



Ohio Administrative Code Rule 3769-3-28 Pick (n) pools.

Effective: January 26, 2024

(A) The pick (n) requires selection of the first-place finisher in each of a designated number of contests. The association has to obtain written approval from the commission concerning the scheduling of pick (n) contests, the designation of one of the methods prescribed in paragraph (B) of this rule and the amount of any cap to be set on the carryover. Any changes to the approved pick (n) format needs prior approval from the commission.

(B) The pick (n) pool will be apportioned under one of the following methods:

(1) Method one, pick (n) with carryover: The net pick (n) pool and carryover, if any, will 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 will 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 will be added to the carryover.

(2) Method two, pick (n) with minor pool and carryover: The major share of the net pick (n) pool and the carryover, if any, will 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 will 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 will 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 will be added to the carryover.

(3) Method three, pick (n) with no minor pool and no carryover: The net pick (n) pool will 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.



(4) Method four, pick (n) with minor pool and no carryover: The major share of the net pick (n) pool will 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 will 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 will 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, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) Method five, pick (n) with minor pool and no carryover: The major share of net pick (n) pool will 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 will 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 will 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 will 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.

(6) Method six, pick (n) with minor pool, jackpot pool, major carryover and jackpot carryover: Predetermined percentages of the net pick (n) pool will be set aside as a major pool, minor pool and jackpot pool. The major share of the net pick (n) pool and the major carryover, if any, will be distributed to those who selected the first-place finisher of each of the pick (n) contests, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the pick (n) contests, the major net pool will be added to the major carryover. If there is only one single ticket selecting the first-place finisher of each of the pick (n) contests, based on the official order of finish, the jackpot share of the net pick (n) pool and the jackpot carryover, if any, will be distributed to the holder of that single ticket, along with the major net pool and the major carryover, if any. If more



than one ticket selects the first-place finisher of each of the pick (n) contests the jackpot net pool will be added to the jackpot carryover. The minor share of the net pick (n) pool will be distributed to those who selected the first-place finisher of the second greatest number of pick (n) contests, based on the official order of finish. If there are no wagers selecting the first-place finisher of all pick (n) contests, the minor net pool of the pick (n) pool will be distributed as a single price pool to those who selected the first-place finisher of the greatest number of pick (n) contests.

(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 will be distributed as if no dead heat occurred.

(2) Contestants representing two or more betting interests, the pick (n) pool will be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(D) 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 association for the contest at the close of wagering on that contest, will 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 will be the betting interest with the lowest program number. The totalizator will 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) The pick (n) pool will be cancelled and all pick (n) wagers for the individual performance will be refunded if:

(1) At least two contests included as part of a pick three are cancelled or declared "no contest."

(2) At least three contests included as part of a pick four, pick five or pick six are cancelled or declared "no contest."

(3) At least four contests included as part of a pick seven, pick eight or pick nine are cancelled or



declared "no contest."

(4) At least five contests included as part of a pick 10 are cancelled or declared "no contest."

(F) 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 paragraph (E) of this rule, the net pool will 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 will 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 or judges will declare the changed leg(s) a "no contest" for pick (n) wagering purposes only. A "no contest" race is not to be considered as a contested race.

(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, one hundred per cent of the net pool, part of which ordinarily would be added to the pick (n) carryover, will be distributed to those whose selection finished first in the greatest number of pick (n) contests for that performance.

(I) A written request for permission to distribute the pick (n) carryover on a specific performance may be submitted to the commission. The request has to contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(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 will 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 will 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 paragraph (I) of this rule.



(2) 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.

(3) On the closing performance of the meet or split meet.

(K) If, for any reason, the pick (n) carryover has to be held over to the corresponding pick (n) pool of a subsequent meet, the carryover will be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest will then be added to the net pick (n) pool of the following meet on a date and performance so designated by the commission.

(L) With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

(M) 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 will not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

(N) The association may suspend previously-approved pick (n) wagering with the prior approval of the commission. Any carryover will be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific performances.