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July 27, 2014

Chuck Trout, Executive Director
Texas Racing Commission
P.O. Box 12080
Austin, TX 78711-2080

Dear Executive Director Trout,

I am writing on behalf of greyhound protection group, GREY2K USA to offer information about the nature and operation of "historical racing" machines and to urge you to withdraw any and all proposed rules for their installation at Texas racetracks. Based on a review of the patents for "instant racing" machines, the majority opinion of courts and attorneys general, and in light of the constitutional bar and legislative rejection of slot machines in Texas, it would be unwise to proceed at this time.

Historical or Instant Racing machine patents share the key components of slot machines

Race Tech, L.L.C. first filed a patent application for instant racing machines in October of 1998.¹ In the approved patent applications of October 1999 and May 2000, the new devices are described as "A gaming system which enables pari-mutuel wagering with instant payoffs on actual past events. The system, in one embodiment, includes a plurality of wager terminals coupled to a game server. ... The game server is a computer system configured to manage the entire game system."² (emphasis added) The invention is referred to as a "game," "gaming system" or "gaming device" throughout the patent documents.³

Likewise, a typical slot machine patent describes "A centralized gaming system comprise[d of] a central server system and a plurality of display terminals from and linked to a central server system ... the master game server stores a plurality of games of chance."⁴ (emphasis added) Similarly an instant racing game server stores 21,200 old horse races that the bettor may or may not choose to play in using an instant racing machine.⁵ (The Wyoming Supreme Court also found that old dog races may also be available).⁶

In a section entitled "Background of the Invention," the 1999 and 2000 Race Tech applications explain the need for old-style racing operations to offer faster-paced alternatives. "At least some patrons prefer a more immediate reward and higher frequency wagering than customarily offered at racetracks. For example, a typical racetrack offers one race every half hour. A casino having slot machines, however, offers a patron the opportunity to place a wager that can be won or lost every few seconds."⁷ The solution that Race Tech offers, instant racing devices, are universally characterized as "games," or described as "generally related to gaming devices" but are never referred to as races.⁸

Additionally, in the application sections entitled “Brief Summary of the Invention,” Race Tech identifies the invention as a “gaming system” and clarifies that “each player is presented with a unique event, so there is no pooling of other players’ wagers on that event.”⁹ Each wager forms a so-called “trivial pool of one,” so that a bettor’s winnings may not be paid from the actual “pool” but instead from a seed pool – a concept which is foreign to pari-mutuel wagering on horse and dog racing.¹⁰ Race tech explains in Appendix A of its applications that, “Each time one of the guaranteed minimum amounts is paid in excess of the actual amount available, the shortfall is deducted from the Bonus/Minimum QT Pool.”¹¹ This pool, unlike the carry-over pool found in traditional racing activities, is created *via* an automatic split derived from each and every bet placed on the devices. Further, the patents also identify another aspect of the machines which is alien to Texas racing, that of the “Quick Pick.” When a bettor chooses this option, the machine acts much like a lottery ticket machine and places a wager or wagers automatically for the buyer.¹²

Finally, as the attached schematics show, the patent diagrams for both instant racing machines and slot machines contain identical key components. Each consists of three main elements: a game server and video display connected to multiple terminals.¹³ It would seem that the instant racing device is nothing more than a hybrid slot machine.

A recent visit to Ellis Park in Henderson, Kentucky confirms how instant racing machines work. Two leaders of the group Gambling with the Good Life, found that in appearance and operation, instant racing machines may be used and are played just like slot machines.¹⁴ Ms. Blank and her colleague Pat Loontjer, who are both familiar with gambling operations, tested instant racing machines for two hours on July 4, 2014. In the affidavit provided, Ms. Blank reports that all the machines were pre-set to “slot machine mode” and that she had to purposefully choose to view information about a virtual horse race; otherwise the bet would be randomly chosen for her. She explains:

- When I clicked one particular button, a Daily Racing Form popped in the right hand column of the screen, taking about 20-25% of the screen. It listed the horses by color and number in three pie charts, with each pie chart representing the percentage of times each horse came in first, then second and then third. Unfortunately, the machine only gives about 15-20 seconds to do my homework before the Daily Racing Form left the screen, never to be found again!!!
- Nowhere on the machine does it provide the odds, age of horses or any other info one uses in determining what horse to bet in regular horse racing.
- Once I chose my #1 horse, it asked me for my 2nd place horse pick, then my third. All of which I dutifully chose from my “thorough” research.
- When I hit play, the game reverted to the slot machine front. While the horse race ran for about 2-3 seconds in the small 3 x 2 window displayed on the slot machine, I was watching the slot machine spin its columns.
- Any payout came based on the slot machine calculations. In other words, if I was playing the Black Hills Gold machine, I had to have 3-5 pots of gold in a row, or three barrels in a row, etc. to win. The machine did not let me know I had won or lost based on my horse pick, just based on the sequence of the gold, barrels, etc.
- Plus, the winning sequence had to be in a row or column that I had paid to play. Each machine had anywhere from 1 to 9 playing options I could pick, with each option costing more money.

It seems that even when winning horses were chosen, Ms. Blank still did not win:

- There were times when I actually picked the winning horse or the place or show horses in order, but still lost my money!!! Attendant said it was because my “winning” horse number was on a row I had not paid to play! However, most machines did not display numbers, only the theme items of the machine (like cherries, pigs, gold, etc).
- So, not only did I have to pick the right winning horse with almost no information, I also had to choose the correct rows or columns to play or just play them all. It appears, however, that even if I do all that, my “number” would have to come up on the screen in the right sequence to win!! I am not convinced I would have won with my horse pick, even if I had done all the right things.

- The “historic horseracing” option is very confusing and time consuming, requires no skill and, from my perspective, has nothing to do with winning or losing at the machine.
- The machines look exactly like slot machines, play nearly as fast as slot machines (every 3-4 seconds, by my count) and have options like slot machines (chose to play one or up to 9 lines).
- Most of the machines have no pictures, words or options on the screens that identify them with horse races at all, except the name “Instant Racing” at the top.

No court has found that instant racing machines are races

The May 2006 ruling of the Wyoming Supreme Court stands as the most definitive judicial evaluation of instant racing. The court described this invention as consisting of “a number of remote control terminals connected to a central server.”¹⁵ The Justices found that the State Pari-Mutuel Commission lacked the authority to regulate “gambling devices” and further, that such devices were prohibited under state law.¹⁶ It is notable that the Wyoming court also studied Race Tech’s patents and specifically found that instant racing did not qualify as a new form of racing, concluding: “We are not dealing with a new technology here, we are dealing with a slot machine that attempts to mimic traditional pari-mutuel wagering. Although it may be a good try, we are not so easily beguiled.”¹⁷

In December 2009, the Oregon Court of Appeals held that its Racing Commission lacked authority to approve wagering on previously run races through an instant racing terminal (IRT).¹⁸ It found that the authority of the Oregon Racing Commission (ORC) was limited to only real, live races, and not past races.¹⁹ Quoting the Commission, the court noted that while nothing in the pari-mutuel law explicitly prohibited wagering on past events, nothing in the statutes permitted such wagers either.²⁰ Emphasizing the lack of pari-mutuel pools derived from specific races, the court affirmed the ORC’s rejection of IRT machines at Oregon racetracks.²¹

The views expressed by attorneys general around the country also give pause to a facile finding that instant racing devices qualify as races and/or new forms of pari-mutuel wagering. Also in 2009, Maryland’s Douglas F. Gansler found that playing instant racing devices did not constitute pari-mutuel betting as contemplated in the state’s horse racing act.²² The Attorney General determined that while instant racing devices may offer pooled betting, pari-mutuel pools did not exist because no two players bet on the same event.²³ Additionally, the traditional creation of odds was disturbed and the methods used to determine pay-outs was “fundamentally different.”²⁴ The seed pool in particular was found to be “foreign to pari-mutuel betting.”²⁵

In Nebraska, wagering pools on live and simulcast races were distinguished from instant racing pools because they do not pertain to specific races and are “player-activated” events rather than real events.²⁶ In March 2010, the Attorney General wrote, “The “bells and whistles” associated with slot machines or video lottery devices are all present (except for the pull handle). The machines are the same height and design as a slot machine, and include flashing buttons, blinking lights, video display, and, in some cases, program numbers spin on the video display like cherries or other figures on a slot or video lottery machine. The machines also include a “Quick Pick” feature where bettors allow the machine to select at random three numbers to be bet on a [virtual] race.”²⁷ IRT proponents have now responded to this rejection by seeking a constitutional amendment to approve the new form of gambling.²⁸

In February 2014, the Supreme Court of Kentucky ruled that IRTs could be regulated by the state racing commission, but did so over a contrary attorney general opinion of 2010 and without actually reviewing the machines themselves.²⁹ It held that the question of whether historical horse race wagering is an authorized form of pari-mutuel wagering to be one of fact that cannot fairly be answered in the abstract.³⁰ While it did not grant an injunction against the continued operation of the devices, the court affirmed the right of the Family Trust Foundation of Kentucky to engage in discovery and to offer proof that instant racing was not an exempted activity under the state’s anti-gambling laws.³¹

Finally, IRTs have been operating in Arkansas for several years, but were never legally challenged.³² They have also recently been placed at Idaho racetracks, but lawmakers there have publicly admitted that they did not knowingly approve them.³³ As reported in the *Spokesman-Review*, “[G]ambling on slot machine-like devices is coming to Greyhound Park, prompting some lawmakers to complain they were “duped” into approving the new form of betting last year.”³⁴ House State Affairs Committee Chairman Tom Loertscher admitted, “At this point, I am not sure how much we can do. We probably have some buyers’ remorse for having passed the statute not knowing what exactly was involved. Shame on us.”³⁵

Texas law prohibits slot machine gambling and games of chance

Few will dispute that authorizing IRTs at Texas racetracks would be a “shot in the arm” for struggling industries.³⁶ However, questions have been raised as to whether the Commission has the authority under the Texas Racing Act to regulate IRTs and whether these devices run afoul of the Texas Constitution.³⁷

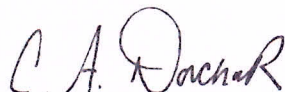
Texas law prohibits the use and possession of gambling devices, defined as “any electronic, electromechanical, or mechanical contrivance” that “affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill.”³⁸ The single exception for *bona fide* amusement machines would not apply to instant racing devices as currently designed, since the pay-outs are in currency, not “noncash merchandise.”³⁹ Moreover, authorization of IRTs would likely violate Article III, § 47(A) of the Texas Constitution, which prohibits lotteries.⁴⁰

As the Baptist General Convention of Texas cautioned in March of this year, the approval of any electronic facsimile of a game of chance will trigger Class III gaming, something which multiple Texas legislatures have always rejected.⁴¹ In 2003, Attorney General Abbot found that the Texas Constitution does not permit the legislature alone to approve the operation of slot machines, something which require an affirmative vote of the people.⁴² Moreover, the Attorney General clarified that Article III requires the legislature to pass laws prohibiting lotteries, concluding that any new game must be carefully scrutinized to determine the necessity for a constitutional amendment.⁴³ The elements that constitute a lottery are those of prize, chance, and consideration.⁴⁴ An inquiry into the game itself, not the mere name of the proposed game, is required.⁴⁵

As described in the first section of this submission, the proposed instant racing machines are largely games of chance, operate similarly to slot machines and have the same key components, namely a game server with video displays linked to playing terminals. The Texas Racing Act certainly charges the Commission with the regulation of greyhound and horse racing in the state, but the TRC has no explicit authority over gambling devices in general nor slot machines branded as instant racing or historical racing machines in specific.⁴⁶ In a word, instant racing machines are not “races.”

Thank you for your attention to my concerns.

Sincerely,

A handwritten signature in black ink, reading "C. A. Dorchak". The signature is written in a cursive, flowing style.

Christine A. Dorchak, Esq.
President

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- ¹ U.S. Provisional Application no. 60/106,161 (filed October 29, 1998).
- ² U.S. Patent Nos. 6,450,887 (issued September 17, 2002) and 6,358,150 (issued March 19, 2002).
- ³ *Id.*
- ⁴ U.S. Patent No. 6,749, 510 9 (issued June 15, 2004).
- ⁵ Wyoming Pari-Mutuel Comm’n, *Enriching Tradition through Technology*, at <http://parimutuel.state.wy.us/PDF/Documents/HistoricRacingGUIDEFINAL.pdf> (information provided by Race Tech) (n.d.).
- ⁶ Wyoming Downs Rodeo Events, LLC v. State, 134 P. 3d 1223,1224 (Wyo 2006).
- ⁷ *Supra* note ii.
- ⁸ *Id.*
- ⁹ *Id.*
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² *Id.*
- ¹³ *Id.* (images attached)
- ¹⁴ Blank Aff., 07/14/14 (attached).
- ¹⁵ Wyoming Downs Rodeo, 134 P. 3d at 1224.
- ¹⁶ *Id.* at 1230.
- ¹⁷ *Id.*
- ¹⁸ MEC Oregon Racing, Inc. v. Oregon Racing Comm’n, 223 Or. pp.9, 225 P. 3d 61, 66 (2009)
- ¹⁹ *Id.*
- ²⁰ *Id.*
- ²¹ *Id.* at 68.
- ²² 94 Op. Md. Att’y Gen 32, 39 (2009).
- ²³ *Id.* at 41.
- ²⁴ *Id.*
- ²⁵ *Id.*
- ²⁶ Neb. Att’y Gen. No. 9 at 8 (2010).
- ²⁷ *Id.* at 3.
- ²⁸ Scottsbluff Star Herald Editorial, *Amendment would open the door to casinos – and social problems – in Nebraska*, July 15, 2014.
- ²⁹ Appalachian Racing, LLC, et al. v. The Family Trust Foundation of Kentucky, Inc., 423 S.W.3d 726 (Ky. 2014)
- ³⁰ *Id.* at 28.
- ³¹ *Id.*
- ³² Janet Patton, *On Eve of instant racing’s debut, Ky. Downs hopes for big pay-off*, *Lexington Herald-Leader*, September 1, 2011.
- ³³ Betsy Z. Russell, *Some Idaho lawmakers feeling gamed over Greyhound Park ‘Instant Racing,’ March 21, 2014*.
- ³⁴ *Id.*
- ³⁵ *Id.*
- ³⁶ Tim Eaton, *New way of betting could boost Texas horse racing, but is it legal?*, *Austin American-Statesman*, June 8, 2014.
- ³⁷ Anna M. Tinsley, *Texas lawmaker asks attorney general to decide whether commission can OK historical racing*, *Fort Worth Star Telegram*, July 24, 2014.
- ³⁸ Tex. Penal Code § 47.01(4).
- ³⁹ *Id.*
- ⁴⁰ Letter from Rep. Dan Flynn to Tex. Att’y Gen. Greg Abbot requesting opinion on instant racing (July 22, 2014) (on file with author).
- ⁴¹ Letter from Gus Reyes, Dir. Christian Life Coalition, to James Pierson, assistant general counsel Tex. Lottery Comm’n describing expanded gambling bills proposed, debated and rejected by the 78th, 79th, 80th and 82nd Legislatures of 2003-7 and 2011 (March 28, 2014) (on file with author)
- ⁴² Tex. Att’y Gen Op. No. GA-0103 (2003) at 8.
- ⁴³ *Id.* at 4.
- ⁴⁴ *Id.* at 3, quoting *City of Wink v. Griffith Amusement Co.*, 100 S.W.2d 695 (Tex. 1936).
- ⁴⁵ *Id.* quoting *Randle v. State*, 42 Tex. 580 (Tex. 1874).
- ⁴⁶ Tex. CV. Code Ann. § 179e.



US006450887B1

(12) **United States Patent**
Mir et al.

(10) **Patent No.:** **US 6,450,887 B1**
(45) **Date of Patent:** ***Sep. 17, 2002**

(54) **METHODS AND APPARATUS FOR
PARIMUTUEL HISTORICAL GAMING**

(75) Inventors: **Vernon B. Mir**, Lutherville, MD (US);
Robert Eric Jackson, Hot Springs, AR
(US)

(73) Assignee: **RaceTech L.L.C.**, Wilmington, DE
(US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

This patent is subject to a terminal dis-
claimer.

(21) Appl. No.: **09/411,609**

(22) Filed: **Oct. 1, 1999**

Related U.S. Application Data

(60) Provisional application No. 60/106,161, filed on Oct. 29,
1998, now abandoned.

(51) Int. Cl.⁷ **A63F 13/00**

(52) U.S. Cl. **463/42**; 463/25; 463/26;
463/28; 463/40; 463/6; 463/43; 463/27;
273/138 A; 273/86 B

(58) Field of Search 463/25, 26, 27,
463/28, 40, 42

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Primary Examiner—Jessica Harrison

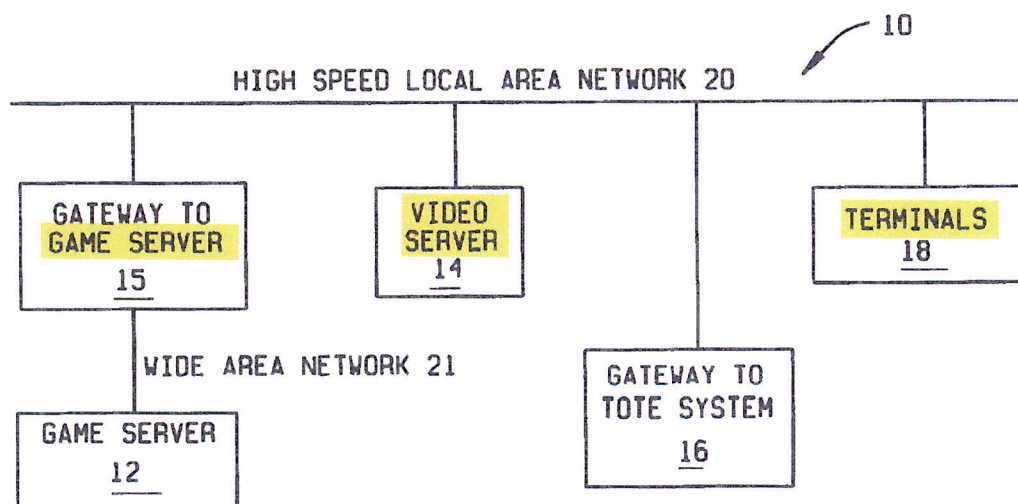
Assistant Examiner—Yveste G Cherubin

(74) *Attorney, Agent, or Firm*—Armstrong Teasdale LLP

(57) **ABSTRACT**

A gaming system is described which enables parimutuel
wagering with instant payoffs on actual past events. The
system, in one embodiment, includes a plurality of wager
terminals coupled to a game server. The wagering terminals
are multi-function terminals which enable a patron to enter
a wager, provide high quality video/audio play-back, and
can issue payments for winners. The game server is a
computer system configured to manage the entire game
system. For example, the server maintains databases, con-
trols and accounts for the transactions with the wagering
terminals, controls the flow of data from the video server to
the terminals, collates pools from all sources and computes
winnings, and provides detailed statistics for the disburse-
ment of funds. The gaming system also includes a video
server interface for providing high speed delivery of selected
video clips from a historical database, and a tote system
interface which is coupled to a standard racetrack totalisator
system to allow the multi-function wagering terminal to
operate as a standard self-service racetrack wagering ter-
minal.

71 Claims, 7 Drawing Sheets





US006358150B1

(12) **United States Patent**
Mir et al.

(10) **Patent No.:** **US 6,358,150 B1**

(45) **Date of Patent:** **Mar. 19, 2002**

(54) **METHODS AND APPARATUS FOR
PARIMUTUEL HISTORICAL GAMING**

(75) Inventors: **Vernon B. Mir**, Lutherville, MD (US);
Robert Eric Jackson, Hot Springs, AR
(US)

(73) Assignee: **RaceTech LLC**, Wilmington, DE (US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) Appl. No.: **09/584,409**

(22) Filed: **May 30, 2000**

Related U.S. Application Data

(63) Continuation-in-part of application No. 09/411,609, filed on
Oct. 1, 1999.

(60) Provisional application No. 60/106,161, filed on Oct. 29,
1998.

(51) Int. Cl.⁷ **A63F 9/14**

(52) U.S. Cl. **463/28**; 463/6; 463/25;
463/42; 463/43

(58) Field of Search 463/25-28, 42,
463/43, 6; 273/138 A, 86 B

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Primary Examiner—Jessica J. Harrison

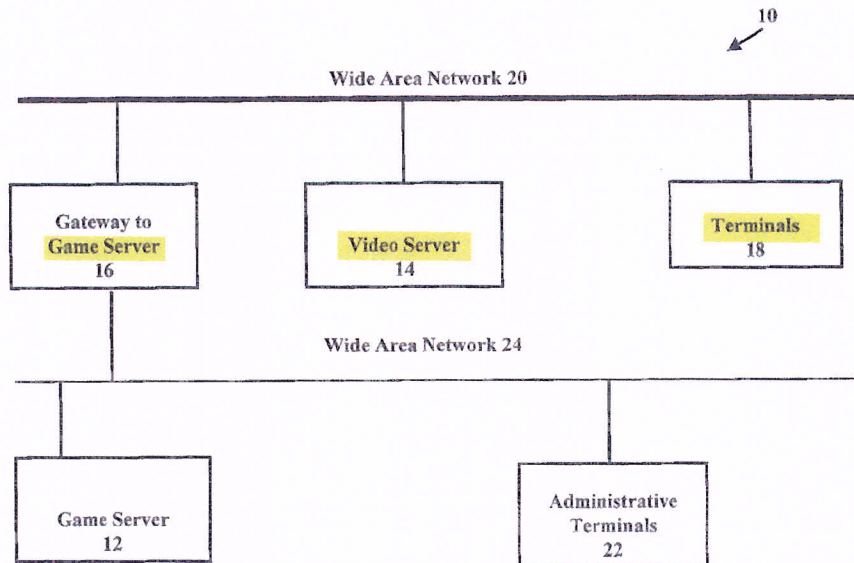
Assistant Examiner—Yveste Cherubin

(74) *Attorney, Agent, or Firm*—Armstrong Teasdale LLP

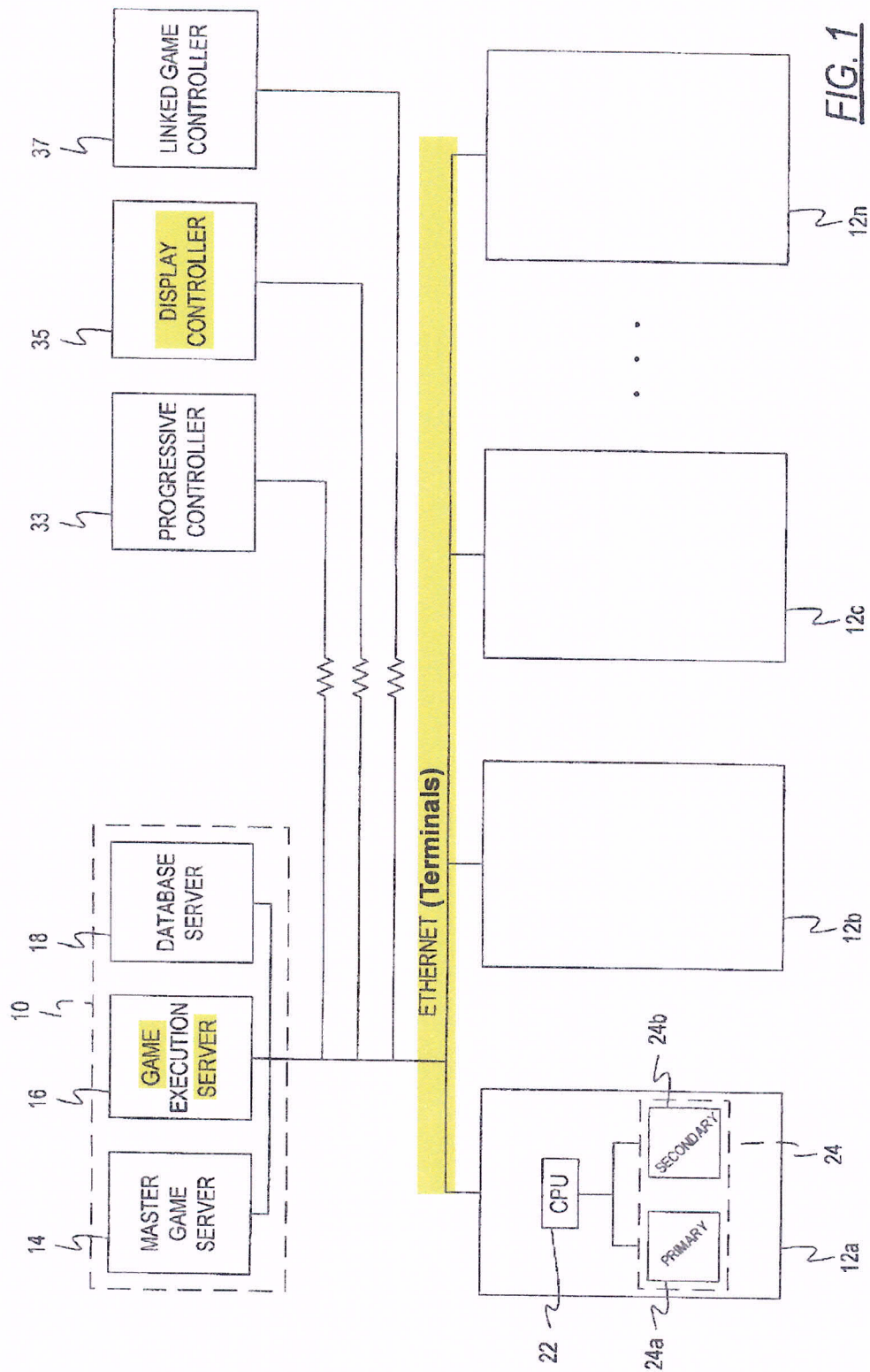
(57) **ABSTRACT**

A gaming system is described which enables parimutuel wagering with instant payoffs on actual past events. The system, in one embodiment, includes a plurality of wager terminals coupled to a game server through a wide area network, such as the internet. The game server is a computer system configured to manage the entire game system. For example, the server maintains databases, controls and accounts for the transactions with the wagering terminals, controls the flow of data from the video server to the terminals, collates pools from all sources and computes winnings, and provides detailed statistics for the disbursement of funds. The gaming system also includes a video server for providing delivery of selected video images from a historical database. Generally, and in operation, a player attempts to choose the winners of an unknown past event. Although the player does not know which event will be presented, some skill data may be shown on the video display, such as the relative past performance of competitors. After the player makes a selection of winners, the identity of the event is revealed, a video segment of the event is displayed, and the actual winners are presented. If the player correctly picked the winners, the player qualifies for an instant payoff determined in accordance with parimutuel methods. Winning multiple games in a session or selecting the maximum wager amount may qualify the player to win a larger payoff as well.

41 Claims, 6 Drawing Sheets



(Slot Machine Patent)



AFFIDAVIT DEBBIE L. BLANK

To Whom It May Concern,

My name is Deborah L. Blank. I am the Financial Manager for Gambling with the Good Life in Omaha, NE as well as the Financial Manager for Stop Predatory Gambling. The mission of both organizations is to oppose expanded gambling on the state and national levels.

Numerous times in my past I visited the Ak-Sar-Ben race track in Omaha NE, studied the Racing Form, watched the horses, determined the odds and bet on live horse races. In addition, in the past and as recently as Thanksgiving week, 2012, I have visited Las Vegas and played slot machines. So, I am familiar with the dynamics of betting on live horse racing and watching and playing slot machines.

On July 4, 2014, I visited Ellis Park in Henderson, Kentucky, with Pat Loontjer, Executive Director of Gambling with the Good Life, from 6:30 – 8:45 p.m. on a fact finding mission regarding “historic horse racing” machines. I spoke at length with the machine technician and an attendant in the gaming room, both of whom openly answered my questions and shared their perspectives of the machines. In addition, I played several of the different types of machines in both “historic horse racing” mode and in the regular “slot machine” mode. Below are my personal observations regarding the experience.

My experience and observations

- We did not see one person choose the historic horse racing option on the machines. Instead, every single person in the gaming rooms that we observed, for the over two hours we were there, was playing the slot machines.
- There were maybe 200 machines in the two rooms of the facility with about 25 people playing the machines (place had cleared out since live racing was over for the day and it was dinnertime before the 4th of July fireworks).
- The machines look exactly like slot machines, play nearly as fast as slot machines (every 3-4 seconds, by my count) and have options like slot machines (chose to play one or up to 9 lines).
- They are set up in rows with chairs, just like casino slot machines.
- Most of the machines have no pictures, words or options on the screens that identify them with horse races at all, except the name “Instant Racing” at the top.
- The only thing that sets these machines apart from normal slot machines is an approximately 3 x2 inch screen at the top right or bottom middle of the machine. These screens usually remain white until the bet is made. When I hit my button to play the machine, a 2-3 second horse race played in that box.
- All the machines were set on slot machine mode; none were set at the horse racing option. The machines are computers (mechanic unlocked one to show me the screen which gave options like my computer does).
- There were at least a dozen different types of machines with different themes (pigs, cherries, Egyptian, mining, fish, etc) accepting bets from 10¢ to \$5, which one could increase to 50¢ to \$45 per play if one chose more lines.

- Each type of machine (Black Hills Gold, Treasures of Egypt, Pigs and Mud, etc.) is connected by computer with the same type of machine throughout all the parks in Kentucky.
- Many machines say they are 1¢ with a minimum of 10¢ (or 25¢ or 50¢, etc.) It makes it sound like they are penny machines. But, what it means is that the payout is in pennies. For example, I won 2000 once, which amounted to \$20.00. VERY deceptive marketing.
- When I said to the attendant that these machines are just like slot machines, he told us these machines are “loopholes” because Kentucky does not allow slot machines.
- The attendant said the payout is 93% for the \$5 machines, reducing incrementally down to 87% for the 10¢ machines, he thought. Though someone wins that amount of time, that percentage does not mean that people walk away with the money. Most people, like us, continued playing until we lost all the money we played.

How to play the historic horseracing machines

- Each machine had a small “i” in the lower area that needed to be touched to bring up the machines information and instructions, including the horse racing option. Once I touched the “i,” there were several very confusing explanations of what one needed to do to play the horse slots.
- When I clicked one particular button, a Daily Racing Form popped in the right hand column of the screen, taking about 20-25% of the screen. It listed the horses by color and number in three pie charts, with each pie chart representing the percentage of times each horse came in first, then second and then third. Unfortunately, the machine only gives about 15-20 seconds to do my homework before the Daily Racing Form left the screen, never to be found again!!!
- Nowhere on the machine does it provide the odds, age of horses or any other info one uses in determining what horse to bet in regular horse racing.
- Once I chose my #1 horse, it asked me for my 2nd place horse pick, then my third. All of which I dutifully chose from my “thorough” research.
- When I hit play, the game reverted to the slot machine front. While the horse race ran for about 2-3 seconds in the small 3 x 2 window displayed on the slot machine, I was watching the slot machine spin its columns.
- Any payout came based on the slot machine calculations. In other words, if I was playing the Black Hills Gold machine, I had to have 3-5 pots of gold in a row, or three barrels in a row, etc. to win. The machine did not let me know I had won or lost based on my horse pick, just based on the sequence of the gold, barrels, etc.
- Plus, the winning sequence had to be in a row or column that I had paid to play. Each machine had anywhere from 1 to 9 playing options I could pick, with each option costing more money.
- There were times when I actually picked the winning horse or the place or show horses in order, but still lost my money!!! Attendant said it was because my “winning” horse number was on a row I had not paid to play! However, most machines did not display numbers, only the theme items of the machine (like cherries, pigs, gold, etc).

- So, not only did I have to pick the right winning horse with almost no information, I also had to choose the correct rows or columns to play or just play them all. It appears, however, that even if I do all that, my "number" would have to come up on the screen in the right sequence to win!! I am not convinced I would have won with my horse pick, even if I had done all the right things.
- The "historic horseracing" option is very confusing and time consuming, requires no skill and, from my perspective, has nothing to do with winning or losing at the machine.

Conclusions

- These historic horseracing machines look and play exactly like slot machines.
- While they have added the "loophole" of using an historic horse race video, the schematics, computerization and play are the same as slot machines.
- Those who like to study and play the horses will do so live or via simulcast, NEVER by these machines because there isn't enough info and you don't necessarily win if you choose the winner.

Attachments

- Four pictures are attached below of three different games I played while in Henderson, KY.
- In addition, we have available, though not attached here, two short videos showing the speed of the machine and the quick horserace at the bottom of the slot machine.

Debbie L. Blank
Debbie L. Blank

7/14/14
Date



Ellis Park, Henderson KY





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Description of Document _____

Acknowledgement

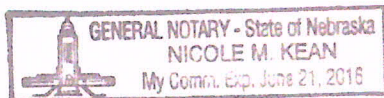
State of Nebraska

S.S.

County of Dallas

The foregoing instrument was acknowledged before me this

14th day of July, 2014
(month)
by Doreen L. Blank
(printed name of person acknowledged)



Nicole M. Kean
Notary Public

† Affix Official Notary seal here †