

# 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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**REVISED AGENDA 6/15/2020 @ 8:00am**

Regularly Scheduled Meeting  
Thursday, June 18<sup>th</sup>, 2020, 9:30 a.m.

**Meeting Location:**  
Eclipse Room (Suites Level) at Remington Park  
1 Remington Place  
Oklahoma City, OK 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 May 21, 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. MONITORING OF COMPULSIVE GAMING ASSISTANCE PLANS BY RACETRACK GAMING OPERATOR LICENSEES AS REQUIRED IN RULES FOR RACETRACK GAMING**

325:90-5-2. Compulsive Gambling Assistance Plan

- (a) An applicant for a Racetrack Gaming Operator License must submit with the application a plan to address compulsive gambling in accordance with the requirements of these regulations for assisting in the prevention and education of compulsive gambling.
- (b) No Racetrack Gaming Operator License application will be approved unless the Commission first approves the applicant's compulsive gambling assistance plan.
- (c) Failure to implement the compulsive gambling assistance plan or to satisfactorily maintain and administer a plan once implemented will be grounds for suspension or revocation of the Racetrack Gaming Operator License, assessment of a fine, or both.
- (d) A plan must meet or exceed the minimum standards set forth in these Rules. The development of such a plan by the applicant and the approval of a plan by the Commission are conditions of issuance of the original Racetrack Gaming Operator License. The maintenance of a plan, as

approved by the Commission, is a condition of annual renewal of the license.

- 1) Dr. Wiley D. Harwell with Oklahoma Association for Problem and Compulsive Gambling, monitored the Compulsive Gambling Assistance Plans at Remington Park and Will Rogers Downs
- 2) Remington Park and Will Rogers Downs will present their proposals for their respective Compulsive Gambling Addiction plans for the Commission to consider as part of the 2021 licensing process.

**Possible Action:**

Possible action may include but is not limited to: taking no action, approve the respective Compulsive Gambling Assistance Plans as presented, not approve the proposed plans(s) as presented, or continue the matter.

**C. FY-2020 MEMBERSHIP ON THE OKLAHOMA-BRED ADVISORY COUNCIL**

Each year, the Commission appoints organizations and individuals to the Oklahoma-Bred Advisory Council for the next fiscal year (July 1 through June 30). The following Organizations and individuals were appointed as members of the Advisory Council for FY-2019 (July 1, 2020-June 30, 2021):

Remington Park  
Will Rogers Downs  
Oklahoma-Bred Registrar  
OQHRA Representative  
TRAO Representative  
At-Large Representative on request of OQHRA  
At-Large Representative on request of TRAO  
At-Large Representative on request for the Commission – Mr. Ed Melzer

**Possible Action:**

Possible action may include, but is not limited to: taking no action, making some or all the FY-2021 appointments, or continuing the matter

**D. CONTINUED DELIBERATIONS ON TRAINER SAMUEL VALDIVIA  
PETITION FOR APPEAL OF THE BOARD OF STEWARDS ORDER  
19-WRD-053B**

**Background**

At the May 21, 2019 meeting, the Commission conducted a Hearing on whether the Petition for Appeal of the Board of Stewards order was timely filed in accordance with OAC 325:7-1-23 or whether there is good cause to extend the time filing.

The Commission took preliminary action to find that Mr. Valdivia's Petition for Appeal was not timely filed and therefore the Commission lacks jurisdiction to hear the matter. The Commission directed its legal advisor to prepare a proposed Final Order with Findings of Facts and Conclusions of Law for continued deliberations at the June 18, 2020 Commission meeting.

**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 continued deliberations in an individual proceeding regarding Mr. Valdivia the proposed drafted order.

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.

**E. APPEAL HEARING FOR SAMMY K. HOWARD, OWNER/TRAINER  
REGARDING STEWARD'S ORDER 19-WRD-079A**

**Background**

In Stewards' Order 19-WRD-079A, dated March 11, 2020 Mr. Howard was found to be in violation of Commission rules when his Quarter Horse "Mr. Dillard", tested positive for Clenbuterol following a race at Will Rogers Downs on November 9, 2019.

The Board of Stewards fined Mr. Howard Ten Thousand Dollars (\$10,000). His horse "Mr. Dillard" was ordered disqualified from first (1<sup>st</sup>) place in the third (3<sup>rd</sup>) race at Will Rogers Downs on Friday, October 25, 2019. 'Mr. Dillard" was also disqualified from second (2<sup>nd</sup>) place in the eleventh (11<sup>th</sup>) race at Will Rogers Downs on Saturday, November 9, 2019 and shall remain unplaced in both races. Mr. Howard was suspended and/or made ineligible for licensure for a period of one (1) year, to be served beginning Tuesday, November 12, 2019 and continuing through Wednesday, November 11, 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 Appeal Hearing before the Commission is as follows:

1. The Appeal is not a new hearing on the matter. 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).
2. The Appellant, Mr. Sammy K. Howard, 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.
3. 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. Howard. 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 on the Petition for Appeal includes, but is not limited to: take no action; take preliminary action to affirm or overrule the Board of Stewards' decision and direct the Commission Legal Advisor to draft an Order with Findings of Fact and Conclusions of Law for further deliberations at the August 27<sup>th</sup> , 2020 Commission meeting, or continue the matter.

**F. REQUEST FROM REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS TO EXTEND THE SIXTY (60) DAY EXPIRATION ON CASHING TICKETS AS REQUIRED BY THE OHRC RULE OF RACING 325:65-1-34 PARI-MUTUEL TICKETS; VALIDITY**

**Background**

Because of the Covid -19 Pandemic the three facilities closed and reopened to the public as of the follow dates:

Remington Park- Closed March 18, 2020- Reopened May 19, 2020

Will Rogers Downs- March 16, 2020- Reopened June 8, 2020

Fair Meadows- Closed March 17, 2020- Reopened May 8, 2020

Although all three facilities offered and/or allowed patrons to mail in their winning ticket(s) before the expiration date to be cashed, all three facilities are not certain that the information was received widely by the public.

**325:65-1-34. Pari-Mutuel Tickets; Validity**

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the Organization Licensee and is evidence of the obligation of the Organization Licensee to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The Organization Licensee shall cash all valid winning tickets when such are presented for payment where sold, and no later than sixty (60) days after the wager was made.

**Current Consideration**

Remington Park is requesting they be allowed to cash any unclaimed tickets that would have expired during the period of March 18, 2020 through May 19, 2020.

Will Rogers Downs is requesting they be allowed to cash any unclaimed tickets that would have expired during the period of March 16, 2020-June 8, 2020.

Fair Meadows is requesting they be allowed to cash any unclaimed tickets that would have expired during the period of March 17, 2020-May 8, 2020.

The extension of time to cash any unclaimed tickets between the dates stated above would expire on August 1, 2020 for all facilities. In addition to the expiration date extension, the facilities would like to request that any payments made on these specific winning tickets be deducted from future OUTS payment(s) as the winning amounts would have already been paid to the OK Breeding and Development Fund Special Account. All qualifying tickets cashed will also be logged and shared with the OHRC, State Auditor and Facility Finance departments for auditing purposes as there will be no system record available for proof of cashing.

**Possible Action:**

Possible action may include, but is not limited to: take no action; take preliminary action on the matter(s) and instruct the Executive Director to send a letter to the three facilities outlining the extending of the deadline; or continue the matter(s).

**F. PROPOSED SLATE OF COMMISSION OFFICERS PRESENTED BY THE NOMINATING COMMITTEE AND ELECTION OF OFFICERS FOR FY-2019**

The Nominating Committee [comprised of Commissioners Wright, Marcum and Kirk, with Commissioner Wright serving as Chair] was named at the May 21, 2020 meeting to develop a proposed slate of Commission Officers [Chair, Vice-Chair and Secretary] for consideration for election for FY-2021 (July 1, 2020 through June 30, 2021).

Commissioner Wright, as Chair of the Nominating Committee, will announce the proposed slate of Commission Officers.

The Chairman will then ask for nominations of said officers.

From the proposed slate of nominations, the Commission will elect Officers for FY-2021

**G. REPORTS**

The Commission received renewal applications for racing licenses and accompanying gaming licenses from Remington Park and Will Rogers Downs to conduct racing and gaming activities in CY 2021. The Commission also received renewal applications from Fair Meadows at Tulsa for a racing license and a Recipient Racetrack Gaming license.

Commission Staff is in the process of reviewing the applications and writing the Staff Narratives. At the same time, the Commission's Law Enforcement Division is currently conducting its background investigations. Hearings to consider these racing license applications will be conducted at the August 27, 2020 Commission meeting.

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

**I. ANNOUNCEMENTS**

**7/26/2020** – Fair Meadows race meeting ended.

**8/13/2020** - Deadline for submitting agenda topic for the August 27, 2020 Commission Meeting.

**8/21/2020** - Remington Park Thoroughbred Meet is scheduled to begin.

**8/27/2020** - Commission Regularly Scheduled Meeting.

**9/12/2020** -

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