



Ohio Administrative Code

Rule 3769-13-32 Telephone account wagering.

Effective: January 1, 1995

(A) Holders of horse racing permits issued by the Ohio state racing commission may manage a telephone account wagering system for the purpose of keeping telephone deposit accounts and accepting telephone wagers.

(1) Individuals who have a deposit account with the telephone account wagering system shall be permitted to wager by telephone. The telephone account wagering system shall accept wagers up to the amount posted to the credit of such account at the time the wager is placed. Any racing official whose appointment must be approved by the commission, or any licensee who is denied access to the grounds pursuant to rules 3769-12-08 and 3769-14-05 of the Administrative Code may not open or have in his/her name a telephone account.

(2) The permit holder shall accept telephone wagering accounts in the name of a natural person only. The permit holder shall not accept any corporate, partnership, joint, trust, beneficiary or custodial telephone wagering account.

(3) The telephone deposit account is non-transferable.

(4) An applicant for a deposit account shall give his/her name, address, telephone number, and social security number. Said applicant shall also supply a secret code word. Applicants for deposit accounts must present adequate proof that they have attained the age of eighteen. Any person who gives any false name or other information when applying for a deposit account may have the account cancelled without notice by the permit holder.

(a) The address provided in writing by the account holder to the permit holder is deemed to be the proper address for the purposes of mailing checks, statements of account, account withdrawals, notices, or other appropriate correspondence.

(b) The mailing of checks or other correspondence to the address given by the account holder shall



be the sole risk of the account holder.

(5) At the time of applying for a telephone deposit account, each person shall select a code word to be used as identification when wagering. Both the permit holder and the account holder have the right to change this code word at any time without explanation by informing the other party in writing of said change and the effective date thereof.

(6) Each deposit account shall have a unique identifying account number. Such number may be changed at any time provided the permit holder informs the account holder in writing of the change.

(7) The permit holder reserves the right to refuse deposits to accounts for any reason whatsoever.

(8) The permit holder has the right to suspend any account or to close any account at any time provided that when an account is closed, the permit holder shall return to the account holder such moneys as are on deposit at the time of said action.

(9) All persons shall adhere to such other methods of identification as the commission may require.

(B) An account holder shall receive at the time the account is opened an identification card, a summary of the rules, an explanation of the procedures then in force for depositing to, withdrawing from and closing the account; a telephone number to be utilized by account holder to be kept confidential; a description of the mechanics of wagering; and such other information as the commission may deem appropriate. As part of its rules, the permit holder may, with the approval of the commission, impose a reasonable service fee.

(C) Deposits to and withdrawals from existing accounts shall be permitted only in such form and by such procedures as the permit holder may require. Signed requests for withdrawals from existing accounts will be processed within seven days of the date of the request and the withdrawal amount sent to the account holder.

(1) Checks may be offered for a deposit in a deposit account, however, the check shall not be posted to the credit of the account holder until cleared by the bank upon which the check is drawn.



(2) Moneys deposited with the permit holder for telephone wagering shall not bear any interest to the account holder.

(D) In the event an account holder is deceased, funds in the account shall be released to the decedent's legal representative upon receipt of a copy of a valid death certificate and such tax releases, probate court authorizations and other documents required by applicable laws.

(E) Telephone wagers shall be accepted on those days that the permit holder is conducting live racing at its track as designated by the commission.

(1) Notwithstanding any other rules, the managing employee of the permit holder's telephone account wagering system may at any time, upon prior approval of the commission, declare the telephone account wagering system closed for receiving telephone wagers on any pari-mutuel pool, race, group of races, or closed for all wagering.

(2) The permit holder has the right at any time and for what it deems good and sufficient reason to refuse to accept all or part of any wager.

(3) Except as otherwise provided in the Administrative Code, all telephone wagers are final and no wager shall be cancelled at any time after the wager has been accepted by the telephone account wagering system, unless the race on which the wager was made is cancelled. Should equipment in use in the telephone account wagering system have ready cancellation capability of single wagers, cancellations may be permitted but only during the single wagering conversation in which the wager to be cancelled was made. Once a wagering conversation has ended, all wagers made in such conversation are final and irrevocable.

(F) All wagering conversations will be recorded by the permit holder and the tapes of said conversation kept for a period of forty-five days following the close of each meet. These wagering conversation tapes shall be made available immediately to any member of the Ohio state racing commission or any commission employee upon request.

(G) Payment on winning pari-mutuel telephone wagers shall be posted to the credit of the account holder automatically as soon as practicable after the race is declared official.



(H) The permit holder shall, within thirty days of the close of each meet, or at any time there is no racing at that track for a period of more than thirty days, provide written statements of account activity to all account holders. In addition, an account holder has the right to request and be provided a statement at any time. Unless written notice to the contrary is received by the permit holder within twenty-one days of the date that any such statement is mailed to an account holder, said statement will be deemed accepted as correct in any and all particulars.

(I) Except to a member of the Ohio state racing commission or any Ohio state racing commission employee, no employee of the permit holder shall divulge any confidential information related to the placing of any wager or any confidential information related to the operation of the telephone account wagering system.

(J) The commission shall determine the acceptability of the telephone account wagering system's equipment configuration. Any telephone communication system, whether touch tone, voice response, or operator controlled, must be linked to the permit holders totalization system in a manner approved by the commission.

(K) No televised racing signal, used in conjunction with telephone account wagering, shall be sent into any area within fifty miles of a commercial permit holder's race track during the hours that live racing is being conducted that day at such race track, and one hour prior thereto, unless the permit holder at such track gives its prior written consent to the transmission of the racing signal into the involved fifty mile area.

(L) From each telephone wager, there shall be deducted the same percentage as is deducted on a wager made in person at the permit holder's race track.