

**DIVISION 200  
PARI-MUTUEL RULES AND REGULATIONS**

**Simulcast Intrastate Off-Track Wagering**

**462-200-0340**

**Application and Approval of Off-Track Wagering Facilities**

(1) 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:

(a) 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 operator, 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.

(b) 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.

(c) 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.

(d) A scale drawing of the facility, including its public accommodations, equipment, concessions, and office space.

~~(e) A feasibility study denoting the revenue earnings expected from the simulcast facility and the costs expected to operate such facility. The feasibility study shall include:~~

~~(A) The number of simulcast races, by performance, to be displayed;~~

~~(B) The types of wagering to be offered;~~

~~(C) The level of attendance expected and the area from which such attendance will be drawn;~~

~~(D) The level of anticipated wagering activity by performance;~~

~~(E) The source and amount of revenues expected from other than pari-mutuel wagering;~~

~~(F) The cost of operating the simulcast facility and the identification of costs to be amortized and the method of amortization of such costs;~~

~~(G) The amount and source of revenues needed for financing the simulcast facility;~~

~~(H) The probable impact of the proposed operation on revenues to local government.~~

(f) 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.

(g) The type of data processing, communication and transmission equipment to be utilized.

(h) 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.

- (i) An agreement that has been executed with the simulcast operator for the conduct of simulcast wagering at the facility
- (j) An agreement that has been executed with the owner of the facility allowing its use as an off-track wagering facility.
- (k) 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.
- (l) Financial reports in sufficient detail for the commission to determine the applicant's ability to adequately perform the duties of a simulcast operator.
- (m) 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.

#### **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 ~~facility~~ facilities will ~~not~~ 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, ed\_ for betting only during the hours a mutuel teller is present, until such time as the transmission of the win odds to the off-track facility has begun for the first race 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 carried at the site later that day.
- (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.
  - ~~(c) The signals being shown at an off-track wagering facility must be shown continuously from the beginning to the end of the performance, unless otherwise approved by the commission. "Flipping" between signals is not allowed. A schedule of which signals are to be taken shall be provided to the commission designee on not less than a weekly basis. Wagering is prohibited on races from a track's program which are not scheduled to be shown at the site. Violations of this subsection may subject the off-track site operator, the race meet licensee and any employee found to be involved in such violations to fines of up to \$250.00 each.~~
- (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\_s and backup phone lines (which are unencumbered to allow the transmission of data in the event the data lines malfunction) are~~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 ~~take-out and~~ 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-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) ~~A cabinet~~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 ~~racine commission executive director and the race meet licensee~~, for safe keeping of the money used for the pari-mutuel wagering activity between the performances.

(f) Posting of the ~~take-out rates and~~ surcharge information in a conspicuous place, by race track program taken, for inspection by the wagering public.

(g) A written security plan and provisions approved by the ~~executive director~~racine commission.

(6) Equipment Related. The issue as to who is responsible for providing which pieces of equipment necessary for the conduct of the waging 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 ticket issuing machines (TIM) to adequately serve the number of patrons reasonably expected to be in attendance at the site. In addition, one extra wagering terminal (TIM) 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.

**462-200-0380**

**Unusual Situations in Off-Track Wagering**

~~(1) On the initial opening performance of each off track site for each race meet or simulcast meet, the video picture, audio signal and odds shall be capable of being received, and must actually be received before the site will be authorized to open. After the initial opening performance:~~

~~(2) Loss of Audio Signal. Wagering will continue at off track sites.~~

~~(3) Loss of Video Signal Race Only. If the video signal displaying the race is lost but the odds are being continuously displayed for the program, the facility may remain open for wagering for the remainder of that day's program. If the video signal cannot be reestablished at the beginning of the next day's program, wagering may not be taken on the program until such time as the signal is re-established on a continuous basis.~~

~~(4) 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.~~