

CHAPTER 185. ADMINISTRATIVE RULES

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Subchapter A. PENALTIES AND LIABILITIES

Sec.
185.1. General provisions.

§ 185.1. General provisions.

(a) *Liability.* Any person or association licensed by the Commission, or any person or association subject to the jurisdiction of the Commission violating any of its rules or regulations shall be liable to the penalties herein provided, unless otherwise limited in and by the rules and regulations of the Commission.

(b) *Attempt to violate.* Any attempts to violate the law or any of the rules and regulations of the Commission falling short of actual accomplishment, shall constitute an offense and shall be punishable as if consummated.

(c) *Penalties.* Penalties may include the following:

(1) The penalties for violation of the law or the rules of the Commission shall be as follows:

- (i) Denial, revocation or suspension of license.
- (ii) Monetary fines not exceeding \$5,000 for each violation.
- (iii) Suspension from one or more activities at one or more tracks.
- (iv) Expulsion from harness racing in Pennsylvania.
- (v) Forfeiture of purse.

(2) The penalties provided above, where applicable, shall be exacted from all persons, whether licensed by the Commission or not.

(3) Suspension or expulsion of either husband or wife shall apply in each instance to both husband and wife.

Subchapter B. LICENSES

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 - 185.34. Temporary license.
 - 185.35. Horses prohibited from racing in overnight events.
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§ 185.11. License required to conduct harness race meets with pari-mutuel wagering.

No association organized pursuant to the State Harness Racing Act shall conduct any harness horse race meet with pari-mutuel wagering except on obtaining a license from the Commission.

§ 185.12. Location of plant.

No association shall conduct any harness horse race meet except at the location designated in the license awarded by the Commission provided, however, that this restriction shall not apply to any association whose plant or the usefulness thereof or of any material part thereof be totally destroyed or so substantially damaged as to render it unfit for continued operation in which case, the Commission may in its discretion permit the association to conduct its meetings at another

suitable location in the same county or in any other county in which a plant may be located pending the rebuilding or restoration of the plant so destroyed or damaged.

§ 185.13. Filing of information concerning stock transfers.

Where in every case provided for under section 4 of the State Harness Racing Law (15 P. S. § 2604) duplicate affidavits are filed with an association relating to the issue or transfer of stock, the association shall within 10 days after receipt of such affidavits file one of each of the duplicate affidavits received by it with the Commission. If the Commission determines that it is inconsistent with the public interest, convenience, or necessity, or with the best interest of racing generally, that any person, association or corporation continue to be a stockholder of record or the beneficial owner of any interest in stock standing in the name of another, the Commission shall order each such stockholder or beneficial owner to dispose of his stock or interest therein within a period of time specified by the Commission.

§ 185.14. Number of racing days.

No association shall be licensed to conduct harness horse racing with pari-mutuel wagering for more than 62 days in any calendar year. The Commission shall approve the dates and hours during which the association may conduct such racing. Where a race program is cancelled under § 185.256 (relating to number of races) before racing day shall not be computed as within the 62 days limitation.

§ 185.15. Application for license.

Applications for licenses and applications for renewal of licenses to conduct harness horse race meetings with pari-mutuel wagering shall be made annually to the Commission on forms provided by the Commission and at a time not later than a date designated by the Commission.

§ 185.16. Issuance of license.

Upon receipt of an application satisfactory in form and substance to the Commission, the Commission shall grant its license for a term of days during the current year during which the applicant may conduct harness horse racing with pari-mutuel wagering. Such license shall specify the place where and the hours of the day or night during which racing and pari-mutuel wagering shall be held. The term of the license shall end not later than the 15th day of November next succeeding the granting thereof. In issuing a license, the Commission will among other things, give consideration to the number of licenses granted; the character, experience and general fitness of the officers, directors, members or stockholders, persons having a beneficial ownership therein; the corporation, if any, owning stock in or which shares in the profits or participates in the management of the affairs of the applicant, or which leases to such applicant the plant where it

shall operate; the financial responsibility of the applicant; plant facilities; location of plant; equipment to be used in the plant; the personnel to be employed by applicant; policy plans; the public interest, convenience or necessity and the best interests of racing generally. The Commission will furthermore give consideration to all of the answers made by the applicant to questions contained in the application, the substance of which is incorporated in this chapter by reference thereto and to all oral interviews conducted with the applicant.

§ 185.17. Knowledge of rules.

All associations are required, with their officers and employees to be responsible for the conduct of their meetings and to make certain that all officers and employees are thoroughly familiar with the provisions of the pertinent law and the rules and regulations of the Commission and the Department of Revenue.

§ 185.18. Stock certificates.

Each certificate of stock issued by any association, firm or corporation participating in the management of any association, and all other corporations licensed by the Commission shall have noted on the face of such stock certificate that the person whose name is indicated as the owner of the shares of stock represented by such certificate is the sole and absolute owner thereof and that he is not holding the shares of stock or any portion of the shares of stock represented by said certificate in trust for any person, partnership, firm or corporation whatsoever who or which is prohibited by this act from owning such shares of stock. If any of the shares of stock represented by a certificate of stock are held subject to the terms of either an inter vivos or testamentary trust for the benefit of any person who could lawfully own such stock in his own name such fact shall be so noted on the face of the certificate and a copy of the instrument which created the trust shall be attached thereto. A duplicate copy of the instrument which created the trust shall be filed by the licensee with the Commission. Every certificate of stock of any licensee as defined in this chapter must also bear the legend plainly and prominently imprinted on the face of the certificate: "This certificate of stock is transferable subject to the provisions of the Harness Racing Law and the Rules and Regulations promulgated thereunder."

§ 185.19. Accounting system.

All associations must adopt the uniform system of accounts which is furnished to such associations by the Department of Revenue.

§ 185.20. Financial reports.

(a) The association must maintain separate general ledgers and books of original entries for each calendar or fiscal year. The following financial reports must be submitted to the Commission at the close of each racing meet of the association and at the close of the fiscal year of the association:

- (1) Statement of Assets and Liabilities.
- (2) Statement of Profit and Loss and Surplus.
- (b) Interim reports must be submitted to the Commission and must include all operations for the current period up to and including the last day of the meet. These interim reports must be filed with the Commission within 30 days after the close of the meeting.
- (c) Annual reports are to include all operations for the calendar or fiscal year of the association and must be filed with the Commission within 75 days after the end of the calendar or fiscal year.
- (d) All reports must be verified under oath by:
 - (1) At least two of the principal officers of the association.
 - (2) By persons preparing the reports.
 - (3) Separate records of each bank reconciliation must be maintained by the association in a manner which will clearly indicate all reconciling items between the balance per the bank statement and the balance per the books of the association at the date of reconciliation.

§ 185.21. Reports.

All associations are required to submit to the Commission the following:

- (1) Copies of weekly payrolls of all personnel employed at the track during the race meeting, including the state license number, if any, address and title of each employe.
- (2) Copies of all written contracts and agreements and a summary of all verbal contracts and agreements.
- (3) List of stockholders annually, or as the Commission may require.
- (4) List of officers and directors and compensation paid to each or as the Commission may require. The Commission shall be notified forthwith of any change in the officers, stockholders and directors of an association.

Cross References

This section cited in 58 Pa. Code § 185.22 (relating to filing of agreements and approval of contracts).

§ 185.22. Filing of agreements and approval of contracts.

In addition to the reports required under § 185.21 (relating to reports), every association shall promptly, after entering into any lease agreement concerning any concession or any agreement regarding labor management, hiring of officers, employes, contractors or any such other contract, agreement or arrangements as the Commission may from time to time prescribe, file with the Commission a true and correct copy or an accurate summary, if oral, thereof. No contract may be entered into by any association with any third persons, including individuals, partnerships, corporations, profit or nonprofit unincorporated associations, or any combination of the above, without approval of the contract by the Commission.

In the event approval of the contract is not obtained by the association prior to its execution, the contract shall contain a provision which states that the contract will not be operative unless approved by the Commission.

§ 185.23. Night racing.

At all meets held at night, the post time of the last heat or race shall be not later than 11:55 p. m. prevailing time. At that hour, regardless of the completion of the program, the Presiding Judge shall cause the machines or other devices used for wagering to be locked. Associations shall provide a lock control in the Judges stand for that purpose. No racing shall be authorized or permitted on a Sunday.

§ 185.24. Admission of minors.

Minors under 21 years of age shall not be admitted to the track. Any minor legally employed by any association, concessionaire or other person duly licensed by the Commission shall be admitted to the track for the sole purpose of performing his duties as an employe. A minor, accompanying a parent or natural guardian who is also a licensee and whose employment requires him to be present in the stable or paddock area, shall be admitted to the stable or paddock area with such licensee. In no event shall such minor be permitted to wager upon any race nor shall such minor be permitted to be in the area of the track other than that area in which his duties are to be performed. All associations licensed by the Commission shall be responsible for establishing the administrative and security procedures necessary to enforce the provisions of this subchapter at the tracks operated by them. Every licensee employing any minor shall be required to establish procedures necessary to assure compliance with the provisions of this subchapter by any minor employed by such licensee.

§ 185.25. Passes.

An association shall not issue free passes, cards or badges except to officers and employes of the association; members, officers and employes of the Commission; members of Harness Racing Commissions of other states and foreign countries; officers and directors of The United States Trotting Association; public officers engaged in the performance of their duties; persons actually employed and accredited by the press to attend such meetings; owners, stable managers, trainers, drivers, concessionaires and other persons whose actual duties require their presence at the track. A list of all persons to whom free passes, cards or badges are issued shall be filed with the Commission.

§ 185.26. Telephones.

All public telephones on the grounds of an association shall be padlocked with the opening of the pari-mutuel windows for the sale of daily double tickets. Each association shall provide ample telephone facilities upon the plant grounds. No public telephone calls shall be made or received after the public telephones are

closed until after the last race of the program has been completed except by officials of the Commission and officials of the Department of Revenue in pursuance of their duties at the track or by special permission of the Executive Secretary of the Commission or Presiding Judge, in which case such calls shall be made in the presence of a racing official or an official of the association.

§ 185.27. Employes of an association.

At least 85% of the persons, exclusive of racing officials, employed each day in the operation of a track conducting pari-mutuel wagering shall be citizens of the United States of America and residents of the Commonwealth of Pennsylvania for at least 2 years immediately prior to the commencement of their employment at the track and every employe shall be required to execute and submit to the association by which he is employed, a duly verified affidavit setting forth his qualifications pursuant to this section.

§ 185.28. Concessionaires.

Any person, firm, association or group who holds any concession, right or privilege to perform any service or sell any article at any association track must submit to the Commission a copy of each report, advice or other document which that person, firm, association or group furnishes or is required to furnish to the association in order to substantiate any commission, rentals, service fees and similar financial or other arrangements between the parties.

(b) Any person, firm, association or group operating a concession, performing any service or selling any article at more than one association track must submit separate reports of his operation at each track.

(1) *Financial statements.* Financial statements shall be submitted as follows:

(i) At the end of each meet such person, firm, association or group shall prepare and send to the Commission a record of its operations at the track in the form of a Profit and Loss Statement. Such report shall show the gross revenues derived from the meeting, as well as all expenses paid or accrued during the same period. Income and expense items must be shown in detail in such reports; must be verified by at least two of the principal officers of the firm, association or group, if an association or group, and by one or more owners or proprietors thereof if not an association or group. Such report must be filed with the Commission within 30 days after the end of each individual meet.

(ii) Within 75 days after the end of its calendar or fiscal year all such persons, firm, association or group, shall submit to the Commission, verified financial statements, including a Balance Sheet and a Statement of Profit and Loss, showing the combined operations for that year and the results of such operations for each specific harness racing meet at which he, they, or it conducted business during the year.

(2) *Reports.* Such person, firm, association or group, if requested, must submit to the Commission the following:

- (i) Copies of weekly payrolls of all personnel employed at the track during its race meeting, including address and title of each employe.
- (ii) Copy of all written contracts and agreements and a summary of all verbal contracts and agreements.
- (iii) List of stockholders annually or as the Commission may require.
- (iv) List of officers and directors and compensation paid to each annually, or as the Commission may require.
- (v) Upon the sale or transfer of a stock of a concessionaire at a licensed harness racing track, evidence of the sale or transfer shall be transmitted to the Commission by affidavit verifying the transfer or sale.

§ 185.29. Occupational and participation licenses.

(a) A person may not participate in the affairs of an association as director, officer, agent or employe of the association without first receiving a license from the Commission.

(b) A person may not participate in a harness horse race meet as a racing official, owner, driver, trainer, assistant trainer, groom or be the holder of a concession or be an employe of a concessionaire unless the person has first received a license from the Commission.

(c) An association shall prevent a person not holding an occupational or participation license from doing or performing an act at the track maintained by the association and it shall be the responsibility of the association to exclude undesirable persons if directed by the Commission.

(d) An occupational or participation license shall be for the period of 1 year from April first of the year in which the same is issued; provided, however, that the Commission may, pending final determination of a question, issue a temporary license upon the terms and conditions it deems necessary and desirable.

(e) An application for an occupational or participation license shall be made upon a form supplied by the Commission and shall be executed in the manner prescribed by the Commission. The Commission may issue written instructions as to the preparation and execution of applications for the licenses which instructions may be a part of or separate from the application form. Failure to comply with the instructions are grounds for denial, suspension or revocation of the license.

(f) Each applicant for an owner's, trainer's, driver's or veterinarian's license or a combination thereof, shall pay to the Commission an annual license fee of \$5. Applicants for other occupational or participation licenses shall pay to the Commission an annual license fee of \$1. The fee shall be paid at the time of the filing of the application. An application for a license shall be accepted by the Commission unless accompanied by the necessary fee.

(g) If a licensee loses a license or if the license is destroyed, the licensee may apply for a duplicate license by filing an affidavit on a form supplied by the Commission and the payment of a fee of \$1.

Cross References

This section cited in 58 Pa. Code § 189.41 (relating to facility requirements).

§ 185.30. Information.

Every association shall furnish to the Commission initially and immediately upon any change with regard thereto, the name, address and experience of the following employees:

- (1) General manager.
- (2) Pari-mutuel manager.
- (3) Race secretary.
- (4) Program director.
- (5) Clerk of the course.
- (6) Track superintendent.
- (7) Publicity director.
- (8) Race announcer.
- (9) Concession manager.
- (10) Admission manager.
- (11) Parking superintendent.
- (12) Stable superintendent.
- (13) Chief security officer.

§ 185.31. Prohibition of interest by public officers, public employes, party officers in pari-mutuel racing activities.

- (a) As used in this section, the following terms have the following meanings:
- (1) *Public officer*—A person elected to a public office of the Commonwealth or a political subdivision thereof.
 - (2) *Public employe*—A person employed by the Commonwealth or a political subdivision thereof.
 - (3) *Party officer*—The following members or officers of a political party:
 - (i) A member of a National committee.
 - (ii) A chairman, vice-chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee.
 - (iii) A county chairman, vice-chairman, counsel, secretary or treasurer of a county committee.
 - (iv) A city chairman, vice-chairman, counsel, secretary or treasurer of a city committee.
- (b) A public officer, public employe or party officer as defined in subsection (a) may not:
- (1) Hold any license from the Commission.

- (2) Own or hold directly or indirectly any proprietary interest, stock or obligation of any firm, association or corporation of one of the following:
- (i) which is licensed by such Commission to conduct pari-mutuel racing.
 - (ii) which is licensed to conduct its occupation, trade or business at race tracks at which pari-mutuel race meets are conducted.
 - (iii) which owns or leases to any licensed association or corporation a race track at which pari-mutuel racing is conducted.
 - (iv) which participates in the management of any licensee conducting pari-mutuel racing.
- (3) Hold any office or employment with any firm, association or corporation specified in paragraph (2), except that the prohibition set forth in this paragraph shall not apply to any public employe of a political subdivision (other than a police officer or paid employe of a police department, sheriff's office, district attorney's office or other law enforcement agency) whose compensation is less than \$6000 per annum; provided, however, that such employment of employes of a political subdivision may be prohibited by ordinance, resolution or local law adopted by the local legislative body or other governing board of such political subdivision.
- (4) Sell, or be a member of a firm or own ten per centum or more of the stock of any corporation which sells any goods or services to any firm, association or corporation specified in paragraph (2).
- (c) Any public officer, public employe or party officer who owns or holds directly or indirectly any proprietary interest, stock or obligation prohibited by this section shall not be in violation of this section if such interest or obligation is disposed of by September 15, 1964.

Cross References

This section cited in 58 Pa. Code § 185.32 (relating to refusal to issue, suspension and revocation of association license); and 58 Pa. Code § 185.33 (relating to refusal to issue, suspension and revocation of occupational or participation license).

§ 185.32. Refusal to issue, suspension and revocation of association license.

The Commission may refuse to grant a license may suspend or revoke a license of an association if it shall determine that:

- (1) The association has failed to abide by or enforce the provisions of the law or the rules and regulations of the Commission or the Department of Revenue.
- (2) Any officer, director, member or stockholder of such association or of any corporation which owns stock in or shares in the profits or participates in the management of the affairs of the association, or which leases to such association the track where it shall operate:
 - (i) Has been convicted of a crime involving moral turpitude.

- (ii) Has engaged in bookmaking or other forms of illegal gambling.
 - (iii) Has been found guilty of any fraud or misrepresentation in connection with racing or breeding.
 - (iv) Has been guilty of a violation or attempt to violate any law, rule or regulation of any racing jurisdiction, for which suspension from racing might be imposed in such jurisdiction.
 - (v) Has violated any rule, regulation or order of the Commission.
- (3) The experience, character or general fitness of any officer, director or stockholder of any association is such that the participation of such person in harness racing or related activity would be inconsistent with the public interest, convenience or necessity or with the best interest of racing generally.
- (4) The association falsified answers or makes misrepresentations to the Commission in its application for license or in any other document required to be filed by the association under the law or the provisions of this part.
- (5) The association has failed to properly maintain its track and plant in good condition or has failed to make adequate provisions for rehabilitation and capital improvements to its track and plant.
- (6) The association has issued or caused to be issued false or misleading advertisement.
- (7) The association or its officers or directors shall knowingly or carelessly permit on its grounds or within the enclosure of its race track, lotteries, pool selling, touting or bookmaking or any other kind of gambling in violation of law.
- (8) The association has aided or knowingly permitted or conspired to permit any public officer, public employe or party officer as defined in § 185.31 (relating to prohibition of interest by public officers, public employes, party officers in pari-mutuel racing activities) to acquire or retain any stock interest in or hold any office or employment with such association.

Cross References

This section cited in 58 Pa. Code § 185.34 (relating to temporary license).

§ 185.33. Refusal to issue, suspension and revocation of occupational or participation license.

The Commission may refuse to grant a license, may suspend or revoke a license of any occupational or participation licensee including racing officials if it shall determine:

- (1) That the experience, character and general fitness of the applicant or licensee are such that the participation of such person in harness horse race meets will be inconsistent with the public interest, convenience and necessity, and with the best interest of racing generally.
- (2) That the applicant or licensee:
 - (i) Has been convicted of a crime involving moral turpitude.

- (ii) Has engaged in bookmaking or other form of illegal gambling.
 - (iii) Has been found guilty of any fraud in connection with racing or breeding.
 - (iv) Has been guilty of any violation or attempt to violate any law, rule or regulation of any racing jurisdiction for which suspension from racing might be imposed in such jurisdiction.
 - (v) Has violated or failed to follow any rule, regulation or order of the Commission.
 - (vi) Has falsified answers or makes misrepresentations to the Commission in their application for a license.
 - (vii) Is incompetent.
 - (viii) In the case of racing officials, consumption of alcoholic beverages within 4 hours prior to the time they are required to perform their duties as such officials.
- (3) That said applicant or licensee has aided or knowingly permitted or conspired to permit any public officer, public employe or party officer as defined in § 185.31 (relating to prohibition of interest by public officers, public employes, and party officers in pari-mutuel racing activities) to acquire or retain any stock interest in or hold any office or employment with such applicant or licensee.

Cross References

This section cited in 58 Pa. Code § 185.34 (relating to temporary license).

§ 185.34. Temporary license.

Pending final determination of any question under §§ 185.32 and 185.33 (relating to refusal to issue, suspension and revocation of association license; and refusal to issue, suspension and revocation of occupational or participation license), the Commission may issue a temporary license upon such terms and conditions as it may deem necessary, desirable or proper to effectuate the provisions of the law.

§ 185.35. Horses prohibited from racing in overnight events.

No employe or officer engaged in the active management of an association or a member of his immediate family shall race or permit or cause to be raced any horse in which he has any either direct or indirect, at any meeting conducted by that association except in early closing events, stakes or futurities.

§ 185.36. Fines and penalties.

The Commission may impose fines upon any association or upon any person participating in any way in any harness horse race meet at which pari-mutuel wagering is conducted other than as a patron and whether licensed or not by the Commission for a violation of any provision of the law or the provisions of this part. Such fine shall not exceed five thousand (\$5,000) dollars for each violation.

Subchapter C. STOCK ISSUES OR TRANSFERS

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§ 185.51. Individual stockholders—voting and nonvoting stock.

(a) *Requirement to obtain affidavits.* Every association or corporation which owns 25% or more of the stock of an association shall obtain, contemporaneously with the original issuance or transfer on its books of its voting or nonvoting stock to an individual an affidavit in duplicate, executed by such individual wherein he shall state:

- (1) His name.
- (2) His address.
- (3) His age (not applicable in case of nonvoting stock).
- (4) His occupation (not applicable in case of nonvoting stock).
- (5) The number of shares transferred to him.
- (6) Whether he is the sole beneficial owner of the stock.
- (7) Whether he has been convicted of a crime involving moral turpitude.
- (8) Whether he has been engaged in bookmaking or other forms of illegal gambling.
- (9) Whether he has been found guilty of any fraud or misrepresentation in connection with racing or breeding.
- (10) Whether he has been guilty of any violation or attempt to violate any law, rule or regulation of any racing jurisdiction, for which suspension from racing might be imposed in such jurisdiction.
- (11) Whether he has violated any rule, regulation or order of the Commission.

(12) That he does not hold any elected office in the Commonwealth of Pennsylvania or any political subdivision thereof; is not employed by the Commonwealth of Pennsylvania or any political subdivision thereof; and is not a member of a National Party Committee, a chairman, vice-chairman, secretary, treasurer, counsel or member of an Executive Committee of a State committee, a county chairman, vice-chairman, counsel, secretary or treasurer of a county committee or a city chairman, vice-chairman, counsel, secretary or treasurer of a city committee.

(b) *Change of status of affiant other than by stock transfer.* If, subsequent to the filing of any affidavit required under subsection (a), the status of any affiant changes without a transfer of stock with respect to any of the matters set forth in subsection (a)(5) to (12), inclusive, such affiant shall forthwith file with the association or corporation with which his affidavit was originally filed, a new affidavit in duplicate setting forth with particularity such change.

Cross References

This section cited in 58 Pa. Code § 185.52 (relating to corporations—voting and nonvoting stock); 58 Pa. Code § 185.53 (relating to partnership stockholders); 58 Pa. Code § 185.54 (relating to unincorporated club or other unincorporated organization as stockholder); 58 Pa. Code § 185.56 (relating to affidavit of beneficial owners other than a registered stockholder); and 58 Pa. Code § 185.58 (relating to change of status of affiants who are beneficial owners).

§ 185.52. Corporations—voting and nonvoting stock.

(a) *Requirement to obtain affidavits.* Every association or corporation which owns 25% or more of the stock of an association shall obtain contemporaneously with the original issue or transfer on its books of its voting or nonvoting stock to a corporation, an affidavit in duplicate, executed by the president, secretary, treasurer or other executive officer of the corporate stock transferee which shall contain:

- (1) The name of the corporation.
- (2) The state of its incorporation.
- (3) The address of its registered office.
- (4) If a foreign corporation, the address of its registered office, if any, in Pennsylvania.
- (5) The number of shares transferred to the corporation.
- (6) The names, addresses and ages of all the directors of the corporation.
- (7) The names, addresses and ages of all the officers of the corporation.
- (8) The names and addresses of all registered stockholders.
- (9) A statement to the effect that if there is any change in the status of the corporation with respect to any of the matters set forth in paragraphs (5)—(7) inclusive, that it shall forthwith file with the association a new affidavit setting forth such change in status and in the case of paragraph (8) that it shall annually, during the month of October, file with the association a new affidavit set-

ting forth any change in status; provided, however, that new affidavits need not be filed if the only changes are changes in the age or address of officers, directors or stockholders.

(b) *Affidavits of officers, directors, stockholders and other persons connected with such corporations.* In addition to the affidavit required under subsection (a), the corporate stock transferee shall file an affidavit in duplicate containing the information set forth in § 185.51(a) (relating to individual stockholders—voting and nonvoting stock), executed by the following:

(1) Each of the directors and officers of such corporation.

(2) In the case of a corporation having 25 stockholders or less, each stockholder of such corporation.

(3) In the case of a corporation having more than 25 stockholders, each stockholder who holds 10% or more of the voting stock where voting stock is issued or transferred to a corporation and each stockholder who holds 25% or more of the voting stock where nonvoting stock is issued or transferred to a corporation.

(4) Every person who possesses, either directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation whether through ownership of voting securities, by contract or otherwise where voting stock is issued or transferred to a corporation.

(c) *Change of status of affiant other than by stock transfer.* If, subsequent to the filing of any affidavit required under subsections (a) and (b), the status of any affiant changes with respect to any of the matters set forth in subsection (a)(5)—(8) inclusive, of subsection (a), in the case of a corporate affiant, and § 185.51(a)(5)—(12) (relating to individual stockholders—voting and nonvoting stock) in the case of individual affiants, such affiant shall forthwith file with the association or corporation with which his affidavit was originally filed a new affidavit setting forth with particularity such change; provided, however, that new affidavits need not be filed by a corporate affiant if the only changes are changes with regard to the age or address of officers, directors or stockholders and that in the case of subsection (a)(8), new affidavits need be filed annually, during the month of October only.

§ 185.53. Partnership stockholders.

(a) *Requirement to obtain affidavit.* Every association or corporation which owns 25% or more of the stock of an association shall obtain contemporaneously with the original issue or transfer on its books of its voting or nonvoting stock to every partnership, an affidavit in duplicate executed by a general partner containing the following:

(1) The trade name of the partnership.

(2) The address of its principal office.

(3) If a foreign partnership the address of its principal office, if any, in Pennsylvania.

(4) The names, addresses and ages of all the general and limited partners designating which partners are general and which are limited.

(5) The number of shares transferred to the partnership.

(6) A statement to the effect that if there is any change in the status of the partnership with respect to any of the matters set forth in paragraph (4) except with regard to a change of age or address, it shall forthwith file with the association a new affidavit setting forth such change of status.

(b) *Affidavits of partners.* In addition to the affidavit required under subsection (a) of this section, the partnership shall file affidavits in duplicate containing the information set forth in § 185.51(a) (relating to individual stockholders—voting and nonvoting stock), executed by every member of the partnership who possesses, either directly or indirectly, the power to cause the direction of the management and policies of the partnership whether by contract or otherwise.

(c) *Change of status of affiant other than by stock transfer.* If subsequent to the filing of any affidavit required under subsections (a) and (b), the status of any affiant changes with respect to any of the matters set forth in subsection (a)(4) and (5), in the case of a partnership affiant, or in § 185.51(a)(5) to (12) in the case of an individual affiant, such partnership shall forthwith file with the association with which his affidavit was originally filed, a new affidavit setting forth with particularity such change; provided, however, that new affidavits need not be filed if the only changes are changes relating to the age or address of the partners.

§ 185.54. Unincorporated club or other unincorporated organization as stockholder.

(a) *Requirement to obtain affidavit.* Every association or corporation which owns 25% or more of the stock of an association shall obtain contemporaneously with the original issue or transfer on its books of its voting or nonvoting stock to every unincorporated club or other unincorporated organization, except a partnership, an affidavit in duplicate, executed by the President, Secretary, Treasurer or other Executive Officer, containing the following:

(1) The name of the club or organization.

(2) The address of its principal office in Pennsylvania.

(3) The number of shares transferred to it.

(4) The names and addresses of all its directors, governors, trustees or members of other types of a managing body.

(5) The names and addresses of all of its officers.

(6) The number of members.

(7) The name and address of each member.

(8) A statement to the effect that if there is any change in its status with respect to any of the matters set forth in paragraphs (3) to (5) inclusive, that it shall forthwith file with the association a new affidavit setting forth such change of status and in the case of paragraphs (6) and (7), that it shall annu-

ally, during the month of October, file with the association a new affidavit setting forth any change in status; provided, however, that new affidavits need not be filed if the only changes relate to a change of address.

(b) *Affidavits of officers, directors, and the like.* In addition to the affidavit required under subsection (a), the club or organization shall file affidavits in duplicate, containing the information set forth in § 185.51(a) (relating to individual stockholders—voting and nonvoting stock), executed by the following:

(1) Each of the officers, directors, governors, trustees or members of other types of a managing body.

(2) In the case of such an organization which has 25 members or less, each member.

(c) *Change of status of affiant other than by stock transfer.* If, subsequent to the filing of an affidavit required under subsections (a) and (b), the status of any affiant changes with respect to any of the matters set forth in subsection (a)(3)—(7), in the case of the affidavit filed by an unincorporated club or other unincorporated organization, and in § 185.51(a)(5)—(12) (relating to individual stockholders—voting and nonvoting stock) in the case of individual affiants, such affiant shall forthwith file with the association with which his affidavit was originally filed a new affidavit setting forth with particularity such change; provided, however, that new affidavits need not be filed if the only changes are related to age or address and that in the case of subsection (a)(6) and (7), new affidavits need be filed annually, during the month of October only.

§ 185.55. Additional information required when registered stockholder is not the sole beneficial owner.

If any registered stockholder provided for under this subchapter is not or is not to be the sole beneficial owner of such stock, the registered stockholder shall set forth in the affidavit required under this subchapter a true and complete copy of all terms of the agreement pursuant to which the stock is to be so held by the registered stockholder, including a detailed statement of the interest therein of each person who is to have any interest in such stock. No person may hold stock as a registered stockholder for the benefit of any other person unless a duly executed agreement in writing exists setting forth all of the respective rights of the registered stockholder and the beneficial owner or owners as well as all of the terms of the agreement between the registered stockholder and such beneficial owner or owners as there may be.

Cross References

This section cited in 58 Pa. Code § 185.58 (relating to change of status of affiants who are beneficial owners).

§ 185.56. Affidavit of beneficial owners other than a registered stockholder.

Each person for whom stock or any interest therein is to be held by a registered stockholder shall be required to file an affidavit in duplicate setting forth the information required under § 185.51(a) (relating to individual stockholders—voting and nonvoting stock). Said beneficial owner shall be relieved of the responsibility of filing a copy of the written agreement between the beneficial owner and the registered stockholder if such beneficial owner states in the affidavit to be filed under this rule that he has examined the affidavit filed by the registered stockholder together with the written agreement attached thereto and that said written agreement is true and correct and accurately and fully reflects the entire understanding between the registered stockholder and the beneficial owner with respect to such stock. In the alternative, the beneficial owner may attach to his affidavit a true and correct copy of said written agreement.

Cross References

This section cited in 58 Pa. Code § 185.57 (relating to beneficial ownership of stock by minors, incompetents and unascertained beneficiaries); and 58 Pa. Code § 185.58 (relating to change of status of affiants who are beneficial owners).

§ 185.57. Beneficial ownership of stock by minors, incompetents and unascertained beneficiaries.

(a) The affidavits required under § 185.56 (relating to affidavit of beneficial owners other than a registered stockholder) to be filed by persons having a beneficial interest in stock shall not be required where the registered stock transferee is one of the following:

- (1) The executor or administrator of a decedent's estate or a trustee and the beneficiaries of the estate or trust are not ascertainable until some future time.
- (2) The guardian of an incompetent or minor.
- (3) An individual who holds stock under the Uniform Gifts to Minors Act.

(b) The registered stock transferee in the instances covered by this section shall include in his affidavit required by this subchapter a complete statement of the names, addresses, and ages of the minors' or incompetents and his family or fiduciary relationship to each of them. In addition, the affidavit shall include in the case of an incompetent, the Court, term, and number in which the adjudication of incompetency was made.

(c) Affidavits as required by § 185.56, however, shall be submitted whenever any minor beneficiary attains his majority, an unascertained beneficiary is ascertained, and an incompetent beneficiary is declared competent.

Cross References

This section cited in 58 Pa. Code § 185.58 (relating to change of status of affiants who are beneficial owners).

§ 185.58. Change of status of affiants who are beneficial owners.

If, subsequent to the filing of an affidavit required under §§ 185.55—185.57 (relating to additional information required when registered stockholder is not the sole beneficial owner; affidavit of beneficial owners other than a registered stockholder; and beneficial ownership of stock by minors, incompetents and unascertained beneficiaries), the status of any affiant changes with respect to any of the matters set forth in § 185.51(a)(5)—(12) (relating to individual stockholders—voting and nonvoting stock), such affiant shall forthwith file with the association or corporation with which his or its affidavit was originally filed, a new affidavit in duplicate, setting forth with particularity such change.

§ 185.59. Debenture holders.

Every association or corporation which owns 25% or more of the stock of an association shall annually, during the month of October, forward to the Commission the names and addresses of all record holders of registered debentures and coupon debentures registered as to principal.

§ 185.60. Affidavits to be filed with the Commission.

Each association or corporation required to obtain affidavits under this subchapter shall forthwith file with the Commission within 10 days after receipt by the association one of each of the duplicate affidavits obtained by it.

§ 185.61. Duty of associations and corporate licensees.

Each association, firm or corporation participating in the management of any association and all other corporations licensed by the Commission to engage in any activity connected with pari-mutuel racing shall provide the Commission with a complete list of all of its stockholders indicating the number of shares held by each stockholder, once a year as per the direction of the Commission to designated representative. Each licensee shall within 10 days after any transfer of stock in such licensee notify the Commission of such transfer with the name of the transferee and the number of shares held by such transferee.

§ 185.62. Commission to maintain docket.

The Commission shall maintain a docket at its principal office in Harrisburg, Pennsylvania, setting forth the names of all shareholders in all associations licensed under the State Harness Racing Law. Said docket shall include the number of shares held by each shareholder, the date of acquisition of such shares and the date of subsequent transfer by such shareholder in the event of divestiture of the shares. This docket shall be available for public inspection during normal business hours.

§ 185.63. Forfeiture of property rights in the stock held in trust.

No property rights shall exist in any shares of stock of any association, corporate licensee, or any firm or corporation participating in the management of any association or any other corporate licensee which are held in trust for the benefit of a person who is prohibited under the State Harness Racing Law and the provisions of this part from having any legal or beneficial interest in such stock, nor in having any shares of stock held in trust or for the benefit of another person unless the trust or the agreement under which said stock is held for another person is in writing. Upon final adjudication of forfeiture of stock pursuant to any suit brought by the Attorney General under section 7.1 (d) of Act 136 approved July 17, 1963, amending the State Harness Racing Law of December 22, 1959, the Commission shall sell such stock as may be forfeited as a result of said final adjudication at public sale upon proper notice to the highest public bidder. The place and time of sale together with the form of notice shall be such as may be determined by the Commission in each instance.

§ 185.64. Exceptions.

Where, in the opinion of the Commission, the application of this subchapter would create a hardship without attending benefit, the Commission may accept affidavits especially prescribed by it for particular situations and waive the requirements set forth under this subchapter.

Subchapter D. RULES OF PRACTICE AND PROCEDURE

- Sec.
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§ 185.71. Definitions.

(a) The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Adjudication—Any final order, decree, decision, determination or ruling by the Commission affecting the rights, privileges, immunities or obligations of any licensee.

Charge—Any allegation in the citation of specific illegal or unethical conduct on the part of a licensee under the provisions of the law or the rules and regulations promulgated thereunder.

Citation—A notice of the time and place of hearing and a formal listing by the Commission of any charges against any licensee.

Complaint—Any written statement of facts under oath submitted by any person which accuses the licensee of any violation of the law or of rules and regulations promulgated thereunder.

Information—Any data indicating any violation of the law or of rules and regulations promulgated thereunder which are collected by or presented to the Commission.

Licensee—Any person holding a license issued by the Commission.

Official docket—The book in which is recorded the nature of each original paper issued and received and the date and time thereof in each proceeding instituted before the Commission.

Party—Includes the Commonwealth, the Commission, and applicant who is refused a license, a licensee whose license is suspended or revoked or any person designated in the citation as the respondent.

Person—Includes any individual or organized group of any character including partnerships, corporations or other forms of association.

(b) As used herein, the singular shall include the plural and the plural the singular. Words used in one gender or tense shall include all other genders and tenses.

§ 185.72. Dockets.

(a) The official docket and all original papers pertaining to any proceeding instituted before the Commission shall finally be kept at the principal office of the Commission in Harrisburg, Pennsylvania.

(b) A folder shall be maintained for the papers pertaining to each proceeding indexed in the docket. Each paper indexed in the docket shall be placed in such folders in the order indexed. No such paper may be removed from such folders. Before a decision is made, only Commission members and representatives of the Department of Justice may have access to such folders or after executing a custody card remove them from the Commission office. After such decision, access to such folders shall also be given to the other parties to the proceedings and their legal counsel for whom appearance has been properly entered.

§ 185.73. Complaints.

(a) Complaints shall be filed with the Commission at its principal office in Harrisburg, Pennsylvania.

(b) Complaints shall contain all pertinent information known to the complainant. A suggested form of complaint appears in Appendix A. Forms shall be available at the Commission office in Harrisburg, Pennsylvania.

Cross References

This section cited in 58 Pa. Code § 185.77 (relating to refusal, suspension or revocation of license with prior hearing).

§ 185.74. Revocation of a license.

Where a license is to be suspended or revoked, the Commission may either suspend or revoke such license without a prior hearing after which the licensee whose license has been suspended or revoked, may upon timely notice demand a hearing thereon in accordance with section 18 of the Law or the Commission may conduct a hearing prior to its making a decision on the issue of suspending or revoking a license.

§ 185.75. Action without prior hearing.

(a) When an application for a license is to be refused, or where a license is to be suspended or revoked without a prior hearing, the Commission shall decide such action. The agreement of two members of the Commission shall be necessary to carry such action.

(b) Notice by the Commission that an application for a license is refused or that a license has been suspended or revoked shall be in writing and shall contain a clear and concise factual statement sufficient to inform each party with reasonable definiteness of the reasons for such refusal, suspension or revocation.

Cross References

This section cited in 58 Pa. Code § 185.76 (relating to hearing demanded by applicant or licensee).

§ 185.76. Hearing demanded by applicant or licensee.

(a) Upon timely notice given to the Commission by an applicant who has been refused a license or by a licensee whose license has been suspended or revoked under § 185.75 (relating to action without prior hearing) that such applicant or licensee shall demand a hearing under section 18 of the Law, the Commission shall promptly give notice of a time and place for such hearing.

(b) A demand for a hearing, in order to be considered timely, must be received by the office of the Commission, Harrisburg, Pennsylvania, no later than the tenth day after the application for a license has been refused or a license has been suspended or revoked. The 10 days shall begin to run from the day notification of such refusal, suspension or revocation is served.

(c) The determination to refuse, suspend or revoke a license shall remain in full force and effect pending the final determination on the hearing demanded.

§ 185.77. Refusal, suspension or revocation of license with prior hearing.

(a) Upon receipt of a complaint filed under § 185.73 (relating to complaints), or upon information, the Commission shall decide whether a citation should be issued against the licensee. The agreement of two members of the Commission shall be necessary to approve the issuance of a citation. Such citation may be signed by the Chairperson or the Executive Secretary of the Commission.

(b) The Chairperson of the Commission may between meetings sign and issue a citation without the vote of the Commission, provided that two members approve the issuance of such citation.

(c) In every case in which a citation has been approved in the manner provided by subsection (a) or (b), such citation shall be served upon the parties at least 5 days in advance of the date of a hearing to be held on the charges contained in the citation. The citation shall recite all of the following:

(1) The time, place and nature of the hearing.

(2) The legal authority and jurisdiction under which the hearing is to be held with specific designation of the statutory or regulatory provisions alleged to have been violated.

(3) A clear and concise factual statement sufficient to inform each party with reasonable definiteness of the type of acts or practices alleged to be in violation of the act or regulations promulgated thereunder. In fixing the times and places for hearings, due regard shall be had for the convenience of the parties and their representatives.

§ 185.78. Appearances.

(a) Any individual or member of a partnership named a party in any proceeding before the Commission may appear on behalf of himself or of such partnership upon adequate identification. A party corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(b) A party may be represented by a member in good standing of the bar of any court of record of the Commonwealth. Such attorney must file his appearance with the Commission.

§ 185.79. Service and filing of papers.

(a) *Service of process by the Commission.* Service of process by the Commission on other parties shall be made as follows:

(1) *Certified mail.* A copy of the document may be addressed to the person, partnership, corporation or unincorporated association to be served at his or its principal office or place of business, certified and mailed.

(2) *Delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the

President, Secretary or other executive officer or a director of the corporation or unincorporated association to be served.

(3) *Delivery to any address.* A copy thereof may be left at the principal office or place of business as disclosed by the records of the Commission of the person, partnership, corporation or unincorporated association to be served.

(4) *Delivery of noncommission processes.* Documents other than processes of the Commission, the service of which starts the running of prescribed periods of time provided or allowed by this subchapter or by any order of the Commission for the performance of some act or the occurrence of some event, shall be served in the same manner as processes of the Commission.

(b) *Service of process by other parties.* Service of process and other papers by parties other than the Commission shall be by delivering copies thereof as follows: upon the Commission by personal delivery or delivery by first class mail to the office of the Executive Secretary of the Commission; upon any other party, by delivery to the party. If the party is an individual or partnership, delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party other than the Commission shall mean handing to the individual, partner, officer or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge, or if the office is closed, or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by certified mail.

(c) *Service by certified or first class mail.* When service is by either certified or first class mail, the date of mailing shall be the date of service. Where the Commission issues a citation, the first paper filed on behalf of the other party named therein shall contain an address at which service of process and papers of the Commission shall be made thereafter. Any such party may notify the Commission of a change in such address. If the party fails to do so, notice sent to such party by mail to his address of record shall be equivalent to service. When a party has appeared in a proceeding by a partner, officer or attorney, service upon such partner, officer or attorney of any document other than a citation shall be deemed service upon the party, except that where a notice of appeal from the adjudication is filed with the Commission, the attorney indicated therein shall be the attorney of record for purposes of service hereunder. The return post office receipt for a document certified and mailed, or the verified return or certificate by the person serving the document by personal delivery or first class mail, setting forth the manner of said service, shall be proof of the service of the document.

(d) *Time computation.* Computation of any period of time prescribed or allowed by this subchapter, by order of the Commission or by any applicable statute, shall begin with the first business day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday or National holiday, or other day on which the office of the Commission is closed, the period shall run until the end

of the next following business day. When such period of time, with the intervening Saturdays, Sundays or National holidays counted, is less than 7 days, each of the Saturdays, Sundays and National holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays and National holidays counted exceed 7 days, each of the Saturdays, Sundays and National holidays shall be included in the computation.

(e) *Legibility.* All papers, pleadings, briefs or other documents, except the complaint filed with the Commission, shall be legibly typed, printed or otherwise legibly duplicated.

(f) *Submitting documents.* An original and three copies shall be submitted in the case of all papers, pleadings, briefs or other documents required to be filed with the Commission.

§ 185.80. Continuances.

(a) All applications for continuance, made prior to the hearing shall be in writing, shall set forth the reasons therefor, and shall be filed with the Commission in Harrisburg, Pennsylvania notice of such application by mail or otherwise to all parties or their attorneys. At the time of the hearing, applications for continuance may be made orally. If requested and in the manner prescribed by the Commission, the party applying for the continuance shall substantiate the reasons contained in such application.

(b) When application is made for continuance of a cause because of the illness of an applicant, licensee, witness or counsel, such application shall be accompanied by a medical certificate attesting to such illness and inability to appear.

(c) An application for continuance of any Commission hearing must be received by the Commission in Harrisburg, Pennsylvania at least 96 hours prior to the time fixed for hearing. An application received by the Commission within the 96 hour period will not be granted unless a satisfactory arrangement in writing is made with the Commission for the payment of all expenses resulting from such continuance. However, the Commission may waive payment of such expenses for extenuating circumstances.

(d) If the Commission approves the application for continuance, the Commission forthwith shall set a date for the continued hearing.

§ 185.81. Investigations.

No process, requirement of a report, inspection or other investigative act or demand shall be issued, made or enforced in any manner or for any purpose except as authorized by law. Every person compelled to submit data or evidence shall be entitled to retain, or procure, on payment of lawfully prescribed costs, a copy or transcript thereof.

§ 185.82. Witnesses and subpoenas.

(a) Witnesses at all hearings shall be examined orally under oath or affirmation and a record of the proceeding shall be made and kept by the Commission. If any witness resides outside the Commonwealth, or through illness or other cause is unable to testify before the Commission or its trial examiner, his testimony may be taken within or without this Commonwealth in a manner substantially similar to that prescribed by the Pennsylvania Rules of Civil Procedure for the taking of depositions.

(b) Subpoenas as authorized by law shall be issued in blank over the seal of the Commission to any party, upon demand made to the Commission in Harrisburg, Pennsylvania.

(c) Witness and mileage fees shall be paid by the party at whose instance the witnesses are called.

§ 185.83. Commission hearings.

(a) The Commission may, by written order, designate one or more Commission members, the Executive Secretary, General Counsel or any other qualified person designated by the Commission as an officer to take testimony and conduct hearings under this section.

(b) The functions of the Commission member, officer or agent participating in hearings shall be conducted in an impartial manner. No such member, officer or agent shall consult any party on any fact in issue unless upon notice and opportunity for all parties to participate. Any such Commission member, officer or agent may at any time withdraw from the proceeding if he deems himself disqualified, and upon the filing in good faith before the termination of the hearing of an affidavit of personal bias or disqualification of any such member, officer or agent, the Commission shall determine the matter as a part of the record and decision in the case. In the event of such withdrawal or disqualification, any other member, officer or agent if there be such participating in the hearing shall have the authority to complete the hearing and to participate in the decision.

(c) Members, officers or agents presiding at hearings shall have authority to:

- (1) Administer oaths and affirmations.
- (2) Issue subpoenas authorized by law.
- (3) Rule upon offers of proof and receive relevant evidence.
- (4) Take or cause depositions to be taken whenever the ends of justice would be served thereby.
- (5) Regulate the course of the hearing.
- (6) Hold conferences, where appropriate, for the settlement or simplification of issues by consent of the parties.
- (7) Dispose of procedural requests or similar matters.
- (8) Participate in making decisions.
- (9) Take any other action authorized by this part.

(d) A decision shall be made and an adjudication issued thereon solely on the basis of the evidence introduced at the hearing.

(e) Proponents of the hearing shall have the burden of proof.

(f) Technical rules of evidence need not be followed at the hearing, but all testimony shall be taken under oath and all irrelevant, immaterial or unduly repetitious evidence shall be excluded. Relevant documentary evidence shall not be received over objection unless reasonably authenticated or proved. In this connection, no written statement of an investigative agent shall be introduced over objection unless the agent who made such statement is present at the hearing and is available for cross-examination on the method of preparation of the statement and on the information contained therein.

(g) At any time after the service of process any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be delivered with the request unless copies have already been furnished. Each requested admission shall be deemed made unless within a period designated by the Commission and prominently marked upon the request which period shall not be less than ten days after service thereof, the party so served files with the Commission and serves upon the party making the request either a statement denying specifically the relevant matters on which an admission is requested or setting forth the reasons why he can neither truthfully admit nor deny them, or written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part.

(h) Except as indicated below, the order of testimony will be at the discretion of the Commission member, officer or agent presiding at the hearing. In determining this order, he shall take into consideration the right of each party to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts, and the desirability of hearing witnesses at times convenient for them for purposes of their lodging and transportation. If at the close of the day of hearing it becomes evident that all witnesses cannot be heard, the hearings may be continued generally or to a day certain.

(i) The presiding Commission member, officer or agent may request every person desiring to testify or present argument at the hearing, to notify the Executive Secretary of the Commission in advance of the hearing of his intention to appear, and the approximate time his testimony or argument will occupy. Such presiding member, officer or agent may call any person he wishes to hear and may issue subpoenas to insure attendance.

(j) The Commission member, officer or agent presiding at the hearing may require or allow a factual statement of the position of any party in the case.

(k) Bills of particulars may be furnished or denied by the Commission in any matter, hearing or controversy pending before it.

(l) If, at the time and place scheduled for hearing, all parties to the record are not in attendance whether in person or by counsel, the matter may be heard *ex parte*.

(m) A licensee who shall have been cited to show cause why his license should not be suspended or revoked may waive in writing the hearing fixed thereon. Such waiver shall constitute an admission of the charges contained in the citation and an authorization to the Commission to enter without hearing such final order or decree as it shall deem appropriate. All such waivers by corporate licensees or unincorporated association licensees shall be in writing accompanied by a resolution under the seal of the corporation or association authorizing the submission of such waiver. Such waivers shall be in a form provided by the Commission. Such forms, as they appear in Appendix B, may be obtained at the offices of the Commission.

(n) Contemptuous conduct shall be grounds for exclusion from the hearing.

(o) Motions made during a hearing and objections with respect to the conduct of a hearing, including objection to the introduction of evidence, shall be stated orally and shall be included in the stenographic record of the hearing. Argument shall not be included in the stenographic record unless the Commission member, officer, or agent presiding at the hearing shall so direct.

(p) At the conclusion of the hearing all parties shall be afforded an opportunity thereafter to submit briefs and requests for findings of fact and conclusions of law prior to adjudication. Copies of any brief or requests so submitted shall be served upon all parties to the proceeding and proof thereof filed with the Commission. On the basis of such briefs or requests, any party may request oral argument before the Commission. Upon such request or upon his own motion, the Commission member, officer or agent presiding at the hearing, in his sole discretion, may order oral argument, upon due notice to all parties of the time and place of argument.

(q) Any petition for further hearing, for reopening or for rehearing, reconsideration or modification of a Commission order must be filed within the 30 day period allowed for an appeal from an adjudication and shall be in writing setting forth in numbered paragraphs the finding or orders of the Commission that may be involved, the points relied upon by the petitioner, appropriate record references, and specific requests for the findings or orders desired. If the petition be for further hearing or for reopening the proceeding to take further evidence, the nature and purpose of the evidence to be adduced must be briefly stated.

(r) The Commission may, and upon its own motion reopen a hearing after notice to all parties and take further testimony at any time in which the record is within its control.

(s) A record of all testimony and exhibits, together with all papers and requests filed in the proceeding, shall constitute an exclusive record for decision. The record may either be in the form of a written transcript or a recording of the proceedings preserved on tape, wire or other suitable recording device. The Com-

mission shall not be required to make a written transcript of the recording unless an appeal is filed with the Court of Common Pleas of Dauphin County. The record, if transcribed or recorded, shall be available during reasonable business hours. In the event a party desires a written transcript, it shall be available at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter. No partial transcripts or transcripts of uncompleted hearings shall be furnished. When any Commission decision rests on official notice of a material fact not appearing in the evidence in the record, any party shall on timely request be afforded an opportunity to show the contrary.

Cross References

This section cited in 58 Pa. Code § 185.84 (relating to decisions).

§ 185.84. Decisions.

(a) Within 30 days after the conclusion of the hearing, the Commission shall issue a written order. The Commission may also, in its discretion, render a written adjudication including a statement of findings of fact and conclusions of law, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record. All orders and adjudications shall be based upon a consideration of the whole record and be supported by reliable, probative and substantial evidence. Any final order or adjudication must be signed and approved by two members of the Commission who shall have the right to enter such final order or adjudication based upon the record made at the hearing or hearings conducted by the Commission or its designated hearing officer, pursuant to the provisions of § 185.83 (relating to commission hearings). Minority opinions may be submitted and these shall become part of the record.

(b) All orders and adjudications shall be served upon all the parties or their counsel personally or by certified mail. If service is made by mail, the date of mailing will be the date of service.

§ 185.85. Appeals.

(a) Within 30 days after the service of an adjudication, or if a petition for rehearing or reconsideration is filed pursuant to this part, then within 30 days after service of the order of the Commission refusing such petition, or of the order following rehearing or reconsideration, any party shall have the right to appeal therefrom. Such appeal shall be taken to the Court of Common Pleas of Dauphin County and shall be reviewable in accordance with sections 41 to 45 inclusive of the Act of June 4, 1945, P. L. 1388 as amended, otherwise known as the Administrative Agency Law.

(b) Parties interested jointly, severally or otherwise in the same adjudication may join in an appeal therefrom even though all of the interested parties do not join therein.

§ 185.86. Consolidation or severance.

Any two or more proceedings may be consolidated or severed by the Commission in its discretion.

§ 185.87. Authority of Secretary.

(a) The Executive Secretary of the Commission shall have authority to issue notice of orders of the Commission and to certify copies of all papers and documents which are a part of any of the files or records of the Commission.

(b) The Executive Secretary of the Commission shall be responsible for the efficient and orderly discharge of all matters including the keeping of Commission journals and the minutes of Commission meetings and the keeping of the docket and files of such Commission, and shall be permitted to attend all hearings, meetings and deliberations of the Commission.

§ 185.88. Construction and amendment of rules.

(a) The provisions of this part are intended to aid the efficient operation of the Commission and the orderly administration of the law. They shall be liberally construed for the accomplishment of these purposes and may be waived or suspended by the Commission at any time and in any proceeding unless such action results in depriving a party of substantial rights.

(b) Any rule or regulation may be amended or rescinded by the Commission at any time in accordance with law.

Subchapter E. PROCEDURE BEFORE JUDGES

Sec.

- 185.101. Notice required.
- 185.102. Contents of notice.
- 185.103. Testimony.
- 185.104. Hearing.
- 185.105. Presence of judges at hearing.
- 185.106. Original record.
- 185.107. Notice of penalty.
- 185.108. Review and appeal.

§ 185.101. Notice required.

Before any penalty may be imposed by a judge under the provisions of this part, notice in writing must be given to the party to be charged with a violation.

Cross References

This section cited in 58 Pa. Code § 185.102 (relating to contents of notice).

§ 185.102. Contents of notice.

The notice required by § 185.101 (relating to notice required) shall:

- (1) Notify the party of the infraction for which he is charged.
- (2) State the time and place of hearing.

§ 185.103. Testimony.

All testimony at such hearing shall be given under oath and a record shall be made of the hearing either by use of a tape recorder or by court reporters' transcript.

§ 185.104. Hearing.

No final determination shall be made by the judges until the hearing is completed and all the evidence has been received and the party charged has been given the opportunity to hear all of the evidence presented against him.

§ 185.105. Presence of judges at hearing.

At least the presiding judge and one associate judge shall be present at the hearing.

§ 185.106. Original record.

The original record of the hearing shall be delivered to the Commission immediately following notice of the determination to the party charged and heard. If notice of the penalty has been given orally by the presiding judge to the party charged as well as by writing, the record shall contain a statement that such oral notice was given and the date, time and place when it was given. The record shall also state the date and manner that written notice thereof was given.

§ 185.107. Notice of penalty.

In all cases, notice of any penalty shall be given in writing to the party charged. A penalty is imposed from the time that notice thereof is given to the party charged. When such notice is given to the party charged orally by the presiding judge, the penalty is imposed from the time of such oral notice.

§ 185.108. Review and appeal.

The Commission may investigate, consider, and review any decision or ruling of the judges of a meeting upon its own motion or upon the request of an aggrieved party. Such appeal from the decision or ruling of judges must be made in writing within ten days following the oral or written notice of such decision or ruling whichever occurs first. The appeal must be sworn to before a Notary Public or one of the judges of the meeting.

Subchapter F. APPEALS

Sec.

- 185.121. Appeal from fines.
- 185.122. Appeal from orders regarding stock transfers.

§ 185.121. Appeal from fines.

The action of the Commission in imposing any monetary fine may be appealed to the Court of Common Pleas of Dauphin County under the provision of the Administrative Agency Law, Act of June 4, 1945, P. L. 1388 as amended. If no appeal is taken, the fine may be collected in an action of assumpsit.

§ 185.122. Appeal from orders regarding stock transfers.

If the Commission shall make any order or direction with regard to the disposal of stock or interests therein, the person aggrieved shall be given notice of the time and place of a hearing before the Commission, at which time the Commission will hear such person in reference thereto. The action of the Commission may be reviewed by the Court of Common Pleas of Dauphin County under the provision of the Administrative Agency Law, Act of June 4, 1945, P. L. 1388 as amended.

Subchapter G. TRACK MAINTENANCE AND SUPERVISION

Sec.

- 185.131. Requirements of finished track; electrical appliances.
- 185.132. Approval of architect's plans and final construction.
- 185.133. Wagering on races.
- 185.134. Bookmaking.
- 185.135. Solicitation of wagers.
- 185.136. Conditions of license.
- 185.137. Blacksmiths.
- 185.138. Policing of premises.
- 185.139. Tipster sheets.
- 185.140. Supervision of peddlers.
- 185.141. Drinking fountains and rest rooms.
- 185.142. Inspection of premises.
- 185.143. Report or arrival and departure of horses.
- 185.144. Watchmen in stable area.
- 185.145. Duties of watchmen.
- 185.146. Stable enclosures fenced.
- 185.147. First aid facilities.
- 185.148. Ambulances.
- 185.149. Sand spreader and grader.
- 185.150. Promotion of admission sales.

§ 185.131. Requirements of finished track; electrical appliances.

To conduct a race meeting under a license issued by the Commission, the association shall at all times maintain a finished race track which meets the following requirements of the Commission. The association shall:

- (1) File with the Commission a certificate of a duly licensed civil engineer or land surveyor that he has measured the said track from wire to wire, 3 feet out from the pole or inside hub rail thereof and certifying in linear feet the result of such measurement.
- (2) Prior to the commencement of each meeting, file with the Commission a certificate signed by a licensed civil engineer or land surveyor that he has surveyed the turns of the association's track and finds them to be no less than the requirements prescribed by the Commission.
- (3) Maintain sufficient and adequate equipment and competent personnel for the purpose of continued maintenance of the race course and plant grounds. Plant grounds shall at all times be maintained in a proper and safe condition.
- (4) Maintain an electrical wiring system of the quality intended to prevent electrical fires.
- (5) Prevent the use of electrical appliances or equipment by anyone in circuits located particularly in stable areas where such use does or could overload the circuit.

§ 185.132. Approval of architect's plans and final construction.

(a) *Approval by Commission.* Construction or renovation of an association's track plant and all of the facilities thereof shall not be commenced before the Commission shall have approved plans of the architect therefor.

(b) *Submission of architect's plans.* Each association shall submit one set of architect's plans to the Commission and one set of plans to an architect or engineer designated by the Commission prior to the commencement of any construction or renovation of its track plant or any of the facilities thereof.

(c) *Consulting engineer or architect.* The Commission shall designate a consulting engineer or architect who shall examine all plans submitted to it by an association and who shall report to the Commission the results of its examination. The fees of such consultant shall be approved by the Commission and paid by the association.

(d) *Periodic inspections.* The consultant shall make periodic examinations of the construction or renovation as directed by the Commission and report its findings to the Commission. Such consultant shall, in advance, prepare and submit to the Commission a schedule of anticipated periodic inspections.

(e) *Approval of final construction.* Before the Commission shall approve any construction or renovation purported to be complete by the association, the Commission shall obtain a report from the consultant who shall advise the Commis-

sion whether the construction or renovation has been completed in compliance with the plans submitted and approved.

§ 185.133. Wagering on races.

No association shall permit wagers to be made on the grounds of said association on any race held outside of the grounds, and no foreign book or gambling device of any kind shall be permitted on said grounds. Any person utilizing in any manner, any device, sign, action or mechanism for the purpose of transmitting or communicating any information with regard to any race from within the track grounds to the outside thereof shall be expelled from the grounds and denied further admission to any association track.

§ 185.134. Bookmaking.

Anyone guilty of making a handbook on the grounds of any association, shall be expelled from the grounds, and denied further admission thereto, and any owner, driver or other person interested in any horse or horses at said meeting, who shall be guilty of wagering with or through any such handbook, shall be expelled from the grounds or denied admission by order of the judges.

§ 185.135. Solicitation of wagers.

If any trainer, driver, stable employe or other person solicits wagers from the public by correspondence or other methods, to be made on the horses in any stable, such person or persons so offending shall be ruled off the course or denied admission by order of the Commission or the judges.

§ 185.136. Conditions of license.

Imposed on each association and other licensees is the duty of enforcing and obeying the rules and regulations imposed by the Commission, the said rules and regulations being a condition under which the licenses are granted. The Commission reserves the right to amend, alter or repeal any rule, regulation or condition herein imposed or to supplement said rules and regulations.

§ 185.137. Blacksmiths.

Each association shall provide within its grounds suitable blacksmith shops and a sufficient number of blacksmiths to adequately accommodate the number of horses racing during each racing day.

§ 185.138. Policing of premises.

The association shall provide a sufficient number of guards and watchmen to maintain order on all parts of the racing enclosure. Each association shall submit to the Commission, for its approval, the entire policing plans of the association together with a list of personnel performing policing duties. The plan and such list shall be kept current by the association and all changes shall be made known

to the Commission forthwith. The association shall weekly file with the Commission a report relating to all security activities. Such report shall be executed by the Chief Security Officer, as well as the association.

§ 185.139. Tipster sheets.

The association shall prohibit the sale or giving away of any tipster sheets within the enclosed admission control area of the plant of the association. Nothing herein contained shall be construed as applicable to any newspapers, periodical, weekly or monthly magazine of general circulation.

§ 185.140. Supervision of peddlers.

The association shall supervise the practice and methods of so-called merchandise peddlers who may have entry to the track enclosure to solicit among the employes and other licensees engaged at the track, provided, however, that the association shall not, by virtue of this section or otherwise, restrict purchasing or attempt to control or monopolize the proper selling of merchandise to owners, trainers or stable employes. Each so-called merchandise peddler shall be licensed by the Commission. Each licensed peddler shall submit a list of his wares to the presiding judge. A licensed peddler dealing with medicines for horses shall also submit a list of medicines or preparations he intends to sell to the Commission veterinarian for his approval. No sale may be made of any medicine, preparation or other wares prior to approval. No merchandise peddler shall be permitted access to the stable area within three hours of post time.

§ 185.141. Drinking fountains and rest rooms.

The association shall furnish an adequate number of free drinking water fountains, comfort stations and wash rooms throughout its grounds and buildings for the use of the public.

§ 185.142. Inspection of premises.

The Commission shall have the right to authorize a person or persons to enter in or upon the stables, rooms or other places within the track enclosure or places where horses are kept, for the purpose of and to inspect and examine the personal effects, or property within such places of every employe, trainer, driver, stable foreman, groom, authorized agent or veterinarian.

§ 185.143. Report of arrival and departure of horses.

All horses arriving at or leaving a race meeting must be registered at the gate with a gateman or platform attendant. Complete information regarding such arrival or departure is to be obtained. Separate reports must be filed for each owner represented in each shipment. A copy of each arrival or departure report

must be delivered to the race secretary of the association each morning before 10 a.m. It shall be the duty of the race secretary to transmit a duplicate copy thereof to the Commission.

§ 185.144. Watchmen in stable area.

Each association shall, during any race meeting or while horses are stabled upon the grounds, maintain and furnish complete watchman service night and day in and about all stable enclosures and furnish to the Commission each day a complete tabulation list thereof showing name, duty, place stationed and portions of enclosures supervised by such watchmen.

§ 185.145. Duties of watchmen.

(a) Watchmen so employed shall be individually responsible for a particular part of the stable enclosure where they are on duty and they shall immediately investigate and report the presence of anyone during the night or day who may be within said stable enclosure without possessing proper credentials.

(b) A letter of instructions to all watchmen shall be addressed to each of them by the association. Such letter shall fully cover their duties and obligation to keep stable enclosures free from unauthorized persons. A copy thereof shall be furnished to the Commission. Each association shall install watchmen clocks at strategic positions which shall disclose the time the watchmen checked thereat.

§ 185.146. Stable enclosures fenced.

All such stable enclosures must be properly fenced and admission granted only to authorized persons. No smoking or carrying a lighted cigar, cigarette or pipe shall be permitted under the shed.

§ 185.147. First aid facilities.

Each association shall maintain and furnish adequate first aid facilities including rooms and equipment. Each association shall also make available upon its plant grounds, the services of a physician and registered nurse during all racing hours.

§ 185.148. Ambulances.

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds.

§ 185.149. Sand spreader and grader.

Each association utilizing a dirt track shall maintain at all times during the racing day, a sand spreader for use in inclement weather and a grader. Such equipment shall be operated by experienced and competent personnel.

§ 185.150. Promotion of admission sales.

No association may conduct, sponsor or enter any arrangement intended to promote the sale of admission tickets directly or indirectly without first obtaining the consent of the Commission. The purpose of this section is to avoid the use of other than legitimate advertisement procedures.

Subchapter H. PARI-MUTUEL WAGERING

Sec.

- 185.161. Pari-mutuel wagering.
- 185.162. Definition of "race."
- 185.163. Sale of pari-mutuel tickets.
- 185.164. Payments.
- 185.165. Daily Double.
- 185.166. Refunds.
- 185.167. Information required by Commission and Department of Revenue.
- 185.168. Record of unpaid tickets.
- 185.169. Record of actual payoff.
- 185.170. Report of handle and attendance.
- 185.171. The Twin Double.
- 185.172. Perfecta (Exacta).
- 185.173. Trifecta.
- 185.174. Six race sweepstake.
- 185.175. Test of equipment.
- 185.176. Personnel.
- 185.177. Forms.
- 185.178. Odds board.
- 185.179. Big Perfecta (Exacta).

§ 185.161. Pari-mutuel wagering.

(a) Associations shall use vending machines for the sale of pari-mutuel tickets, unless otherwise authorized by the Commission. All associations shall be required to utilize total electronic calculators approved by the Commission.

(1) No electronic calculator may be deemed one of approved design unless it is capable of registering by automatic electronic or mechanical means on central aggregators all wagers made on each horse, entry, or the field, in each of the straight, place and show pools, and displaying the totals so registered in such a way as to permit ready tabulation thereof by the representative of the Commission.

(b) The controls necessary to operate the odds board in the infield, relative to the way the horses finish (if the finish is being contested, if there is a photo, dead-heat, time of race), are to be located in the judge's stand and controlled only by the presiding judge, or one associate judge designated to do so.

§ 185.162. Definition of “race.”

As used in this chapter, the term “race” shall be considered to apply as if the term “heat” or “dash” had been used, and for the purpose of pari-mutuel wagering, every heat shall be a separate and distinct race, unless the context clearly indicates otherwise.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.163. Sale of pari-mutuel tickets.

(a) Only one method of selling pari-mutuel tickets shall be used for the sale of tickets on individual heats or races during any racing day.

(b) No pari-mutuel tickets shall be sold except through regular ticket windows properly designated by signs showing type of tickets sold at that particular window.

(c) No pari-mutuel tickets shall be sold on any heat or dash prior to 30 minutes before scheduled post time of that heat or dash except with the approval of the Commission. The sale of Daily Double tickets may begin one hour and 15 minutes before the post time of the first race of the Daily Double and shall be closed no later than five minutes before post time except with the approval of the Commission.

(d) Bookmaking or wagering other than pari-mutuel wagering is strictly prohibited.

(e) No minor shall be allowed to wager.

(f) All wagering shall stop as soon as the word “go” shall be given either by record or by voice of the starter. Vending machines shall be electrically locked by the Presiding Judge from the Judges’ Stand.

(g) When the sale of pari-mutuel tickets has closed, it shall remain closed until after the race or heat has finished.

(h) No pari-mutuel ticket shall be sold for less than \$2.00. No pari-mutuel ticket combining Win and Place, Win and Show or Place and Show, shall be sold for less than \$4.00. No pari-mutuel ticket combining Win, Place and Show shall be sold for less than \$6.00.

(i) The method of selling pari-mutuel tickets shall be approved by the Commission.

(j) The manager of the pari-mutuel department shall be properly and timely advised by the presiding judge prior to the beginning of wagering on each race, of the horses that will compete in the race and any driver changes from those listed in the official program.

(k) If less than six interests qualify horses to start in a race, the manager of the pari-mutuel department, with the consent of the representative of the Commission, shall be permitted to prohibit Show wagering on that race.

(l) If less than five interests qualify horses to start in a race, the said manager, with the consent of the representative of the Commission, shall be permitted to prohibit both place and show wagering on that race.

(m) If less than three interests qualify horses to start in a race, the said manager, with the consent of the representative of the Commission shall be permitted to prohibit wagering on the race.

(n) The said manager, with the consent of the representative of the Commission, may prohibit wagering on any particular horse or entry in any race. Such consent shall be sought by the manager of the pari-mutuel department from the representative of the Commission after the entries are closed on the day previous to that during which the races in which exclusions are desired are to be conducted. Such exclusions, if consented to by the representative of the Commission, shall be clearly indicated on the program or score card and horses excluded shall be numbered so as to in no way infer that they are coupled in the field. Horses once excluded from the wagering shall remain excluded during the day or race in which they are scheduled to start.

(o) When two or more horses which are owned in whole or in part, or trained by the same person or trained in the same stable or by the same management, start in a race, they shall be coupled as an entry and a wager on one shall be a wager on all of them except as otherwise provided in § 183.198 (relating to coupled entries).

(p) When more horses representing separate interests are started in a race than the number of post positions on the infield tote board, all horses in excess of a number of interests one less than the total number of post positions on the infield tote board shall be grouped in the wagering as the field.

(q) A refund at cost value shall be made to all holders of a purchased ticket bearing the number of a horse in any race which has been scratched or withdrawn before said horse has become a starter in the race under the provisions of this part.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.164. Payments.

(a) Payments due on all wagers shall be made in conformity with the well established practice of the pari-mutuel system. The practice is to work in dollars and not in the number of tickets. Money wagered on winning tickets is returned in full plus the profits. In all cases of a winning mutuel pool, each association must redistribute not less than \$2.20 on each \$2.00 wager, except that in a race in which there is a minus pool, the association must distribute \$2.10 on each \$2.00 wager.

(b) Payments on all winning pari-mutuel tickets and tickets refundable according to rules shall be made only on presentation and surrender of the appro-

priate ticket. Mutilated tickets and those whose validity are questioned shall be submitted to the Department of Revenue for inspection and approval before payment.

(c) At the end of each race, the judges shall advise the manager of the pari-mutuel department and the representative of the Commission in writing of the official placement of the horses. When no mechanical or electrical indication of the official finish of the race is used between the judges and the mutuel department, no payoff shall be made until receipt of such written notice.

(d) If a horse wins and there is no money wagered on him to win, the win pool shall be apportioned among the holders of the place tickets on that horse, if any, otherwise holders of the show tickets.

(e) If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

(f) If no money has been wagered to show on a horse which has placed first, second or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second or third in that race.

(g) In the event that only two horses finish in any one race the show pool shall be figured the same as the place pool and the moneys apportioned to the holders of show tickets on the two finishing horses. In the event only one horse finishes in any one race all three pools shall be figured separately as straight pools and all the monies shall be awarded to the ticket holders of the finishing horse. In the event no horse finishes the race, then the entire pool shall be refunded to all ticket holders.

(h) If two horses finish in a dead heat for first place, the money in the win mutuel pool is divided between the two dead-heaters according to their proportionate shares in the pool.

(i) If two horses finish in a dead heat for second place, the division is made as follows: there shall be allotted to the pool of the winner of the race 1/2 of the place pool and the two dead-heaters 1/2 each of the remaining half of the place pool.

(j) If two horses coupled in the betting as an "entry" or "the field" finish first and second, first and third or second and third, the division of the net show pool shall be as follows: 2/3 of the net show pool shall be allotted to the pool of the entry and the balance 1/3 to the other horse.

(k) In the event that one horse of the entry or the field finishes first or second and the other part of the entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: 1/2 of the net show pool shall be allotted to the pool of the entry, 1/3 to the horse finishing first or second, and 1/6 to the horse finishing in the dead heat with the entry for third.

(l) If the entry or field horses should finish first, second and third, the entire money in each pool goes to the entry or field tickets, no other tickets participating.

(m) If an error is made in posting pay off figures on the public board and no payments have been made, it shall be corrected promptly and a statement explaining the facts made over the public address system. In the event of an error in calculations of pay off prices which results in an under payment to the public and payments have been made to the public, the amount of the under payment shall transfer to the corresponding pool of the following race.

(n) All winning pari-mutuel tickets must be presented for payment before the first of April of the year following the year of their purchase and failure to present any such ticket within the prescribed period of time shall constitute a waiver of the right to participate in the award or dividend. After the first of April of the year following the year of their purchase, all associations shall forward to the State Treasurer all funds so held for such uncashed tickets. The Commission shall be notified by the association of the amounts so forwarded.

(o) No mutilated pari-mutuel ticket that is not easily identifiable as being a valid ticket shall be accepted for payment.

(p) No claims for lost pari-mutuel tickets shall be considered.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.165. Daily Double.

(a) No Daily Double shall be conducted without permission of the Commission and only one such Daily Double shall be permitted during a single racing program. There shall be no exchange of Daily Double tickets after the purchase thereof, all tickets on the Daily Double will be calculated in an entirely separate pool.

(b) In order to win a Daily Double, it is necessary for the purchaser of a Daily Double ticket to select the winners of each of the two races specified for the double. If either of his selections fails to win, his contract is void, except as hereafter provided.

(c) All tickets will be to win (Straight) only. There shall be no "coupled entries" in the daily double. Horses designated and listed as the "Field," race as one horse in the daily double. If two or more horses in a race are listed as "Field" on the same totalisator ticket, there shall be no refunds, unless all the horses so listed are excused before off time.

(d) Selections are to be made of one horse for each of two races in the Daily Double by "Tote" program numbers.

(e) If no ticket is sold combining the two winners of the Daily Double, the pool shall then be apportioned equally between those having tickets including the winner in the first race of the Daily Double and those having tickets including the

winner in the second race of the Daily Double in the same manner in which a place pool is calculated and distributed.

(f) If no ticket is sold on the winner of the first race of the Daily Double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the second race of the Daily Double. Likewise, if no ticket is sold on the winner of the second race of the Daily Double on any combination, the entire pool is apportioned to the holders of tickets on the winner of the first race of the Daily Double.

(g) If a dead heat to win should result in either the first or second race of the Daily Double, the total pool is calculated as a Place Pool. In case of a dead heat for the winner of the first race of the Daily Double, the posting of payoff prices will be made after winner of second race of the Daily Double is official.

(h) Should no ticket be sold containing the numbers of either winner on any combination, the pool shall be allotted to those having tickets on horses finishing next to the winners.

(i) In the event any horse or horses in the first half of the Daily Double should be excused by the racing officials after the horses shall have left the paddock for the post, or after the betting on the Daily Double has been closed, or should any horse or horses in the first half of the Daily Double be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the Daily Double Pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(1) Should any horse or horses be scratched, excused by the racing officials, or prevented from racing because of the failure of the arm or arms of the starting gate to open in the last half of the Daily Double, all tickets combining such horse or horses with the winner of the first race of the Daily Double shall become consolation tickets and shall be paid a price per dollar bet determined as follows: the net Daily Double Pool (the gross Daily Double Pool less tax) shall be divided by the total purchase price of all Daily Double tickets designating the winner of the first half of the Daily Double and the quotient attained shall constitute the price to be paid. The total amount payable on consolation tickets shall be deducted from the net Daily Double Pool.

(j) The possible payoff prices shall be posted or announced to the public before the start of the last race of the Daily Double, and as soon as possible after the horses in the race of the last half of the Daily Double have entered upon the track on the way to the post.

(k) In case the second half of the Daily Double is not raced due to rain, or for any other cause, the entire pool shall be apportioned and paid, less commission, to the holders of tickets on the winner of the first race of the Daily Double.

(l) If a Daily Double is scheduled to be held, subsections (a)—(k) shall be printed on the day's racing program and notice printed on said program as follows: "Retain your tickets until the result of the Daily Double has been posted."

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.166. Refunds.

(a) Any ruling of the judges or of the Commission with regard to the award of purse money made after the sign "official" has been purposely displayed shall have no bearing on the mutuel payoff.

(b) In all cases when a horse has been excused by the judges after wagering has started but before the horses shall have actually started, all money wagered on the horse so excused shall be deducted from the pool and refunded.

(c) If two or more horses in a race are coupled on the same mutuel ticket, there shall be no refunds unless all of the horses so coupled are excused before the actual start.

(d) In the case of a race being declared off or postponed to another day by the judges after the wagering has begun, all money wagered in that race shall be refunded.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.167. Information required by Commission and Department of Revenue.

The officers and employes of the association shall promptly give the Department of Revenue and the Commission such information as they may request from time to time and shall freely and fully cooperate with them in every way.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.168. Record of unpaid tickets.

An itemized record of all unpaid winning mutuel tickets shall be prepared and a complete record thereof including total forwarded to the Commission and the Department of Revenue within 5 days after the last day of any racing meeting.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.169. Record of actual payoff.

Complete and detailed records of each race containing the actual payoff on each horse shall be filed with the Commission at the end of each day.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.170. Report of handle and attendance.

The association shall supply daily to the Commission, a report of the following: handle of each race, Daily Double handle, total daily handle and attendance.

Cross References

This section cited in 58 Pa. Code § 185.171 (relating to the twin double).

§ 185.171. The Twin Double.

(a) *Use of the Twin Double.* The Twin Double form of wagering, when used by an association, shall be used in accordance with this subchapter. The Twin Double form of wagering shall not be used unless an association first requests the Commission for approval and the Commission grants such approval. The approval of the Commission may be provisional.

(b) *Practice defined.* The Twin Double is a form of pari-mutuel wagering. Each bettor selects the four winners of four designated Twin Double races in two steps. First, a ticket, "initial ticket," is purchased designating the selected winners of the first and second races of the Twin Double races. Second, if both selections do win, that ticket, "successful initial ticket," is exchanged for a second ticket, "exchange ticket," at no further cost designating the selected winners of the third and fourth races of the Twin Double races. The net Twin Double pool is divided among holders of exchange tickets combining the winners of both the third and fourth races of the Twin Double races as in a straight pool. The Twin Double pool shall be held entirely separate from all other pools and is no way part of the Daily Double. Inasmuch as the purpose of the Twin Double pool is to select the winners of all four races of the Twin Double, a bettor who selects a horse which starts but does not win is no longer eligible, subject only to the contingency that no other bettor in the pool had selected the winner of that race.

(c) *Sale of initial tickets.* Initial tickets shall be sold in not less than \$2.00 denominations and only from Daily Double vending machines not commencing until after completion of the first race of the regular program and terminating at the start of the first Twin Double race when the machines shall be locked.

(d) *Sale of exchange tickets—exchange period.* Exchange tickets shall be issued only from Daily Double vending machines and only in exchange for successful initial tickets, and such shall be presumed. Exchange tickets shall be for a \$2.00 denomination only and if issued in exchange for higher denomination successful initial tickets, they shall be issued only in sufficient quantity to equal such higher denomination in whatever designated combinations specified by the holder presenting such higher denomination successful initial ticket. Issuance of exchange tickets shall commence after the results of the second race of the Twin Double races are official and must be terminated at the start of the third race of the Twin Double races when the machines shall be locked. Such period of time is here and after referred to as the exchange period.

(e) *Posting probable pay-off prices.* The probable pay-off prices of possible winning combinations shall be posted after the third race of the Twin Double races.

(f) *Design of tickets.* The design of initial tickets and exchange tickets shall be clearly and immediately distinguishable from each other and from the Daily Double and other pari-mutuel tickets.

(g) *Failure to exchange—forfeiture.* Failure of a holder to exchange a successful initial ticket for an exchange ticket within the prescribed exchange period shall cause a forfeiture of all rights of such holder to any distribution or refund except in the event the third race of the Twin Double races is cancelled or declared “no race” or there is a failure to select the winner of the third race of the Twin Double races.

(h) *Scratches.* After a horse is scratched no further tickets may be issued designating such horse and:

(1) If a horse is scratched from the first or second race of the Twin Double races before the running of the first race of the Twin Double races, all initial tickets selecting the horse scratched shall be refunded and the money deducted from the gross pool.

(2) Should any horse be scratched or be declared a non-starter in the second race of the Twin Double races after the first race of the Twin Double races has been run, all tickets combining the scratched horse with the winner of the first race of the Twin Double races shall become consolation tickets and shall be paid a price per dollar denomination determined as follows: the net Twin Double pool (the gross Twin Double Pool less tax) shall be divided by the total purchase price of all initial tickets designating the winner of the first race of the Twin Double races and the quotient obtained shall constitute the price to be paid. Further participation of such consolation tickets in the Twin Double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net Twin Double pool.

(3) If any horse be scratched or be declared a non-starter in the third race of the Twin Double races, all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination determined as follows: the net Twin Double pool (the gross Twin Double pool less tax and prior consolation awards) shall be divided by the total purchase price represented by all exchange tickets and the quotient obtained shall be the price to be paid. Further participation of such consolation tickets in the Twin Double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net Twin Double pool. When a horse is scratched from the third race of the Twin Double races, such race shall not be started within three minutes of the announcement of such scratch.

(4) Should any horse be scratched or be declared a non-starter in the fourth race of the Twin Double races, all exchange tickets combining the scratched horse with the winner of the third race of the Twin Double races shall become

consolation tickets and shall be paid a price per dollar denomination determined as follows: the net Twin Double pool (the gross Twin Double pool less tax and previous consolation awards) shall be divided by the total purchase price represented by all exchange tickets designating the winner of the third race of the Twin Double races and the quotient obtained shall constitute the price to be paid. Further participation of such consolation tickets in the Twin Double pool shall terminate. The total amount payable on consolation tickets shall be deducted from the net Twin Double pool. When a horse is scratched from the fourth race of the Twin Double races before the start of the third race of the Twin Double races, the third race of the Twin Double races shall not be started within three minutes of the announcement of such scratch.

(i) *Failure to select a winner and race cancellations.* Failure to select a winner and race cancellations shall include the following:

(1) If no initial ticket is sold designating the winner of the first race of the Twin Double races, or the first race of the Twin Double races is cancelled or declared "no race," the Twin Double shall be declared off and the gross pool refunded.

(2) If no initial ticket is sold combining the winners of the first and second races of the Twin Double races, or the second race of the Twin Double races is cancelled or declared "no race," the net pool shall be distributed to holders of initial tickets designating the winner of the first race of the Twin Double races as in a straight pool and the Twin Double shall terminate.

(3) If no exchange ticket is issued designating the winner of the third race of the Twin Double races or if the third race of the Twin Double races is cancelled or declared "no race," all exchange tickets and successful initial tickets outstanding shall be paid a price per dollar denomination determined as follows: the net Twin Double pool (the gross pool less tax and previous consolation awards) shall be divided by the total purchase price represented by all successful initial tickets originally issued and the quotient obtained shall constitute the price to be paid. The Twin Double shall thereupon terminate.

(4) If no exchange ticket is issued combining the winners of the third and fourth races of the Twin Double races, or the fourth race of the Twin Double races is cancelled or declared "no race," the net pool shall be distributed to holders of exchange tickets designating the winner of the third race of the Twin Double races.

(j) *Dead heats.* Dead heats shall conform with the following:

(1) In the event of a dead heat in either or both of the first and second races of the Twin Double races, all initial tickets combining a winner in both such races shall be eligible for exchange.

(2) In the event of a dead heat in the third race of the Twin Double races and no exchange ticket combines the winner of the fourth race of the Twin Double races with a winner of the third race of the Twin Double races, the net

pool shall be distributed to holders of exchange tickets designating a winner of the third race of the Twin Double races as in a straight pool dead heat.

(3) In the event of a dead heat in either or both of the third or fourth races of the Twin Double races, holders of exchange tickets combining winners in both such races shall be entitled to a distribution calculated as in a straight pool dead heat.

(k) *Coupled entries and fields.* There shall be no coupled entries in the Twin Double. Fields are permitted in Twin Double races. A scratch of less than all horses in a field, however, shall not effect the status of a ticket selecting such field. Horses in a field shall be considered as one horse for Twin Double distributions, and calculations on dead heats shall include only one of such horses in each field in the distributions.

(1) *Use of vending machines.* Sale of Twin Double tickets other than through pari-mutuel vending machines is prohibited. The association shall provide an adequate number of vending machines for this purpose. Such machines shall be utilized solely for the sale of Twin Double tickets or Daily Double tickets. The ticket sellers for such machines shall be used exclusively for the sale of either Daily Double tickets or Twin Double tickets only.

(m) *Display and publication of rule.* This rule shall be prominently displayed throughout the betting area of each association conducting the Twin Double and printed copies of this rule shall be distributed to patrons upon request to the association. In addition, §§ 185.162—185.170 (relating to definition of “race,” sale of pari-mutuel tickets, payments, daily double, refunds, information required by Commission and Department of Revenue, record of unpaid tickets, record of actual payoff, and report of handle and attendance) and this section shall be printed on the day’s racing program and notice printed on said program as follows: “Retain your initial ticket until the result of the second race of the Twin Double races has been posted. Retain your exchange ticket until the result of the fourth race of the Twin Double races has been posted.”

§ 185.172. Perfecta (Exacta).

(a) No Perfecta (Exacta) wagering shall be conducted without permission of the Commission and only two Perfectas (Exactas) shall be permitted during a single racing program. The races in which Perfecta (Exacta) type pari-mutuel wagering will be permitted shall only be those designated by the Commission and separate pools shall be established therefor.

(b) To win a Perfecta (Exacta), it is necessary for the purchaser of a Perfecta (Exacta) ticket to select in order the horse declared the winner and the horse declared to have placed in the race in which Perfecta (Exacta) type wagering is permitted. If either of the selections made by the purchaser fails to be declared to have finished in the position designated by the purchaser when purchasing the Perfecta (Exacta) ticket, then the contract is void except as here and after provided.

(c) Should there be a dead heat for win in a Perfecta (Exacta) race, holders of tickets combining those two horses in either order will share in the Perfecta (Exacta) payoff. Should there be a dead heat for place, holders of tickets combining the horse declared the winner with either of the horses declared to have finished in the dead heat for place shall share in the Perfecta (Exacta) payoff. In both of the instances mentioned in subsections (a) and (b), the net pool shall be distributed and calculated in the same manner as a Place Pool.

(d) If no ticket is sold combining in order the horse declared the winner and the horse declared to have placed, the Perfecta (Exacta) Pool shall be apportioned between those having tickets selecting to win the horse declared the winner and those having tickets selecting to place the horse declared to have placed and the net pool shall be distributed and calculated in the same manner as a Place Pool.

(e) In the event any horse or horses in the Perfecta (Exacta) should be excused by the racing officials after the horses shall have left the paddock for the post, or after the betting on the Perfecta (Exacta) has been closed, or should any horse or horses in the Perfecta (Exacta) be prevented from racing because of failure of the arm or arms of the starting gate to open, the money wagered on any horse or horses so excused or prevented from racing shall be deducted from the Perfecta (Exacta) Pool and refunded to the purchaser or purchasers of tickets on the horse or horses so excused or prevented from racing.

(f) In the event only one horse finishes the race and is declared the winner, the net pool shall be distributed to holders of Perfecta (Exacta) tickets designating to win the horse declared the winner.

(g) There shall be no coupled entries or fields in a Perfecta (Exacta) race.

§ 185.173. Trifecta.

(a) No Trifecta wagering shall be conducted without permission of the Commission. The only races in which Trifecta type pari-mutuel wagering shall be permitted are those races designated by the Commission and a separate pool shall be established therefor.

(b) The Trifecta is a form of pari-mutuel wagering in a single race in which the bettor selects a ticket combining in exact order of finish, as officially posted, the first, second and third winners.

(c) The Trifecta is not a parlay and, except as here and after set forth in this section, has no connection with or relation to the Win, Place and Show betting and will be calculated from an entirely separate pool.

(d) Trifecta tickets shall not be sold in less than \$1.00 denominations.

(e) If no ticket is sold on the winning combination of a Trifecta Pool, the net pool shall be distributed to the holders of tickets selecting either the Win and Place finishers, the Win and Show finishers or the Place and Show finishers in the exact order as officially posted.

(f) If no ticket is sold that would require distribution of the Trifecta Pool to a winner as above defined, all tickets containing the winner or Place or Show finishers will be aggregated and divided into the net pool and be paid the same payoff price.

(g) If there is a dead heat for first place, the winning combination shall include the first two horses as finishing in either position, and the horse finishing third. If there is a dead heat to Place, the winning combination shall be the horse finishing first and the two horses finishing in a dead heat for Place, as finishing in either position. If there is a dead heat for Show, the winning combination shall be the horse finishing first, the horse finishing second, and the two horses finishing in a dead heat for Show, as finishing in either position. In all of the instances mentioned in subsections (a)—(f), the net pool shall be calculated and distributed in the same manner as a Place Pool.

(h) If less than three horses finish, a payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

(i) If a horse is scratched or declared a nonstarter, no further Trifecta shall be issued designating that horse. All tickets previously issued designating that horse shall be refunded and the total amount of such refund deducted from the gross pool.

(j) Coupled entries and fields are prohibited in Trifecta races.

Source

The provisions of this § 185.173 adopted August 29, 1980, effective August 30, 1980, 10 Pa.B. 3519.

§ 185.174. Six race sweepstake.

(a) A six race sweepstake pari-mutuel pool which may be known as “Pic-Six,” “The Meadows Pic-Six” and the like, is not a parlay and has no connection with or relation to any other pari-mutuel pool, including any Win, Place and Show pool shown on the totalisator board, and the rules governing the distribution of such other pools.

(b) A valid six race sweepstake type of ticket referred to by whatever name adopted shall constitute acceptance by the holder of such six race sweepstake rules and regulations promulgated by the Commission.

(c) The six race sweepstake ticket may be given a distinctive name to be selected by the racing association conducting such races, subject to the approval of the Commission.

(d) A six race sweepstake pari-mutuel pool consists of amounts paid for a selection for Win only in each of six races designated by the racing association with the approval of the Commission. Each person who purchases such a ticket shall designate the winning horse in each of the six races comprising the six race sweepstake. No ticket shall be sold in a denomination of less than \$2.00.

(e) Those horses constituting an entry of coupled horses, or those horses coupled to constitute the field, in such a race shall race as a single wagering interest for the purpose of the pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field, racing as a single wagering interest, is a starter in a race, the entry or the field selection shall remain as the designated selection to win in that race for the calculation and the pari-mutuel ticket shall not be withdrawn from the pool.

(f) Pari-mutuel results shall be calculated as follows:

(1) Seventy-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of tickets which correctly designate the six official winners of the six races comprising the six race sweepstake.

(2) Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the five official winners of the six races comprising the six race sweepstake.

(3) In the event there is no pari-mutuel ticket held designating the six official winners, 100% of the net pool shall be distributed among ticket holders designating five official winners of the six races comprising the six race sweepstake.

(4) In the event there is no pari-mutuel ticket held designating the five official winners of the six races comprising the six race sweepstake, there shall be no apportionment of the net pool and 100% of the net pool shall be distributed among ticket holders designating the six official winners of the six race sweepstake.

(5) In the event there is no pari-mutuel ticket held designating either the six or the five official winners of the six races comprising the six race sweepstake, 100% of the net pool shall be distributed among holders of tickets which correctly designate the greatest number of official winners of the six races comprising the six race sweepstake, for example, holders of tickets with four official winners, and, if none, then holders of tickets with three official winners, and the like.

(g) The gross pool of the six race sweepstake and all tickets sold therewith shall be transferred and merged with the six race sweepstake pool and sales for the next racing day in the following instances:

(1) In the event there is no pari-mutuel ticket held which entitles any ticket holder to a distribution pursuant to subsection (f).

(2) In the event it is not possible for any reason to complete that portion of the program that embraces the designated six races.

(h) The following conditions shall be met if there are scratched horses in the six race sweepstake:

(1) In the event there is a scratched horse in any of the six races comprising the six race sweepstake the total value of all tickets containing this scratch

shall be deducted from the gross pool to form a consolation pool. The net value of the consolation pools shall then be distributed as a consolation award to the holders of tickets which designate the most winning selections among the remainder of the selections made for the races comprising the six race sweepstake.

(2) In the event there are two scratched horses in any of the six races comprising the six race sweepstake the total value of all tickets containing both scratches shall be deducted from the gross pool to form an additional consolation pool. The net value of this consolation pool shall then be distributed as a consolation award to the holders of tickets which designate the most winning selections among the remainder of the selections made for the races comprising the six race sweepstake.

(3) In the event that tickets eligible for inclusion in the consolation pool are winners pursuant to subsection (f), the total value of such tickets shall not be deducted from the gross pool and the holders thereof shall be entitled to a share pursuant to subsection (f).

(i) In the event of a dead heat for Win between two or more horses in any sweepstake race, all such horses in the dead heat for Win shall be considered as the winning horse in the race for the purpose of distributing the six race sweepstake pool.

(j) In the event one or more of the races comprising the six race sweepstake is cancelled for any reason, the distribution of the net amount of the six race sweepstake pool shall be among the holders of tickets which correctly designate the most winners in all of the remaining races comprising the six race sweepstake on such day; except that in the event the Judges cancel or declare no contest three or more of the six races comprising the six race sweepstake, the gross pool in such event shall be transferred and merged with the six race sweepstake pool of the next scheduled racing date.

(k) No person shall disclose the number of tickets sold in the six race sweepstake pool or the number or amount of tickets selecting winners of the six race sweepstake prior to the time the Judges have determined the last race of the six race sweepstake to be official.

(l) The sale of tickets for this type of wagering may begin at 11 a.m. of the day of the scheduled races and shall close no later than post-time of the first race of six race sweepstake. No tickets shall be sold on Sunday before 1 p.m.

(m) No pari-mutuel ticket for the six race sweepstake pool shall be sold, exchanged, or cancelled after the close of wagering in the first of the six races comprising the six race sweepstake.

(n) No racing association may conduct this type of pari-mutuel wagering on the last day of the association's then current meeting except there may be a transferred pool from the next prior day under the provisions of subsection (g)(1) and (2) and subsection (j).

Source

The provisions of this § 185.174 adopted August 29, 1980, effective August 30, 1980, 10 Pa.B. 3519.

§ 185.175. Test of equipment.

All associations shall have a test, by actual operation, of the pari-mutuel equipment before the opening of each meeting, which shall be approved by a representative of this Commission and of the Department of Revenue.

§ 185.176. Personnel.

(a) A list of the personnel of the pari-mutuel department shall be submitted to the Commission for its approval. Such list shall indicate the residence of each employe and also state whether he has been a citizen of the United States and a resident of this Commonwealth for the 2 years immediately prior to the commencement of his employment.

(b) A copy of the pari-mutuel department payroll shall be submitted each week to the Commission and such payroll shall be accompanied by a statement sworn to by the manager of the pari-mutuel department or an official of the association stating that at least 85% of such employes each day have been citizens of the United States and residents of the Commonwealth for at least 2 years immediately prior to the commencement of their employment.

§ 185.177. Forms.

All associations shall submit to the Commission within 24 hours after a scheduled day's racing, a complete set of such pari-mutuel forms and data as have been used in the calculations and totals of pari-mutuel wagering.

§ 185.178. Odds board.

Every association shall provide a sign or board, approved by the Commission upon which shall be displayed, the approximate straight odds on each horse in any race, the value of a \$2 winning mutuel ticket, Straight, Place or Show on the first three horses in the race; the elapsed time of the race; the value of a two dollar winning Daily Double ticket; the total amount wagered on each horse and each pool and any other information that the Commission may deem necessary.

§ 185.179. Big Perfecta (Exacta).

(a) No Big Perfecta (Exacta) wagering shall be conducted without permission of the Commission. The races in which Big Perfecta (Exacta) type pari-mutuel wagering will be permitted shall only be those designated by the Commission and separate pools shall be established therefor.

(b) The Big Perfecta (Exacta) is a form of pari-mutuel wagering in which the bettor selects the two horses that will finish first and second in each of two consecutive races in the exact order as officially posted.

(c) Big Perfecta (Exacta) tickets shall be sold only at Big Perfecta (Exacta) windows by the licensee and only from automatic double issue machines.

(d) Each bettor purchasing Big Perfecta (Exacta) tickets shall designate his two selections as the first two horses to finish in that order in the first race of the two consecutive races.

(e) After the official declaration of the first two horses to finish in the first race of the Big Perfecta (Exacta), each bettor holding a ticket combining the first two horses in the exact order of finish must, prior to the running of the second Big Perfecta (Exacta) race, exchange such winning ticket for a Big Perfecta (Exacta) exchange ticket at the Big Perfecta (Exacta) windows and at such time shall select the two horses to finish in the second race of the Big Perfecta (Exacta) in the exact order as officially posted. No further money shall be required of the holder of the ticket in order to make the exchange.

(f) No Big Perfecta (Exacta) exchange ticket upon the second race shall be issued except upon the surrender of the Big Perfecta (Exacta) ticket from the first race as described in these rules. The Big Perfecta (Exacta) pool obtained from the sales of Big Perfecta (Exacta) tickets upon the first race shall be held, subject to these rules, and divided among the winning tickets of the Big Perfecta (Exacta) exchange tickets, subject to these rules to the contrary. Big Perfecta (Exacta) windows shall be open for the purpose of making the exchange as described only after the first race has been declared official and such windows shall close at official post time at the start of the second race of the Big Perfecta (Exacta) races.

(g) If a winning Big Perfecta (Exacta) ticket from the first race is not presented for exchange within the time provided, the bettor forfeits all rights to any distribution or refund except in the event the second half of the Big Perfecta (Exacta) is cancelled or declared "No Race" or if no exchange ticket includes either the first or second horse of the second half of the Big Perfecta (Exacta).

(h) If a horse is scratched in the first race of the Big Perfecta (Exacta) races, all Big Perfecta (Exacta) tickets on the scratched horse will be refunded.

(i) If a horse is scratched in the second race of the Big Perfecta (Exacta), all exchange tickets combining the scratched horse shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: the net Big Perfecta (Exacta) pool (gross pool less commission) shall be divided by the total purchase price of all tickets combining the winners of the first race of the Big Perfecta (Exacta). The quotient thus obtained shall be the price to be paid to holders of exchange tickets combining the scratched horse in the second race of the Big Perfecta (Exacta). The entire consolation pool (number of eligible tickets times the consolation price) plus the breakage shall be deducted from the net Big Perfecta (Exacta) pool.

(j) If no Big Perfecta (Exacta) ticket is sold as a winning combination in the first race of the Big Perfecta (Exacta), the Big Perfecta (Exacta) pool shall be divided among those having tickets including the horse finishing first or second

and such distributions shall be calculated and made as a Place Pool. In such an instance the Big Perfecta (Exacta) race shall end and the pool be closed for the day.

(k) If no Big Perfecta (Exacta) exchange ticket is sold on the winning combination, the net pool shall then be apportioned equally between those having tickets including the horse finishing first and those having tickets including the horse finishing second in the same manner in which a place pool is calculated and distributed.

(l) If a Big Perfecta (Exacta) exchange ticket combines only one of the two winners and no Big Perfecta (Exacta) exchange ticket combines the other winner, the entire pool shall be distributed as a straight pool to the holders of those tickets.

(m) If no exchange ticket includes either the first or second horse of the second half of the Big Perfecta (Exacta) the entire net pool shall be distributed as a straight pool to all holders of exchange tickets and winning combinations of the first half that have not been exchanged.

(n) In the event of a dead heat for place in the first race of the Big Perfecta (Exacta) races, all Big Perfecta (Exacta) tickets combining the first horse and either of the place horse shall be eligible for exchange for Big Perfecta (Exacta) exchange tickets.

(o) In the event of a dead heat for place in the second race of the Big Perfecta (Exacta) races, the Big Perfecta (Exacta) pool shall be divided, calculated and distributed as a Place Pool to the holders of Big Perfecta (Exacta) exchange tickets combining the first horses and either of the place horses. In the event of the dead heat to place and there are no tickets sold on one combination, then the other combination having the winning horses, shall be declared the winner. If no exchange tickets combine the winning horse with either of the place horses in the dead heat, the Big Perfecta (Exacta) pool shall be calculated and distributed as a Place Pool to holders of tickets representing any interest in the net pool.

(p) If for any reason the second of the Big Perfecta (Exacta) races is cancelled or declared "No Race," the pool shall be calculated as a straight pool and shall be distributed among the holders of the tickets combining the first two horses of the first race of the Big Perfecta (Exacta) otherwise eligible for Big Perfecta (Exacta) exchange tickets and also distributed to holders of the Big Perfecta (Exacta) exchange tickets.

(q) If there is a dead heat for the winning horse in either of the two consecutive races for the Big Perfecta (Exacta), holders of tickets combining those horses in either order will be entitled to participate in the Big Perfecta (Exacta), as prescribed in this section.

(r) Sale of the Big Perfecta (Exacta) tickets other than through pari-mutuel machines or from one individual to another shall be deemed illegal and prohibited.

(s) There will be no coupled entries or fields in the races on which there is Big Perfecta (Exacta) wagering.

Subchapter I. FILM PATROL

Sec.

- 185.191. Film patrol system permitted.
- 185.192. Projection room.
- 185.193. Mutilation of film.
- 185.194. Identification.
- 185.195. Copy to Commission and preservation.

§ 185.191. Film patrol system permitted.

Every association may install and operate a system, approved by the Commission, for taking motion pictures of every race in such manner that the pictures will show the position and action of the horses and drivers in clear photography at a range or distance to be clearly and easily discernable. If provided, a film patrol system shall be utilized by an association in the manner set forth under this subchapter.

§ 185.192. Projection room.

A convenient, large and properly equipped projection room shall be provided by the association for the viewing of such pictures.

§ 185.193. Mutilation of film.

No one shall cut, mutilate or change any film patrol picture.

§ 185.194. Identification.

All pictures shall be identified by indicating thereon the day, the number of the race and the name of the association at which the race was held.

§ 185.195. Copy to Commission and preservation.

The association shall furnish the Commission with a clear positive print of every picture film of a race in which an inquiry is held. All films of races shall be preserved by the association for at least 2 years after the close of the meeting during which it was taken.

**Subchapter J. ADMISSION OF HORSES TO PARI-MUTUEL
RACING PLANTS**

Sec.

- 185.211. Health certificate.
- 185.212. Quarantine area.
- 185.213. Enforcement.
- 185.214. Violation.
- 185.215. Stabling of horses.

§ 185.211. Health certificate.

No horse shall be admitted to any part of the plant or premises of any pari-mutuel racing association under the jurisdiction of the Commission unless a health certificate, as shown in Appendix C is presented when admission to the premises is sought. The Certificate must state the following regarding the health and physical condition of the horse:

- (1) The horse was examined thoroughly within a 7-day period preceding the date admission is sought.
- (2) The horse was free of any evidence of infectious, contagious or transmissible disease and was afebrile at the time of the examination.
- (3) The horse was free of ectoparasites at the time of the examination.
- (4) The horse has not, within the past 2 weeks, been exposed to other horses with any known infectious, contagious or transmissible diseases.

§ 185.212. Quarantine area.

Any horse not having the required health certificate will be unloaded in a quarantine area to be designated by the association. A health certificate meeting the requirements of this subchapter must be obtained within 24 hours from the time of admission, or the horse must be removed from the premises. A veterinarian will be available on the premises or on call for the purposes of examining the horse and issuing the certificate. If a horse, upon examination, is found to have clinical evidence of infectious, contagious, or transmissible disease, he shall be promptly removed from the premises and the stall in which he had been stabled and the area immediately surrounding it should be sprayed with a disinfectant, as prescribed by the veterinarian of the Commission.

§ 185.213. Enforcement.

Each racing association shall be responsible for enforcing the provisions of this subchapter subject to supervision by designated officials of the Commission.

§ 185.214. Violation.

Any violation of this subchapter shall subject the trainer or his designated substitute, if such designation has been made, to those penalties and other provisions

of the State Harness Racing Act and rules and regulations thereunder governing violations of Commission rules.

§ 185.215. Stabling of horses.

Any horse racing at an association track must be stabled within the confines of that track unless the Commission prescribes otherwise.

Subchapter K. TAXES AND INSURANCE

Sec.

185.231. State admission tax.

185.232. Tax on wagering.

185.233. Breakage.

185.234. Books and records.

185.235. Workmen's Compensation.

185.236. Liability insurance.

§ 185.231. State admission tax.

Every association shall collect, in addition to the admission price of tickets sold or otherwise disposed of, a tax equivalent to 5.0% of such admission price. Failure to collect such tax shall result in a tax imposition thereof upon the association. The tax shall be paid to the Department of Revenue within 10 days after the close of each race meeting. Before an association shall hold any race meeting, it shall pay all taxes theretofore due and shall file a statement with the Department of Revenue as well as with the Commission containing the name of the place and stating the time when such races are to be held. A penalty of 5.0% and interest at the rate of 1.0% per month from the due date to the date of payment of the tax shall be payable whenever the tax is not paid when due.

§ 185.232. Tax on wagering.

(a) All other associations, excluding those situated in a city of the first class, licensed to conduct a harness race meet shall collect a tax of 2.0% of the amount wagered each day and such tax shall be paid to the Department of Commerce. The method and time of payment shall be that designated by the governmental representative having jurisdiction of collection of such funds in accordance with the applicable laws regulating the levying and collection of the tax.

(b) At the close of each racing day, the association shall pay, through the Department of Revenue, a tax of 5.0% of the amount wagered each day.

§ 185.233. Breakage.

(a) At the close of each racing day, the association shall pay, through the Department of Revenue, a tax of 50% of the total sum of odd cents retained as

the result of all redistributions made on all mutuel contributions exceeding a sum equal to the next lowest multiple of 10¢.

(b) In the event a minus pool exists in any race, the association shall be permitted to utilize all breakage moneys accumulated during the racing day for the purpose of making payment of wagers made for that race. Under these circumstances breakage is defined as the total gross amount of odd cents retained from all pools, reduced by the amount of a minus break.

§ 185.234. Books and records.

Every association shall keep its books and records so as to clearly show by separate record the total amount of money contributed to every pari-mutuel pool, including Daily Double pools, if any. The Commission and the Department of Revenue or their duly authorized representative shall, at all reasonable times, have access to all such books and records.

§ 185.235. Workmen's Compensation.

Every association, owner, driver, or trainer who employs or hires any person or persons required by the laws of the Commonwealth to be covered by Workmen's Compensation shall furnish proof satisfactory to the Commission that such association, owner, driver or trainer has adequate Workmen's Compensation Insurance in Pennsylvania. No person who employs or hires any other persons required by the laws of the Commonwealth to be covered by Workmen's Compensation shall be licensed, unless said person is carrying adequate Workmen's Compensation Insurance. Any licensee who fails to comply with such laws and with this subchapter, shall suffer the penalties imposed by the laws and by these rules and regulations.

§ 185.236. Liability insurance.

Every association shall obtain and maintain adequate liability insurance for the purpose of covering patrons, invitees and other persons lawfully upon its grounds.

Subchapter L. MISCELLANEOUS PROVISIONS

- Sec.
185.251. Admission to premises and security.
185.252. Temporary permit.
185.253. Identification cards and badges.
185.254. Undesirable persons.
185.255. Head numbers, saddle pads.
185.256. Number of races.
185.257. Office facilities for Commission.
185.258. Association with undesirables.
185.259. Refunds.
185.260. Matters not covered by rules.

§ 185.251. Admission to premises and security.

No person other than members, officers and employes of the Commission, racing officials and association security officers shall be permitted to enter any part of the licensed premises, except the Club House, Grandstand or other area open to patrons, or the general public, unless he possesses and displays an identification card or badge, authorizing his admittance thereto or possesses or displays a temporary identification permit to enter the particular area. Only the following listed persons shall be entitled to enter the stable area of an association: members, officers, and employes of the Commission; management and employes of management performing duties therein; racing officials; association security officers; owners; trainers; grooms and others performing official duties in the stable area.

§ 185.252. Temporary permit.

The association may issue temporary identification permits for proper reasons only to persons of good moral character who have a legitimate purpose for entering any such enclosure not open to the general public. Such temporary permits may be taken up by the association at any time and shall be surrendered to the association when the particular purpose for which the permit was issued has been completed. Such permits shall be valid for a specific day only or for a period not to exceed five days, and shall show the date of issuance. They may be issued to a participant pending application and issuance of a license, for such participants as require a license. A list of such temporary permits shall be kept by the association stating the reason for the issuance thereof and the time for which it was issued.

§ 185.253. Identification cards and badges.

(a) The association shall issue identification cards or badges only to its officers, employes, guards and watchmen; to drivers, owners, trainers, their employes, assistants, grooms and attendants. Such identification cards or badges may at any time be taken up by the association upon reasonable cause and shall be taken up from owners, trainers, their employes, assistants, grooms and attendants when the horses of such owners or trainers are removed from the licensed premises.

(b) An identification button or card shall be issued to those entitled to the stable area. The button shall be worn openly at all times while performing duties in the area, and the identification card shall be displayed upon request by those guarding the area.

(c) Any identification card or button may be taken up by the direction of the presiding judge upon reasonable cause and shall be taken from the owner, trainers, and grooms when the horse of such owner, trainer or grooms are removed from the licensed premises.

§ 185.254. Undesirable persons.

Any person whether a licensee, participant or patron whose conduct is deemed detrimental to the best interest of harness racing, or who is deemed an undesirable person, may be removed, excluded or expelled from the track.

§ 185.255. Head numbers, saddle pads.

Each competing horse shall be equipped with numbers of style, type and design approved by the Commission or its representatives. Numbers shall be so arranged that coupled entries may be distinguished as such and also horses coupled in the field as such. Saddle pad colors shall differ for each race or post position.

§ 185.256. Number of races.

(a) No association shall hold or race in any one day more races for which pari-mutuel wagering is conducted than are approved by the Commission.

(b) A racing day is defined as five or more races upon which pari-mutuel wagering is conducted in one continuous session except where ordered otherwise by the Commission or where one or more of the races is a stake or futurity with a value of \$50,000 or more.

Cross References

This section cited in 58 Pa. Code § 185.14 (relating to number of racing days).

§ 185.257. Office facilities for Commission.

Every association shall maintain upon the track premises suitable and adequate office facilities for the exclusive use of the Commission and authorized representatives of the Commission.

§ 185.258. Association with undesirables.

(a) No licensee shall at any time associate with, consort with, or in any manner communicate with any known gambler, bookmaker, tout or persons of similar pursuits either on or off the tracks. If the reputation of such gambler, bookmaker, tout or person of similar pursuit is notorious, the licensee shall be presumed to have knowledge of the fact.

(b) If any person under the jurisdiction or control of the Commission shall be approached with any offer or promise of a bribe or with a request or a suggestion for a bribe or for any improper, corrupt or fraudulent act or practice in relation to a race or racing, or that any race shall be conducted otherwise than fairly in accordance with the rules of this Commission, it shall be the duty of such person to report immediately such matter to the Commission or to one of its appointed representatives.

§ 185.259. Refunds.

(a) Moneys received by the Commission pursuant to the law or the provisions of this part may, within one year from the receipt thereof, be refunded to the party for whose account the same were received, on proof satisfactory that:

(1) Such moneys were in excess of the amount required.

(2) The license for which application was made has been refused by the Commission.

(3) Such moneys were received as a fine and the Commission has, after review, reduced the amount thereof.

(4) Upon appeal, the Court reduced or remitted the fine imposed and paid.

(b) Such refunds shall be paid upon approval by the Commission and after approval by the Board of Finance and Revenue.

§ 185.260. Matters not covered by rules.

Any situation not covered by the rules of this Commission shall be referred to the Commission for disposition.

APPENDIX A

SWORN STATEMENT OF COMPLAINT

Name of Complainant	Address	City	Tel. No.
Name of Licensee	Address	City	Tel. No.

State Harness Racing Commission
Harrisburg, Pennsylvania

COMMONWEALTH OF PENNSYLVANIA }
 _____ COUNTY } ss:

_____, being
 (Name of Complainant)

first duly sworn deposes and says that (Write in a brief

statement of the act complained of.)

Appendix A (Continued)

Complainant

Sworn to and subscribed before me this _____ day
of _____, 19

Notary Public

WITNESSES

_____ Name	_____ Address	_____ Tele. No.
_____ Name	_____ Address	_____ Tele. No.
_____ Name	_____ Address	_____ Tele. No.

Mail original complaint, with two additional copies.
Type or write complaint clearly.
State facts briefly and clearly.
Name witnesses who can support your statements.
Enclose a Photostatic copy of each document to which this complaint refers.

APPENDIX B

CORPORATE RESOLUTION OF WAIVER

PENNSYLVANIA STATE HARNESS
RACING COMMISSION
HARRISBURG, PENNSYLVANIA

WHEREAS, it is the desire of _____

to waive the hearing fixed in Citation No. _____, to admit the charges therein contained and to authorize the Pennsylvania Harness Commission to enter a final order without hearing thereon,

THEREFORE, be it resolved that such a waiver be filed with the Pennsylvania Harness Racing Commission and that

_____ and
Name of Officer Title

Name of Officer Title

be authorized and either or both are hereby authorized to execute the necessary documents as may be required by the Pennsylvania State Harness Racing Commission.

(Corporate Seal)*

I hereby certify that the foregoing is a true and correct copy of the Resolution adopted by _____
Name of

*If no seal, have resolution sworn to before a Notary Public or Justice of the Peace.

Corporation or Organization
at a regular or special meeting held on the _____
day of _____, 19 ____.

Secretary

APPENDIX B (Continued)

WAIVER, ADMISSION AND AUTHORIZATION

PENNSYLVANIA HARNESS RACING COMMISSION
HARRISBURG, PENNSYLVANIA

WE
I do hereby acknowledge receipt of Citation No. _____ ,
and do waive the hearing fixed therein, subject to the approval of the Commission. All the charges averred in the citation are admitted and you are authorized without hearing to enter a final order.

Witness

Signature of Licensee

Date

APPENDIX C

COMMONWEALTH OF PENNSLVANIA
 STATE HARNESS RACING COMMISSION
 2301 North Cameron Street
 Harrisburg, Pennsylvania

VETERINARY HEALTH CERTIFICATE
 FOR STANDARDBRED HORSE

THIS CERTIFICATE MUST ACCOMPANY THE HORSE DESCRIBED FOR
 ADMITTANCE TO A PENNSYLVANIA PARA-MUTUEL HARNESS RACING
 TRACK.

Name of Horse	Tattoo Number	Age	Sex
Owner's Name	Trainer's Name		

I hereby certify that I have examined the above described horse on
 _____ and have found no clinical evidence of infectious,
 (date)
 contagious, or transmissible disease and that it was afebrile and free of ecto-
 parasites at the time of this examination. To the best of my knowledge this
 horse has not been exposed to other horses with any infectious, contagious,
 or transmissible diseases within the past two weeks.

Horse's Temperature
 At Time of Examination _____

 Veterinarian's Signature

 Veterinarian's State License Number

 Address

 Date Issued

AN INDIVIDUAL FORM MUST BE ISSUED FOR EACH HORSE. FORMS
 AVAILABLE AT ALL LICENSED ASSOCIATION AND COMMISSION
 OFFICES.

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