

OKLAHOMA HORSE RACING COMMISSION

WENDY KEENER, ESQ., CHAIR

JOE LUCAS, VICE CHAIR

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BENNETT ANDERSON, MEMBER

BECKY GOUMAZ, MEMBER

MONTY MARCUM, MEMBER

PHILLIP KIRK, MEMBER

DONNIE VON HEMEL, MEMBER

DOUGLAS WRIGHT, MEMBER

AGENDA

**Regularly Scheduled Meeting
Thursday, November 19th, 2020, 9:30 a.m.**

**Meeting Location:
One Remington Place – Eclipse Room/Suites Floor
Oklahoma City, Oklahoma 73111**

Address:

OKLAHOMA HORSE RACING COMMISSION, 2800 N. LINCOLN BLVD., SUITE 220,
OKLAHOMA CITY, OKLAHOMA 73105
(Located in Department of Agriculture, Food and Forestry Building)
TELEPHONE: (405) 522-8167; FAX: (405) 943-6474
WEBSITE: WWW.OHRC.ORG

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 ORDERMs. Keener, Chair

ROLL CALL.....Ms. Keener, Chair

BUSINESS.....Ms. Keener, Chair

A. MINUTES

The drafted Minutes of the October 15th, 2020 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. DISTRIBUTION OF REVENUE GENERATED FROM THE EXPORT OF INTERSTATE SIGNALS.

Background

The Thoroughbred Racing Association of Oklahoma has filed a petition for a Declaratory Ruling from the Commission to clarify the correct calculation and proper distribution of the export signal sale revenue.

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.

The procedure for the consideration of each Preliminary Motion and the Petition for Appeal is set as follows:

1. All parties will have 15 minutes to speak and present oral arguments, including any rebuttal argument.
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 the

correct calculation of the export signal. An executive session may be proposed following oral argument for each Preliminary Motion and the Petition for Appeal.

- a. Motion and Vote to Go Into Executive Session for the Purpose Stated Above
- b. 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(s) and instruct the Commission Legal Advisor to draft a Declaratory Ruling for consideration in further deliberations at a future Commission meeting; or continue the matter(s).

C. PETITION FOR APPEAL OF JOSUE PONCE, OWNER/TRAINER ORDERS 20-RP-030, 20-RP-030A, and 20-RP-030B.

Background

A continuance was granted by the Commission as requested by Appellant's Attorney John Mac Hayes. Additionally, the Commission voted to hear the matter at the November 19th, 2020 Meeting.

The Board of Stewards found Mr. Ponce to be in violation of OAC 325:45-1-4 Substance Violations; and OAC 325:45-1-11 Trainer Responsibility, for the presence of Clenbuterol, a prohibited substance, in the Quarter Horse "OH FANCY GO", following the race held at Remington Park on April 25, 2020.

The Board of Stewards fined Mr. Ponce ten thousand dollars (\$10,000) and suspended his Owner/Trainer license for three hundred sixty five (365) days. The suspension runs from Thursday, May 7, 2020 through Thursday, May 6, 2021.

The Stewards further ordered that the Quarter Horse "Oh Fancy Go" be disqualified from First (1st) Place and shall remain unplaced in the Sixth (6th) Race at Remington Park on Saturday, April 25, 2020.

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 consideration of each Preliminary Motion and the Petition for Appeal is set as follows:

1. The appellant, Mr. Ponce, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The Party filing the Preliminary Motion or Petition will present oral arguments first, with Respondent or Counsel proceeding next. Each party will be allowed fifteen (15) minutes in total of oral argument for each Preliminary Motion and the Petition for Appeal, including any rebuttal argument.
3. 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. Ponce. An executive session may be proposed following oral argument for each Preliminary Motion and the Petition for Appeal.

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(s) and instruct the Commission Legal Advisor to draft Order(s) for consideration in further deliberations at a future Commission meeting; or continue the matter(s).

D. RECOMMENDATION FROM THE OKLAHOMA BRED ADVISORY COUNCIL.

Background

The Oklahoma-Bred Advisory Council met on November 12th, 2020 and forwarded the following recommendations for the Commission's approval:

1. The Oklahoma Quarter Horse Racing Association requested Oklahoma-Bred funding for stakes races in CY-2021 at each racetrack based on projections and subject to fund availability:
 - \$1,012,000 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

2. The Thoroughbred Racing Association requested Oklahoma-Bred funding for stakes races in CY-2021 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
 - \$60,00 for Stakes Races at Will Rogers Downs

Possible Action:

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.

E. PUBLIC HEARING ON CY 2021 HORSEMEN’S AGREEMENTS WITH WILL ROGERS DOWNS AND FAIR MEADOWS OF TULSA.

Background

At the October 15, 2020 meeting, Commissioners voted to conditionally approve racing and gaming licenses for Will Rogers Downs and Fair Meadows at Tulsa until Horsemen’s Agreements with both facilities were reached. If agreements were not reached, a public hearing would be held to determine the racing conditions at the above- mentioned tracks. All parties were notified of the hearings on November 4th, 2020 via email and US postal mail.

Current Consideration

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, Section 301 et seq.; the Oklahoma Horse Racing Act, Title 3A O.S. Section 200 et seq.; the State-Tribal Gaming Act, Title 3A O.S. Section 261 et seq.; the Commission

Rules of Racing, OAC 325; and the Commission Rules for Racetrack Gaming, OAC 325.

The Hearing procedure is scheduled as follows:

1. All Parties will be subject to questioning by Commissioners, Commission Counsel, Commission Staff and others as may be allowed by the Commission Chair.
2. Parties may submit testimony and any other relevant information to assist the Commission in taking appropriate action to ensure continuity of the race program.
3. The Commission may take any action it may be deem appropriate to ensure continuity of the race program, including the recognition of the terms of the previous Horsemen's Representative agreement until such time as the Commission approves a new agreement submitted by the parties.

Possible Executive Session for Deliberations in Individual Proceedings Regarding Horsemen's Agreements with Will Rogers Downs and Fair Meadows at Tulsa

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session may be proposed for continued deliberations in individual proceedings regarding CY 2021 Horsemen's Agreements with Will Rogers Downs and Fair Meadows at Tulsa.

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

Possible Action:

Possible actions may include, but is not limited to: taking final action to recognize the terms of the previous Horsemen's Representative agreement as the terms that will govern the relations between the Organization Licensee and the elected representative until such time the Commission approves an agreement submitted by the parties as provided by 325:35-1-37 Agreements to be filed, or taking no action.

F. ANY MATTER NOT KNOWN ABOUT OR WHICH WOULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING THE AGENDA.

G. ANNOUNCEMENTS

12/20/20 – Remington Park’s Thoroughbred race meeting is scheduled to conclude

12/24 - 12/25/20 – HOLIDAY [Christmas]

1/1/20 – HOLIDAY [New Year’s]

1/7/20 – Deadline for submitting agenda topic requests for January 21, 2021
Regularly Scheduled Commission Meeting

1/21/20 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room,
Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard,
Oklahoma City, OK

ADJOURNMENT.....Mrs. Keener, Chair