

OKLAHOMA HORSE RACING COMMISSION

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KURT MURRAY, MEMBER

BRIAN BURGET, MEMBER

CLINT O. BROOKOVER, MEMBER

DONNIE VON HEMEL, MEMBER

DAN PILCHER, MEMBER

AGENDA

Regularly Scheduled Meeting

Thursday, November 17th, 2022, 9:30 a.m.

Meeting Location:

One Remington Place - Eclipse Room
Oklahoma City, Oklahoma 73111

Address of the:

OKLAHOMA HORSE RACING COMMISSION
2800 N. LINCOLN BLVD., SUITE 220
OKLAHOMA CITY, OKLAHOMA 73105

(Located in Department of Agriculture, Food and Forestry Building)

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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. Lucas,
Chair**

**ROLL CALL Mr. Lucas,
Chair**

**BUSINESS Mr. Lucas,
Chair**

A. MINUTES

Possible discussion, revision, and vote to approve the drafted Minutes of the *October 20th, 2022*, Regularly Scheduled Commission.

THE FOLLOWING MATTERS ARE PRESENTED FOR DISCUSSION, CONSIDERATION, AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.¹

B. RECOMMENDATION FROM THE OKLAHOMA BRED ADVISORY COUNCIL.

Background

The Oklahoma-Bred Advisory Council met on November 3, 2022, and forwarded the following recommendations for the Commission's approval:

1. The Oklahoma Quarter Horse Racing Association (OQHRA) requested Oklahoma-Bred funding for stakes races in CY-2023 at each racetrack based on projections and subject to fund availability.
 - \$967,600 for Stakes Races, Futurity and Derby Trials/Finals at Remington Park
 - \$49,000 for Stakes Races at Fair Meadows
 - \$60,800 for Stakes Races, Futurity and Derby Trials/Finals at Will Rogers Downs

¹ The Commission may discuss, vote to approve, vote to disapprove, vote to amend or approve in part, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

2. The Thoroughbred Racing Association of Oklahoma (TRAO) requested Oklahoma-Bred funding for stakes races in CY-2023 at each racetrack based on projections and subject to fund availability.
 - \$605,600 for Stakes Races at Remington Park
 - \$20,000 for Stakes Races at Fair Meadows
 - \$60,000 for Stakes Races at Will Rogers Downs

Possible actions may include, but is not limited to, taking no action, approving the proposed requested funding, altering the requested funding, or continuing the matter.

C. DISCUSSION AND POSSIBLE ACTION ON EXECUTING VOLUNTARY AGREEMENT WITH HORSERACING INTEGRITY AND SAFETY AUTHORITY (HISA)

Possible Action:

Possible action may include, but is not limited to, take no action, authorize action regarding the agreement, or continue the matter.

D. AFFIDAVIT RECIEVED BY DAVID CABRERA’S COUNSEL JOHN MAC HAYES ON THE OHRC RECUSING THEMSELVES FROM PRESIDING OVER THE ADMINISTRATIVE APPEAL HEARING, ORDER 22-RP-105

Presentation by John Mac Hayes, Counsel for jockey David Cabrera, response from Counsel for the Board of Stewards, and discussion on Affidavit received by the OHRC on October 28, 2022, which states “circumstances have arisen which would disqualify the OHRC from presiding over the administrative appeal of a rule violation assessment involving David Cabrera.”

Current Consideration

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Okla. Stat. Title 75, § 301, *et seq.*, the Oklahoma Horse Racing Act, Okla. Stat. Title 3A, § 200, *et seq.*, Oklahoma Administrative Code, Title 325, *et seq.* (OHRC Rules of Racing).

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

1. The appellant, David Cabrera and the Board of Stewards at Remington Park, or their counsel, are entitled to be present and to present arguments.
2. The appellant, David Cabrera or his counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. Each party will be allowed fifteen (15) minutes to present their case.
3. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

Possible Action:

Discussion and possible action for individual Commission member(s) to recuse or not recuse or vote on whether to disqualify individual Commission member(s) from discussions, debates, deliberations, and votes on any matter related to the Petition for Appeal of David Cabrera Order 22-RP-105.

E. PETITION FOR APPEAL FILED ON BEHALF OF (JOCKEY) DAVID CABRERA, ORDER 22-RP-105

On October 12, 2022, the Commission Received a Petition for Appeal for Order 22-RP-105, filed on behalf of the Jockey David Cabrera by his counsel, John Mac Hayes.

Current Consideration

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Okla. Stat. Title 75, § 301, *et seq.*, the Oklahoma Horse Racing Act, Okla. Stat. Title 3A, § 200, *et seq.*, Oklahoma Administrative Code, Title 325, *et seq.* (OHRC Rules of Racing), OAC 325:70-1-22, Grounds for Appeal from Decisions 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, David Cabrera and the Board of Stewards at Remington Park, or their counsel, are entitled to be present and to present arguments.
2. The appellant, David Cabrera or his counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. Each party will be allowed fifteen (15) minutes to present their case.
3. All parties are subject to questioning by Commissioners, Commission Staff

and Commission Counsel.

Possible Executive Session and Action

Pursuant to 25 O.S. § 307(B)(8), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding Mr. Cabrera’s Appeal of Stewards’ Order 22-RP-105

1. Motion to Vote to Go Into Executive Session for the purpose Stated Above:
2. Motion and Vote to Reconvene in Open Session
3. Possible vote on items discussed in Executive Session, including but not limited to, voting to affirm, overrule, or remand back to the Board of Stewards for further action.

F. PETITION FOR APPEAL FILED ON BEHALF OF KELLY MARLENE HELTZEL(OWNER/TRAINER), ORDER 21-RP-038B

On January 24, 2022, the Commission received a Petition for appeal for Order 21-RP-038B filed on behalf of Kelly Marlene Heltzel. On the June 16, 2022, the matter was continued and set for hearing on November 17, 2022.

Current Consideration

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Okla. Stat. Title 75, § 301, *et seq.*, the Oklahoma Horse Racing Act, Okla. Stat. Title 3A, § 200, *et seq.*, Oklahoma Administrative Code, Title 325, *et seq.* (OHRC Rules of Racing), OAC 325:70-1-22, Grounds for Appeal from Decisions 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, Kelly Marlene Heltzel and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Kelly Marlene Heltzel or her counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. Each party will be allowed fifteen (15) minutes to present their case.
3. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

Possible Executive Session and Action

Pursuant to 25 O.S. § 307(B)(8), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding Ms. Heltzel’s Appeal of Stewards’ Order 21-RP-038B

1. Motion to Vote and Go Into Executive Session for the purpose Stated Above:
2. Motion and Vote to Reconvene in Open Session
3. Possible vote on items discussed in Executive Session, including but not limited to, voting to affirm, overrule, or remand back to the Board of Stewards for further action.

G. Report

All 2023 signed Racing and Gaming Order’s and Horsemen Agreements have been received by OHRC.

H. New Business: Any matter not known about, or which would not have been reasonably foreseen prior to posting the agenda. 25 O.S. § 311(A)(10).

I. ANNOUNCEMENTS

****There is no December 2022 Regularly Scheduled Meeting****

12/17/22 – Remington Park’s Thoroughbred Race Meeting is scheduled to conclude

12/26-27/22 – HOLIDAY [Christmas]

1/5/2023 – Agenda Topic Submission Deadline for January 19, 2023, Meeting

1/19/2023—Regularly Scheduled Commission Meeting

**ADJOURNMENT.....Mr. Lucas,
Chair**