

# OKLAHOMA HORSE RACING COMMISSION

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KURT MURRAY, MEMBER

BRIAN BURGET, MEMBER

CLINT O. BROOKOVER, MEMBER

SUZANNE GILBERT, MEMBER

G.R. CARTER, MEMBER

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## AGENDA

Regularly Scheduled Meeting  
Thursday, November 16, 2023,  
9:30 a.m.

### Meeting Location:

One Remington Place - Eclipse Room  
Oklahoma City, Oklahoma 73111

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### Address of the:

OKLAHOMA HORSE RACING COMMISSION  
2800 N. LINCOLN BLVD., SUITE 101  
OKLAHOMA CITY, OKLAHOMA 73105  
(Located in Department of Agriculture, Food and Forestry Building)  
TELEPHONE: (405) 943-6472; FAX: (405) 943-6474 WEBSITE:  
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AGENDA POSTED IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING ACT

All citizens who attend public meetings of the Commission who need special accommodations, i.e., Sign Language Interpreter, amplification device, large print materials, Braille materials, audio cassette materials, readers or other special accommodations must notify the Commission by the deadline date and time for acceptance of agenda requests.

**CALL TO ORDER..... Mr. Sanders, Chair**

**ROLL CALL..... Mr. Sanders, Chair**

**BUSINESS..... Mr. Sanders, Chair**

**A. MINUTES**

- 1. The draft Minutes of the **October 19, 2023, Regularly Scheduled Commission Meeting** will be considered for approval.

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.**

**B. PETITION FOR APPEAL FILED ON BEHALF OF FELIPE MARTINEZ-MORALES (OWNER/TRAINER).**

On June 27, 2023, the Commission received a Petition for Appeal for Order 20-RP-038A, 20-RP-038B, and 20-RP-038C issued by the Board of Stewards at Remington Park, dated June 27, 2023. The Commission received the Petitioners brief filed on July 24, 2023. The Commission received the Response Brief filed on August 10, 2023

The Board of Stewards found Mr. Martinez-Morales to be in violation of OAC 325:45-1-4 Substance Violations; and OAC 325:35-1-5(a) and 325:45-1-11(a) Trainer Responsibility, for the presence of clenbuterol, a prohibited substance, in the quarter horse “FAST EDDIE M”, following the race held at Remington Park on Sunday, May 3, 2020.

The Board of Stewards fined Mr. Martinez-Morales ten thousand dollars (\$10,000.00) and suspended his Owner/Trainer license for three hundred sixty-five (365) days, less time served of 22 days. The suspension runs from Monday, June 26, 2023 through Sunday, June 2, 2024.

The Stewards further ordered that the quarter horse “FAST EDDIE M” be disqualified from second (2<sup>nd</sup>) place and shall remain unplaced in the sixth (6<sup>th</sup>) race at Remington Park on Sunday, May 3, 2020.

The matter was set for hearing at the Commission’s October Meeting.

### **Current Consideration**

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, § 301 et seq., the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., OAC 325 (OHRC Rules of Racing), OAC 325:70-1-22, Grounds for Appeal from Decision of the Stewards, and OAC 325:70-1-24, Appeal Hearing Procedure.

The procedure for the Hearing before the Commission is set as follows:

1. The appellant, Mr. Martinez- Morales, and the Appellee are entitled to be present and to present arguments.
2. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

### **Possible Executive Session**

Pursuant to 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding Mr. Martinez-Morales Appeal of Stewards' Order 20-RP-038A, 20-RP-038B, and 20-RP-038C.

1. Motion and Vote to Go into Executive Session for the Purpose Stated Above
2. Motion and Vote to Reconvene in Open Session

### **Possible Action:**

Possible action may include, but is not limited to: take no action; take preliminary action on the matter; or continue the matter(s).

## **C. PETITION FOR APPEAL FILED ON BEHALF OF ETNIEL SANABRIA (OWNER/TRAINER).**

On July 21, 2023, the Commission received a Petition for Appeal for Order 22-RP-099B issued by the Board of Stewards at Remington Park, dated July 17, 2023. The Commission received the Petitioners brief filed on October 25, 2023. The Commission received the Response Brief filed on November 3, 2023.

The Board of Stewards found Mr. Sanabria to be in violation of OAC 325:45-1-4 Substance Violations; and OAC 325:35-1-5(a) and 325:45-1-11(a) Trainer Responsibility, for the presence of d-methamphetamine, a prohibited substance, in the quarter horse “JUST A KVN”, following the race held at Remington Park on Thursday, May 26, 2022.

The Board of Stewards fined Mr. Sanabria ten thousand dollars (\$10,000.00) and suspended his Owner/Trainer license for three hundred sixty-five (365) days, less time served of 8 days. The suspension runs from Sunday, July 16, 2023 through Saturday, July 6, 2024.

The Stewards further ordered that the quarter horse “JUST A KVN” be disqualified from first (1<sup>st</sup>) place and shall remain unplaced in the third (3<sup>rd</sup>) race at Remington Park on Thursday, May 26, 2022.

### **Current Consideration**

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, § 301 et seq., the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., OAC 325 (OHRC Rules of Racing), OAC 325:70-1-22, Grounds for Appeal from Decision of the Stewards, and OAC 325:70-1-24, Appeal Hearing Procedure.

The procedure for the Hearing before the Commission is set as follows:

3. The appellant, Mr. Sanabria, and the Appellee are entitled to be present and to present arguments.
4. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

### **Possible Executive Session**

Pursuant to 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding Mr. Sanabria Appeal of Stewards’ Order 22-RP-099.

3. Motion and Vote to Go into Executive Session for the Purpose Stated Above
4. Motion and Vote to Reconvene in Open Session

### **Possible Action:**

Possible action may include, but is not limited to: take no action; take preliminary action on the matter; or continue the matter(s).

**D. POSSIBLE ACTION ON PROPOSED RULE AMENDMENTS TO CERTAIN CHAPTERS IN RULES OF RACING AND RULES OF RACETRACK GAMING UNDER PERMANENT RULEMAKING**

At the August 24, 2023, Commission Meeting, the Commission approved the permanent rulemaking process to consider proposed amendments to open certain chapters in *Rules of Racing and Racetrack Gaming*: Changes are proposed in the following chapters:

**Rules of Racing:**

**Chapter 1-Commission Powers and Jurisdiction**

**Chapter 15- Licensing**

**Chapter 20- Racing Officials and Racing Personnel**

**Chapter 25- Entries and Declarations**

**Chapter 35- General Conduct**

**Chapter 40-Veterinarian Practices and Restrictions**

**Chapter 45-Prohibited Practices and Equine Testing**

**Chapter 60-Running The Race**

**Chapter 70- Objections and Protest; Hearings and Appeals**

**Chapter 75- Oklahoma- Bred Program**

**Current Consideration**

The next step in the rulemaking process is for the Commission to provide the Secretary of State proposed rule amendments in the chapters under the permanent rulemaking process, to publish the proposed changes, conduct a hearing, and take public comment.

**Possible action**

Possible action may include but not limited to: taking no action, approving the beginning of the permanent rulemaking process to consider amendments in the cited chapters as proposed, or as modified at the meeting, by authorizing publication in *The Oklahoma Register* and scheduling a Public Hearing; or continuing the matter.

**E. ANY MATTER NOT KNOWN ABOUT OR WOULD NOT HAVE BEEN REASONABLY FORSEEN PRIOR TO POSTING THE AGENDA 25 O.S. § 311 (A) (10)**

**F. ANNOUNCEMENTS**

**11/23/2023- 11/24/2023-** Thanksgiving Holiday

**\*\*There is no December 2023 Regularly Scheduled Meeting\*\***

**12/15/2023-** Remington Park’s Thoroughbred Race Meet is scheduled to conclude

**12/25/2023- 12/26/2023-** Christmas Holiday

**01/01/2024-** New Years Day Holiday

**01/04/2024-** Agenda Topic Submission Deadline for January 18, 2024 Meeting

**01/15/2024-** Martin Luther King, Jr. Holiday

**01/18/2024-** Regularly Scheduled Commission Meeting

**ADJOURNMENT..... Mr. Sanders, Chair**