

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 90. GAMING OPERATIONS

SUBCHAPTER 5. UNRESOLVED PATRON DISPUTES

325:90-5-1. Unresolved patron disputes

(a) This Subchapter deals with disputes between the Racetrack Gaming Operator Licensee and a patron involving a game outcome, prize, fee paid or other aspect of a player's use of an Authorized Game. In the event a dispute arises with a patron and the dispute is not resolved to the patron's satisfaction within two (2) hours, the Racetrack Gaming Operator Licensee ~~must~~ shall notify the patron that the patron has a right to contact a Gaming Agent regarding the dispute.

(b) A Racetrack Gaming Operator Licensee ~~must~~ shall immediately notify the Gaming Agent if the Racetrack Gaming Operator Licensee refuses to pay alleged winnings to a patron and the Racetrack Gaming Operator Licensee and the patron are unable to resolve the dispute to the patron's satisfaction within two (2) hours. This notice, which ~~must~~ shall be in writing, shall include the following information:

- (1) The name, address and phone number of the patron.
- (2) The nature of the dispute.
- (3) The amount of money involved in the dispute.
- (4) The number of machines involved and the name of the game involved.

(c) Upon receipt of such notice, the Gaming Agent ~~may~~ shall assist the parties in trying to resolve the dispute. Patron disputes not resolved to the patron's satisfaction within forty-eight (48) hours of the occurrence of the dispute shall be decided by the Commission in the following manner. The initial determination of unresolved disputes involving ~~\$500.00~~ One Thousand Nine Hundred Ninety-nine Dollars and ninety-nine cents (\$1,999.99) or less will be made by the Gaming Agent. The Gaming Agent will conduct whatever review he/she deems necessary and will determine whether payment should be made to the patron. The determination shall be based on a review of all available surveillance tapes, Gaming Machine records, and required written statements from both the Racetrack Gaming Operator Licensee and the patron. The Racetrack Gaming Operator Licensee shall make all audio/visual ~~tapes and~~ records available to the Gaming Agent with failure to do so resulting in an automatic decision in favor of the patron.

(d) The Gaming Agent's determination shall be made in writing and state the factual and legal basis for the decision unless both the Racetrack Gaming Operator Licensee and the patron waive this requirement and agree to an expedited verbal decision by the Gaming Agent. Expedited, verbal decisions shall be final and unappealable, and the patron shall be advised of this fact before waiving his/her right to a written determination. Written decisions are appealable to the Executive Director, the appeal ~~must~~ shall be sent to the Executive Director in writing by the patron and received within ten (10) calendar days of the initial determination by the Agent, and the Executive Director's decision is appealable to the District Court under the provisions of the Oklahoma Administrative Procedures Act.

(e) Unresolved disputes involving more than ~~\$500.00~~ One Thousand Nine Hundred Ninety-nine Dollars and ninety-nine cents (\$1,999.99) will be initially decided by the Executive Director. The Executive Director's decision in all instances shall be in writing and shall be based on a review of all available ~~surveillance tapes~~ audio/visual records, Gaming Machine records, required written statements from both the Racetrack Gaming Operator Licensee and the patron. The Racetrack Gaming Operator Licensee shall make all audio/visual records available to the Executive Director.

Failure to make these records available shall result in an automatic decision in favor of the patron.
The Executive Director's decision may be appealed to the Commission and thereafter to the District Court under the provisions of the Oklahoma Administrative Procedures Act.