

# OKLAHOMA HORSE RACING COMMISSION

WENDY KEENER, ESQ., CHAIR

JOE LUCAS, VICE CHAIR

KEITH SANDERS, SECRETARY

BENNETT ANDERSON, MEMBER

BECKY GOUMAZ, MEMBER

MONTY MARCUM, MEMBER

PHILLIP KIRK, MEMBER

DONNIE VON HEMEL, MEMBER

DOUGLAS WRIGHT, MEMBER

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## AGENDA

**Regularly Scheduled Meeting**  
**Thursday, March 18th, 2021, 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 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.OK.GOV

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 ..... Ms. Keener, Chair**

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

**BUSINESS ..... Ms. Keener, Chair**

**A. MINUTES**

The drafted Minutes of the January 21<sup>st</sup>, 2021 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. CONTINUED DELIBERATIONS REGARDING THE APPEAL OF CRISTINO ESTRADA-REGALADO, OWNER/TRAINER REGARDING STEWARDS ORDERS 20-FMT-26B, 20-FMT-27B, AND 20-FMT-28B.**

**Background**

At the January 21<sup>st</sup>, 2021 meeting, the Commission took preliminary action to affirm Steward's Orders 20-FMT-26B, 20-FMT-27B, AND 20-FMT-28B and asked for legal counsel to prepare a final order for consideration at a future meeting for the following reasons:

- For the presence of Clenbuterol, a prohibited substance, in horse "JESS CUZ IM PERFECT" following the race held at Fair Meadows on June 20, 2020,
- For the presence of Clenbuterol, a prohibited substance, and the presence of permitted substances Flunixin at level of 31.0 +/-3.3ng/ml and Dexamethasone at a level 85.4 +/-0.6 pg/ml, exceeding Commission threshold levels, in the horse "DTL HES MAN CANDY", following the race held at Fair Meadows Tulsa on June 26<sup>th</sup>, 2020, and
- For the presence of Clenbuterol, a prohibited substance, in the horse "DTL CORONADO PLAYBOY", following the race held at Fair meadows Tulsa on June 27<sup>th</sup>, 2020.

**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. Estrada-Regalado.

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; adopting the Final Order as proposed, adopting the Final Order as modified, or continue the matter.

**C. PETITION FOR APPEAL OF MARCOS CARRIZALES, TRAINER REGARDING STEWARDS' ORDER 20-RP-23A.**

**Background**

On November 30, 2020, the Commission received a Petition for Appeal for Order 20-RP-023A issued by the Board of Stewards at Remington Park, dated November 23, 2020.

The Board of Stewards found Mr. Carrizales 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 horse "MR JESS JENKINS", following the race held at Remington Park on April 5, 2020.

The Board of Stewards fined Mr. Carrizales ten thousand dollars (\$10,000) and suspended his Owner/Trainer license for three hundred sixty five (365) days. The suspension runs from Tuesday, November 24, 2020 through Monday November 22, 2021.

The Stewards further ordered that the Quarter Horse "MR JESS JENKINS" be disqualified from First (1<sup>st</sup>) Place and shall remain unplaced in the Fourth (4<sup>th</sup>) Race at Remington Park on Sunday, April 5, 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 O.S., § 301 *et seq*; the Oklahoma Horse Racing Act, Title 3A O.S. § 200 *et seq*.; the OHRC Rules of Racing, OAC 325, and OAC 325:7-1-24 Appeal Hearing Procedures.

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

1. The Commission will hear oral argument on whether to accept or deny the “Aid to Commissioners of the Honorable Horse Racing Commission” document submitted by the Appellant on February 12, 2021.
2. The Commission will hear oral argument on the Petition for Appeal. The parties' presentations are limited to arguments based on information in the record of the Board of Stewards hearing. The Commission may consider new evidence not in the record, provided that the proponent makes an offer of proof briefly explaining the new evidence, including an explanation of how the evidence satisfies the requirements set forth in OAC 70-1-22(2).
3. The Appellant, Mr. Marcos Carrizales, 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 its case.
4. All parties are subject to questioning by the 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. Carrizales. An executive session may be proposed following oral argument for any Preliminary Motions 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. CONSIDERATION OF THE REQUEST FROM WILL ROGERS DOWNS TO RELEASE EARNED INTEREST FROM ESCROW ACCOUNT.**

**Background**

On March 2<sup>nd</sup>, 2021, the Executive Director, Mr. Cathey, received a request from Will Rogers Downs requesting the distribution of the interest earned on the funds required to be held in escrow. Pursuant to the terms of the Escrow Agreement, distribution of funds from the account requires approval of the Commission.

**Possible Action:**

Possible action may include, but is not limited to: take no action; request more information, and/or continue the matter.

**E. ANY MATTER NOT KNOWN ABOUT OR WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING THE AGENDA.**

**F. ANNOUNCEMENTS**

**\*NO REGULARLY SCHEDULED MEETING IN APRIL 2021**

**3/22/2021** – Opening Day at Will Rogers Downs Thoroughbred Meet

**5/5/2021** – Oklahoma Bred Advisory Council, 1:30 p.m., Meeting Location to be announced

**5/6/2021** – Deadline for submitting agenda topic request for May 20<sup>th</sup>, 2021 Regularly Scheduled Commission Meeting

**5/20/2021** – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

**5/26/2021** – Last Day of Thoroughbred Race Meet at Will Rogers Downs

**5/29/21** – Last Day of Quarter Horse, Appaloosa and Paint Race Meets at Remington Park

**5/31/21** – Holiday [Memorial Day]

**ADJOURNMENT.....Ms. Keener, Chair**