approval** of first condition book for 2019-2020 thoroughbred horse meet.

3. STEWARDS, OFFICIALS & MANAGEMENT

a. **Approval** of officials for 2019-2020 thoroughbred race meet.

Jason M. Boulet – Sr. Director of Racing
Scott L. Jones – Racing Secretary
Jeffrey W. Johnston – Assistant Racing Secretary
Mario Torres – Maintenance/Stall Superintendent
Baley Hare – Stakes Coordinator
Jacquelyn Herbstreit – Program Coordinator
Jorie Gorski – Placing Judge/Entry Clerk
Lafitt Salazar – Placing Judge/Entry Clerk
Joe Ray Peluso – Placing Judge/Entry Clerk
Raymond R. Rettig, Jr. – Claims Clerk/Entry Clerk
Mandy Green – Identifier
Gary Palmisano, Sr. – Paddock Judge
David Wedlake - Association Steward
TBA - Association Steward
Allen Love – Outrider
Darrin Cain – Outrider
Robert Mayer – Outrider
Craig Daligian – Clerk of Scales
Laura Aime – Clocker
William Pettingail – Clocker
TBA – Clocker
Mike Diliberto – Clocker/Track Handicapper
Glen Miller – Starter
Pedro Zavala – Track Superintendent
Garrett Broussard – Custodian
Donovan Ferguson – Mutual Manager

**D. HARRAH'S BOSSIER CITY INVESTMENT COMPANY, LLC
d/b/a HARRAH'S LOUISIANA DOWNS**

1. PROGRESS REPORT

2. UPDATE

- a. **Update** on Eldorado Resorts, Inc. Merger Agreement relating to Caesars Entertainment Corporation.

II. BREEDER UPDATES

A. LOUISIANA THROUGHbred BREEDERS ASSOCIATION (LTBA)

1. PROGRESS REPORT

B. LOUISIANA QUARTER HORSE BREEDERS ASSOCIATION (LQHBA)

1. PROGRESS REPORT

III. COMMITTEE REPORTS

A. MEDICATION COMMITTEE, by *Committee Chairperson Judy W. Wagner*

B. RULES COMMITTEE, by *Committee Chairman R. Hamilton "Hammy" Davis*

C. LEGAL COMMITTEE, by *Committee Chairman Benjamin J. Guilbeau, Jr.*

D. SECURITY COMMITTEE, by *Committee Chairman Kenneth "Kenu" Romero*

E. RACETRACK/HBPA LIAISON COMMITTEE, by *Committee Chairman Donald "Don" Cravins*

F. FINANCE COMMITTEE, by *Committee Chairman Louis Reine*

IV. OTHER

A. DIGITAL HORSE IDENTIFICATION

1. **Update** of racing associations' preparations for the upcoming conversion to validating horse identity through inspection of digital tattoo/microchip.

V. RULES

A. FORMAL ADOPTION

1. Ambulance

LAC 35: III Chapter 57 – Associations' Duties and Obligations
§5713. *Ambulance* [amend]

2. Pick N Wagering

LAC 35: XIII Chapter 110 – Pick Five or Pick Six

§11001. *Pick Five* [repeal]

§11003. *Pick Six* [repeal]

LAC 35: XIII Chapter 116 – Pick N

§11601. *Description; Selection; Principle* [amend]

§11609. *Procedure* [amend]

§11611. *No Winning Ticket* [repeal]

§11613. *Cancelled Races* [repeal]

§11621. *Scratches and Non-Starters* [repeal]

§11625. *Unforeseen Circumstances* [amend]

VI. ADJUDICATIONS**A. VIOLATIONS OF LAC 35:I.1797 (Equine Positives)**

1. **Eliseo G. Celestino, Trainer.** (*Adjudication Referral*)
Ruling#DD23523 of 07/04/19 – *D-Methamphetamine (ARCI Category I)*
Continued from August 19, 2019 Commission Meeting.
2. **Joseph Rideaux, Trainer.** (*Adjudication Referral*)
Ruling#DD23437 of 05/30/19 – *D-Methamphetamine (ARCI Category I)*
Continued from August 19, 2019 Commission Meeting.
3. **Charles P. Hukill, Trainer.** (*Adjudication Referral*)
Ruling#LD23613 of 08/28/19 – *D-Methamphetamine (ARCI Category I)*
4. **Edward R. Gallaway, Jr., Trainer.** (*Adjudication Referral*)
Ruling#ED23617 of 08/28/19 – *D-Methamphetamine (ARCI Category I)*
5. **Joseph P. Smith, Trainer.** (*Adjudication Referral*)
Ruling#ED23636 of 09/25/19 – *D-Methamphetamine (ARCI Category I)*
6. **Russell Richard, Trainer.** (*Adjudication Referral*)
Ruling#ED23615 of 08/28/19 – *D-Methamphetamine (ARCI Category I)*
7. **Russell Richard, Trainer.** (*Adjudication Referral*)
Ruling#ED23616 of 08/28/19 – *D-Methamphetamine (ARCI Category I)*
8. **Kathleen Mordenti, Trainer.** (*Adjudication Referral*)
Ruling#LD23611 of 08/28/19 – *D-Methamphetamine (ARCI Category I)*
9. **Kathleen Mordenti, Trainer.** (*Adjudication Referral*)
Ruling#LD23612 of 08/28/19 – *D-Methamphetamine (ARCI Category I)*
10. **Josue Huitron, Trainer.** (*Adjudication Referral*)
Ruling#DD23483 of 06/14/19 – *Ambroxol (ARCI Category IV)*
(3rd offense of ARCI Cat. IV/V within a 12-month period)
11. **Josue Huitron, Trainer.** (*Adjudication Referral*)
Ruling#DD23484 of 06/14/19 – *Ambroxol (ARCI Category IV)*
(4th offense of ARCI Cat. IV/V within a 12-month period)
12. **Josue Huitron, Trainer.** (*Adjudication Referral*)
Ruling#ED23571 of 08/01/19 – *Dexamethasone (ARCI Category IV; Gross Violation)*
(5th offense of ARCI Cat. IV/V within a 12-month period)

**B. VIOLATION OF LAC 35:I.1743 (Possession of Drugs, Syringes or Needles)
& USE OF PROGRAM TRAINER**

1. **Aaron Harvey, Owner.** (*Adjudication Appeal/Referral*)
Ruling#DD23464 of 06/07/19 – *Possession of injectable substances, hypodermic needles & syringes*
Use of a Program Trainer to race horses

VII. ADJOURNMENT

A handwritten signature in blue ink, appearing to read "Charles A. Gardiner III".

Charles A. Gardiner III
Executive Director

This notice was posted by the entrance of the Louisiana State Racing Commission, Thursday, October 24, 2019 at 4:00PM.

RULE FOR FORMAL ADOPTION FOR OCTOBER 28, 2019 COMMISSION MEETING

Office of the Governor Division of Administration Racing Commission

Ambulance (LAC 35:III.5713)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally adopts LAC 35:III.5713. The rule additions and amendments will impact racing associations in Louisiana by requiring them to provide two ambulances during racing hours, one during training hours, each properly equipped to provide emergency medical services and transport, including advanced life support equipment. In addition, the Rule requires that, if both ambulances are being used for transport, the association cannot conduct a race until one is replaced. The Rule also requires racing associations to designate an area that a helicopter can land in the occurrence one is required to transport an injured participant. This Rule is hereby adopted on the day of promulgation.

Title 35

HORSE RACING

Part III. Personnel, Registration and Licensing

Chapter 57. Associations' Duties and Obligations

§5713. Ambulance

A. Each association shall provide two ambulances during its racing hours and one ambulance during training hours. During such time, the ambulance shall be ready for duty, properly equipped to provide emergency medical services and transport, including advanced life support equipment, a registered paramedic, a certified emergency medical technician, and shall have immediate access to the racing strip. If both the ambulances are being used to transport individual(s), the association shall not conduct a race, or allow horses with riders on the racetrack until at least one of the ambulances is replaced.

B. Unless otherwise approved by the commission or the stewards, an ambulance shall follow the field at a safe distance during the running of races.

C. The ambulance shall be parked at an entrance to the racing strip except when the ambulance is being used to transport an individual or when it is following the field during the running of a race.

D. Each association shall also provide a designated area that a helicopter can land in the case where a helicopter is required to transport an injured participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 9:546 (August 1983), amended by the Office of the Governor, Division of Administration, Racing Commission, LR 44:914 (May 2018), LR 45:

**RULE REPEALS FOR FORMAL ADOPTION
FOR OCTOBER 28, 2019 COMMISSION MEETING**

**Office of the Governor
Division of Administration
Racing Commission**

Pick Five or Pick Six (LAC 35:XIII.11001 and 11003)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally repeals LAC 35:XIII.11001 and 11003. The repeal of LAC 35:XIII.Chapter 110 "Pick Five or Pick Six" will be replaced by the administrative rule LAC 35:XIII.Chapter 116, "Pick N", which will provide similar exotic wagers as the current LAC 35:XIII.Chapter 110 "Pick Five or Pick Six". The LAC 35:XIII.Chapter 116, "Pick N", not only provides for a similar wager as the current Pick Five or Pick Six, but additional possible wagers that the track can structure in a manner that they believe will increase the wagering by the betting public on the horse races. These Rules are hereby repealed on the day of promulgation.

**Title 35
HORSE RACING
Part XIII. Wagering
Chapter 110. Pick Five or Pick Six**

**Chapter 110. Pick Five or Pick Six
§11001. Pick Five**

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2, and R.S. 4:149.3.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 38:1408 (June 2012), repealed LR 45:

§11003. Pick Six

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1, R.S. 4:149.2, and R.S. 4:149.3.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 39:2493 (September 2013), repealed LR 45:

RULES FOR FORMAL ADOPTION FOR OCTOBER 28, 2019 COMMISSION MEETING

Office of the Governor Division of Administration Racing Commission

Pick N (LAC 35:XIII.Chapter 116)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission formally amends LAC 35:XIII.11601, 11609, and 11625. Notice is hereby given that the Racing Commission formally repeals LAC 35:XIII.11611, 11613, and 11621. The Rule is an amendment of the pari-mutuel wager, Pick N, wherein a bettor picks the winning horse in a variable number of consecutive horse races. The Rule allows for the licensed racetrack, when applying for its operating license, to apply to utilize one of the nine methods set forth in the Pick N rule, specifically §11609. These nine different methods each provide a different manner of carryover pool and the pay outs. These Rules are hereby adopted on the day of promulgation.

Title 35 HORSE RACING Part XIII. Wagering

Chapter 116. Pick N

§11601. Description; Selection; Principle

A. The Pick N is a form of pari-mutuel wagering where N is a varying number of races exceeding three races. Bettors select the first horse in each of N consecutive races designated as the Pick N by the permit holder. The principle of a Pick N is in effect a contract by the purchaser of a Pick N ticket to select the winners of each of the N races designated as the Pick N. The sale of Pick N tickets other than from pari-mutuel machines shall be deemed illegal and is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002), amended LR 34:869 (May 2008), LR 45:

§11609. Procedure

A. The Pick N requires selection of the first-place finisher in each of a designated number of contests. The association shall submit their request for Pick N pool wagering in writing to the commission at the time of application for race dates and include the request in their wagering format application. The association must obtain written approval from the commission concerning the scheduling of Pick N contests, the designation of one of the methods prescribed in Subsection B, 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 at the time of application for race dates.

B. The Pick N pool shall be apportioned under one of the following methods:

1. Method 1, Pick N with Carryover: The net Pick N pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick N contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests; and the remainder shall be added to the carryover. Where there is no correct selection of the first-place finisher in at least one of the Pick N contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool.

2. Method 2, Pick N with 100 percent 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 100% of that day's net pool shall be added to the carryover. Where there is no correct selection of the first-place finisher in at least one of the Pick N contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool.

3. Method 3, Pick N with Minor Pool and Carryover: The major share of the net Pick N pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick N contests, based upon the official order of finish. The minor share of the net Pick N pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick N contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick N contests, the minor share of the net Pick N pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests; and the major share shall be added to the carryover. Where there is no correct selection of the first-place finisher in at least one of the Pick N contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool.

4. Method 4, Pick N with No Minor Pool and No Carryover: The net Pick N pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

5. Method 5, Pick N with Minor Pool and No Carryover: The major share of the net Pick N pool shall be distributed to those who selected the first place finisher in the greatest number of Pick N contests, based upon the official order of finish. The minor share of the net Pick N pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick N contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick N contests, the minor share of the net Pick N pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests. If the greatest number of first-place finishers selected is one (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.

6. Method 6, Pick N with Minor Pool and No Carryover: The major share of net Pick N pool shall be distributed to those who selected the first-place finisher in each of the Pick N contests, based upon the official order of finish. The minor share of the net Pick N pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick N contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick N contests, the entire net Pick N pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick N contests, the minor share of the net Pick N pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick N contests. If there are no winning wagers, the pool is refunded.

7. Method 7, Pick N with Carryover and "Unique Winning Ticket" Provision: The net Pick N pool and carryover, if any, shall be distributed to the holder of a unique winning ticket that selected the first-place finisher in each of the Pick N contests, based upon the official order of finish. If there is no unique ticket selecting the first-place finisher in each of the Pick N contests, or if there are no wagers selecting the first-place finisher of all Pick N contests, the minor share of the net Pick N pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests, and the major share shall be added to the carryover. Associations may suspend previously approved unique winning ticket wagering with the prior approval of the commission. Any carryover shall be held until the suspended unique winning ticket wagering is reinstated. Where there is no correct selection of the first-place finisher in at least one of the Pick N contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool. In obtaining authorization for operating the Pick N pool under this subsection, associations must clearly identify which definition under Subsection L will be relied upon for determining the existence of a unique winning ticket.

8. Method 8, Pick N with the Pool split into three shares, one share having a Carryover: The share percentages are determined by the pool host and approved by the commission. The first 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 second share of the net Pick N pool shall be distributed to those who selected (N-1) of the Pick N contests, based upon the official order of finish and a third share of the Pick N pool shall be distributed to those who selected (N-2) of the 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 first share shall be added to the carryover. If there are no wagers selecting (N-1) of the Pick N contests, this second share shall be added to the carryover. If there are no wagers selecting (N-2) of the Pick N contests, this third share shall be added to the carryover. Where there is no correct selection of the first-place finisher in at least one of the Pick N contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to the next scheduled corresponding pool.

9. Method 9, Pick N with the pool split into three shares, with Carryovers, and a Unique Winning Ticket Provision: The share percentages are determined by the pool host and approved by the commission. The first share of the net Pick N pool and the first share 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 second 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 second share of the net Pick N pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests, and the first share shall be added to the first share carryover. The third share and the third share carryover, if any, shall be distributed to the holder of a unique winning ticket that selected the first-place finisher in each of the Pick N contests, based upon the official order of finish. If there is no unique winning ticket selecting the first-place finisher in each of the Pick N contests, the third share shall be added to the third share carryover. For greater certainty, the holder of a unique winning ticket shall receive both the first share, and first share carryover, if any as well as the third share, and the third share carryover, if any. Where there is no correct selection of the first-place finisher in at least one of the Pick N contests, based upon the official order of finish, the day's net pool shall be refunded and the previous carryover pool(s) amount(s), if any, shall be carried over to the next scheduled corresponding pool. In obtaining authorization for operating the Pick N pool under this subsection, associations must clearly identify which definition under paragraph 16(b) will be relied upon for determining the existence of a unique winning ticket.

C. If there is a dead heat for first in any of the Pick N contests involving:

1. contestants representing the same betting interest, the Pick N pool shall be distributed as if no dead heat occurred.

2. contestants representing two or more betting interests, the Pick N pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

D. If a wagering interest is "scratched" for a Pick N contest, or is designated to run for purse money only, the association shall use the actual favorite, as evidenced by total amounts wagered in the Win pool at the host association for the contest at the close of wagering on that contest, and shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

E. Subject to Subsection I, J or L, the Pick N pool shall be cancelled and all Pick N wagers for the individual performance shall be refunded if:

1. at least three contests included as part of a Pick 4 N, Pick 5 N or Pick 6 N are cancelled or declared no contest.

2. at least four contests included as part of a Pick 7 N, Pick 8 N or Pick 9 N are cancelled or declared no contest.

3. at least five contests included as part of a Pick 10 N are cancelled or declared no contest.

F. Subject to Subsection I, J or L, 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 E of this Section, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick N contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick N carryover but not the carryover from previous performances.

G. If the condition of the course warrants a change of racing surface in any of the legs of the Pick N races, and such change was not known to the public prior to the closing of wagering for the Pick N pool, the stewards shall declare the changed leg(s) a no contest for Pick N wagering purposes only.

H. The Pick N carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the Pick N carryover equals or exceeds the designated cap, the Pick N carryover will be frozen until it is won or distributed under other provisions of this rule. After the Pick N carryover is frozen, 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. Any request for a designated cap shall be submitted to the commission in writing at the time of application for race dates and included in the wagering format application.

I. Any request for permission to distribute the Pick N carryover on a specific performance shall be submitted to the commission in writing at the time of application for race dates and included in their wagering format application. The request must be for a specified date.

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

1. Upon written approval from the commission as provided in Subsection H of this rule.
2. On the closing performance of the meet or split meet.

K. Unless otherwise stated in writing by the commission under Subsection I, on the last Pick N race on the final day of the meeting, the net pool, including any applicable carryover, shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick N contests, based upon the official order of finish.

L. As it relates to any distribution method under section 2 which contains a unique winning ticket provision:

1. A written request for permission to distribute the Pick N unique winning ticket carryover on a specific performance shall be submitted to the commission in writing at the time of application for race dates and included in their wagering format application. 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. Should the Pick N unique winning ticket net pool and any applicable carryover be designated for distribution on a specified date and performance in which there is no unique winning ticket, the entire 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.

2. Associations must clearly identify which selection under Subparagraphs a and b below will be relied upon for determining the existence of a unique winning ticket:

a. there is one and only one winning ticket that correctly selected the first place finisher in each of the Pick N contests, based upon the official order of finish, to be verified by the unique serial number assigned by the tote company that issued the winning ticket; or

b. the total amount wagered on one and only one winning combination selecting the first-place finisher in each of the Pick N contests, based upon the official order of finish, is equal to the minimum allowable wager.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1014 (May 2002), amended LR 34:870 (May 2008), LR 45:

§11611. No Winning Ticket

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002), amended LR 34:870 (May 2008), repealed LR 45:

§11613. Cancelled Races

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002), amended LR 34:870 (May 2008), repealed LR 44:

§11621. Scratches and Non-Starters

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002), amended LR 34:870 (May 2008), repealed LR 44:

§11625. Unforeseen Circumstances

A. Should circumstances occur which are not foreseen in these rules, questions arising thereby shall be resolved by the association and when possible, with approval by the commission in accordance with general pari-mutuel practices. Decisions regarding distribution of the Pick N pools shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:149, R.S. 4:149.1 and R.S. 4:149.2.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 28:1015 (May 2002), amended LR 34:871 (May 2008), LR 45: