

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (Director), pursuant to the authority set forth in D.C. Official Code § 47-2853.10(a)(12) and Mayor's Order 2000-70, dated May 2, 2000, D.C. Official Code § 42-1305(2) and Mayor's Order 99-82, dated May 21, 1999, hereby gives notice of the intent to adopt, in not less than thirty (30) calendar days from the date of publication of this notice in the *D.C. Register*, an amendment to 17 DCMR Chapter 27, Section 2704.3., and an amendment to 17 DCMR Chapter 26, Sections 2613.1, 2613.2, and 2613.3.

This rulemaking amends the real estate licensing rules located at 17 DCMR Chapter 26 "Real Estate Licenses and Amendments" and 17 DCMR Chapter 27 "Real Estate Practice and Hearings". Section 2704.3 of those rules incorrectly stated the maximum balance of the Real Estate Guaranty and Education Fund. The correct maximum balance is contained herein. In addition, the Board has amended sections 2613.1, 2613.2, and 2613.3 for clarity.

17 DCMR Chapter 26, Section 2613.1, 2613.2, and 2613.3 are amended to read as follows:

- 2613.1 Upon having a substantive discussion about a specific property or properties with an actual or prospective buyer or seller or an actual or prospective landlord or tenant who is not the client of the licensee, a licensee shall disclose any broker relationship the licensee has with another party to the transaction on a written notice, substantially in the form approved by the Board, which clearly discloses the relationship of the broker or salesperson with the parties to the transaction.
- 2613.2 The notice required by § 2613.1 of this section shall be made in writing at the earliest practicable time and in a form substantially in the form approved by the Board, but not later than the time when specific real estate assistance is first provided, excluding a non-substantive discussion held during an open house. In instances where the parties to the transaction are an actual or prospective landlord or tenant the disclosure shall be included in all applications for a lease or in the lease itself, whichever occurs first.
- 2613.3 A broker or salesperson shall request that the actual or prospective purchaser or seller of residential real estate, or actual or prospective landlord or tenant, who is not the client of the licensee, to sign, date, and return a copy of the required notice to the broker or salesperson. If an actual or prospective purchaser or seller, or actual or prospective landlord or tenant, declines to sign the notice, the broker or salesperson shall make a notation on the agency disclosure notice indicating the date that he or she presented the notice to the actual or prospective purchaser, or actual or prospective landlord or tenant, and that the person declined to sign the agency disclosure notice and the reason therefore, if any, given. In the event of a fully executed purchase contract,

the licensee shall keep a copy of the disclosure notices relative to the contract for three (3) years.

17 DCMR Chapter 26, Section 2704.3 is amended to read as follows:

2704.3 The Fund shall, at all times, be maintained with a balance of no less than one million forty thousand dollars (\$1,040,000) and not more than three million five hundred thousand dollars (\$3,500,000).

Any person desiring to comment on these proposed rules should submit comments in writing no later than thirty (30) days from the date of the publication of this notice in the D.C. Register. Comments should be filed with the Office of the General Counsel, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, N.E., 9th Floor, Washington, D.C. 20001. Please place "REAL ESTATE BOARD" conspicuously on any correspondence sent in response to the notice. Additional copies of these proposed rules may be obtained at that address. A copying fee of one dollar (\$1.00) will be charged for each copy of the proposed rules requested.

**THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD
NOTICE OF PROPOSED RULEMAKING**

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 6 and 9 of Title 30 DCMR, "Lottery and Charitable Games." These amendments are necessary to implement changes to the POWERBALL® game in concert with the Multi-State Lottery Association ("MUSL") twenty-nine lottery organizations members on August 28, 2005. MUSL finalized these changes to the POWERBALL® game on May 12, 2005. The Executive Director gives notice of her intent to take final rulemaking action to adopt the amendments in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

AMEND CHAPTER 6, "CLAIMS AND PRIZE PAYMENTS"

Amend section 606.3 to read as follows:

606.3 Except as otherwise provide in Chapter 9 of this title, annuitized prizes shall be paid annually in thirty (30) payments with the initial payment being made in cash or check, to be followed by twenty-nine (29) payments funded by the annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) by a rate as determined by the Executive Director. Prize payments may be rounded down to the nearest one thousand dollars (\$1,000).

AMEND CHAPTER 9, "DESCRIPTION OF ONLINE GAMES"

Amend section 906 to read as follows:

906 DESCRIPTION OF THE POWERBALL® GAME

906.1 POWERBALL® is a five (5) out of fifty-five (55) plus one (1) out of forty-two (42) online lottery game which pays the Grand Prize, at the player's election, on an annuitized pari-mutuel basis or as a cash lump sum payment of the total cash held for this prize pool on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a fixed cash basis. To play POWERBALL®, a player must select five (5) different numbers, between one (1) and fifty-five (55) and one additional number between one (1) and forty-two (42) for input into a terminal.

Amend section 908 to read as follows:

908 POWERBALL® GRAND PRIZE PAYMENT

Amend section 908.1 to read as follows:

908.1 Except as provided in section 908.19, POWERBALL® Grand prizes shall be paid with either a per winner annuity or cash payment. Annuitized prizes shall be paid in thirty (30) annual graduated installments over a period of twenty-nine (29) years.

Amend section 909 to read as follows:

909 POWERBALL® FIXED PRIZE STRUCTURE

909.1 Provided the prize pools are fully funded, the fixed prize payments for POWERBALL® based on a one dollar (1) bet are as follows:

Number of Matches Per Play

(a)	All five (5) of the first set and none of the second set	\$ 200,000.00
(b)	Any four (4) of the first set plus one (1) of the second set	\$ 10,000.00
(c)	Any four (4) of the first set and none of the second set	\$ 100.00
(d)	Any three (3) of the first set plus one (1) of the second set	\$ 100.00
(e)	Any three (3) of the first set and none of the second set	\$ 7.00
(f)	Any two (2) of the first set plus one (1) of the second set	\$ 7.00
(g)	Any one (1) of the first set plus one (1) of the second set	\$ 4.00
(h)	None of the first set plus one (1) of the second set	\$ 3.00

Amend section 910 to read as follows:

910 PROBABILITY OF WINNING

910.1 The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category, based upon the total number of possible combinations in POWERBALL®

PROBABILITY DISTRIBUTION

<u>Number of Matches Per Ticket</u>	<u>Winners</u>	<u>Probability</u>	<u>Probable Set Prize Amount</u>
All five (5) of first set plus one (1) of the second set	1	1: 146,107,962.0000	Jackpot
All five (5) of the first set and none of the second set	41	1: 3,563,608.8293	\$200,000.00
Any four (4) of the first set plus one (1) of the second set	250	1: 584,431.8480	\$10,000.00
Any four (4) of the first set and none of the second set	10,250	1: 14,254.4353	\$100.00
Any three (3) of the first set plus one (1) of the second set	12,250	1: 11,927.1806	\$ 100.00
Any three (3) of the first set plus none of the second set	502,250	1: 290.9068	\$7.00
Any two (2) of the first set plus one (1) of the second set	196,000	1: 745.4488	\$7.00
Any one (1) of the first set plus one (1) of the second set	1,151,500	1: 126.8849	\$4.00
None of the first set plus one (1) of the second set	2,118,760	1: 68.9592	\$3.00
Overall	3,991,302	1: 36.6066	

Amend sections 913.3 and 913.4 to read as follows:

- 913.3 A qualifying play which wins one of the eight lump sum set prizes will be multiplied by the number selected (2 through 5), in a separate random Power Play drawing announced during the official POWERBALL® drawing.
- 913.4 A separate random Power Play drawing shall be conducted and results announced during each of the regular POWERBALL® drawings held during the promotion. During each POWERBALL® drawing a single number from a series of 15 numbers will be selected. The numbers available for selection are 2, 2, 2, 2, 3, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5, 5. The Executive Director may change one or more of these multiplier numbers for special promotions from time to time.

Amend section 914 to read as follows:

914 POWERBALL® POWER PLAY PRIZE POOL AND PRIZE PAYMENT

- 914.1 The prize pool for all prize categories shall consist of up to forty-nine and three tenths percent (49.3%) of each drawing period's sales, including tax, after the POWERBALL® prize reserve accounts reach the amounts designated by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play. Once the prize reserve accounts exceed the designated amounts, the excess shall become part of the prize pool. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game prize reserve account or expended as otherwise directed by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play.
- 914.2 An additional one and one-half percent (1.5%) of sales, including tax, may be collected and placed in trust in one or more prize reserve accounts until the prize reserve accounts reach the amounts designated by the Executive Director in accordance with all agreements governing the conduct of POWERBALL® and Power Play.
- 914.3 Except as provided in these rules, all prizes awarded shall be paid as lump sum set prizes. Instead of the POWERBALL® set prize amounts, qualifying Power Play plays will pay the amounts shown below when matched with the Power Play number drawn:

POWERBALL® Pays Instead-----					
Prize Amount	5X	4X	3X	2X	
Match 5+0	\$200,000	\$1,000,000	\$800,000	\$600,000	\$400,000
Match 4+1	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4+0	\$100	\$500	\$400	\$300	\$200
Match 3+1	\$100	\$500	\$400	\$300	\$200
Match 3+0	\$7	\$35	\$28	\$21	\$14
Match 2+1	\$7	\$35	\$28	\$21	\$14
Match 1+1	\$4	\$20	\$16	\$12	\$8
Match 0+1	\$3	\$15	\$12	\$9	\$6

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In certain rare instances, the POWERBALL® set prize amount may be less than the amount shown. In such case, the Power Play prizes will be a multiple of the new POWERBALL® prize amount. For example, if the Match 5 POWERBALL® set prize amount of \$200,000 becomes \$25,050 under the rules of the POWERBALL® game, then a Power Play player winning that prize amount where a "5" has been drawn would win \$125,250 (\$25,050 x 5).

- 914.4 The following table sets forth the probability of the various Power Play numbers being drawn during a single POWERBALL® drawing.

<u>Power Play</u>	<u>Probability of Prize Increase</u>
5X – Prize Won Times 5	1 in 4
4X – Prize Won Times 4	1 in 4
3X – Prize Won Times 3	1 in 4
2X – Prize Won Times 2	1 in 4

Power Play does not apply to the POWERBALL® Grand Prize or to any Bonus Prize.

- 914.5 The prize money allocated to the Match 5 Bonus Prize shall be divided equally by the number of games boards winning the Match 5 prize when a game board wins the new high jackpot amount.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days from the date of publication of this notice in the Register. Comments should be filed with the Executive Director, District of Columbia Lottery and Charitable Games Control Board, 2101 Martin Luther King, Jr., Avenue, S.E., Washington, D.C. 20020. Copies of these proposed rules may be obtained at the address stated above.