



Ohio Administrative Code Rule 3769-3-40 Fortune Pick (n).

Effective: January 1, 2009

(A) The fortune pick (n) requires selection of the first place finisher in each of a designated number of contests. The permit holder must obtain written approval from the commission concerning the scheduling of fortune pick (n) contests, and the amount of any cap to be set on the carryover. Any changes to the approved fortune pick (n) format require prior approval from the commission.

(B) Fortune pick (n) with minor pool and carryover with unique wager: the entire net fortune pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all fortune pick (n) contests, the minor share of the net fortune pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of fortune pick (n) contests; and the major share shall be added to the carryover.

(C) Unique wager, as used in this rule, shall be defined as having occurred when the total amount wagered on a winning combination selecting the first place finisher in each of the selected fortune pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager.

(D) If there is a dead heat for first in any of the fortune pick (n) contests involving:

(1) Contestants representing the same betting interest, the fortune pick (n) pool shall be distributed as if no dead heat occurred.

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

(E) Should a betting interest in any of the fortune pick (n) contests be scratched, excused or determined to be a non-starter, all tickets sold containing the scratched horse shall be refunded. The money refunded will be deducted from the gross pool.



(F) The fortune pick (n) pool shall be cancelled and all fortune pick (n) wagers for the individual performance shall be refunded if:

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

(2) At least four contests included as part of a fortune pick seven, pick eight, or pick nine are cancelled or declared a "no contest."

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

(G) If at least one contest included as part of a fortune pick (n) is canceled or declared "no contest," but not more than the number specified in paragraph (F) 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 fortune pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the fortune pick (n) carryover but not the carryover from previous performances.

(H) The fortune 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 fortune pick (n) carryover equals or exceeds the designated cap, the fortune pick (n) carryover will be frozen until it is won or distributed under other provisions of this rule. After the fortune pick (n) carryover is frozen, one hundred per cent of the net pool, part of which ordinarily would be added to the fortune pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of fortune pick (n) contests for that performance.

(I) A written request for permission to distribute the fortune 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 to be derived, and the intended date and performance for the distribution.

(J) Should the fortune 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 fortune 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 fortune pick (n) contests. The fortune 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 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 fortune pick (n) wagering to another, or when the fortune pick (n) is discontinued;
- (3) On the closing performance of the meet or split meet.

(K) If, for any reason, the fortune pick (n) carryover must be held over to the corresponding fortune pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest bearing account approved by the commission. The fortune pick (n) carryover plus accrued interest shall then be added to the net fortune 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 permit holder may contribute to the fortune pick (n) carryover a sum of money up to the amount of any designated cap.

(M) It is strictly prohibited to provide information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

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



(O) Fortune pick (n), as used in this rule, shall mean the selection of winners in six or more races during the course of an official racing program.