

OKLAHOMA HORSE RACING COMMISSION

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AGENDA

Regularly Scheduled Meeting
Thursday, August 26th, 2021, 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 ORDERMr. Lucas, Chair

ROLL CALL Mr. Lucas, Chair

BUSINESS Mr. Lucas, Chair

A. MINUTES

- 1. The drafted Minutes of the *June 17th, 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. PRELIMINARY CONSIDERATION OF CY 2022 RACING AND GAMING APPLICATIONS.

The Commission received renewal applications from Remington Park and Will Rogers Downs for their respective organization license for gaming operations, live racing and simulcasting for CY 2022 as well as Fair Meadows Tulsa CY 2022 renewal applications for their live racing, simulcasting and gaming recipient licenses.

In the past, the Commission has determined that a full formal Public Hearing would be conducted only on original applications for organization and gaming licenses. On renewal applications, the Public Hearing is limited to a presentation by a racetrack representative followed by a question and answer period by Commissioners, Commission Counsel and Commission Staff.

The following is a summary of the race day applications received.

1. Remington Park

Remington Park [RP] applied to conduct two race meetings:

- A Quarter Horse, Paint and Appaloosa race meeting, 50 days in length [422 QH and 78 PT/APP races], from March 3rd through May 28th, 2022 and
- A Thoroughbred race meeting, 67 days in length [600 TB races], from August 19th through December 17th, 2022. Remington Park also submitted a Racetrack Gaming Operator License application. Staff Briefs have been completed on Remington Park's CY 2022 racing and gaming license applications.

2. Will Rogers Downs

Will Rogers Downs [WRD] applied to conduct two race meetings:

- A Thoroughbred race meeting, 29 days in length [270 TB races], from March 21, 2022 through May 25, 2022 and
- A Quarter Horse, Paint and Appaloosa race meeting, 28 days in length [270 QH and 60 PT/APP races], from September 10th through November 12th, 2022. Will Rogers Downs also submitted a Racetrack Gaming Operator License Application. Staff Briefs have been completed on Will Rogers Downs's CY 2022 racing and gaming license applications.

3. Tulsa State Fair (Tulsa County Public Facilities Authority)

The Tulsa State Fair (Tulsa County Public Facilities Authority) applied to conduct one fair race meeting:

- A Thoroughbred, Quarter Horse, Paint and Appaloosa fair race meeting at Fair Meadows at Tulsa, 34 race days in length [170 QH, 170 TB and 68 PT/APP races estimated], from June 3rd through July 25th, 2022. Fair Meadows at Tulsa [FMT] also submitted a Recipient Racetrack Gaming License application. Staff Briefs have been completed on the Tulsa County Public Facilities Authority's CY 2022 racing and gaming license applications.

The chart below summarizes the proposed race days as reflected in the applications and the amendments thereto.

Applicants for Renewal Racing Licenses	Race Meetings	Number of Live Race Days Requested and Number of Races Per Breed Requested	Number of Required Races By Breed to Conduct Gaming	Race Meeting Time Frame (2022)
Remington Park Global Gaming RP, LLC Oklahoma City, OK	Quarter Horse Paint & Mixed Breed	<u>50 Race Days</u> 422 Quarter Horse 78 Paint/Mixed	No fewer than five hundred (500) races for within a period of twelve (12) consecutive weeks.	March 3 rd , to May 28 th , 2022
	Thoroughbred	<u>67 Race Days</u> 600 Thoroughbred	No fewer than six hundred (600) races.	August 19 th , 2022 to December 17 th , 2022
Will Rogers Downs	Quarter Horse Paint & Appaloosa	<u>28 Race Days</u> 270 Quarter Horse 60 Paint & Appaloosa	No fewer than two hundred seventy (270) races for Quarter Horses, and no fewer than sixty (60) races for Paint and Appaloosa horses.	September 10 th , 2022 to November 12 th , 2022
	Thoroughbred	<u>27 Race Days</u> 270 Thoroughbred	No less than two hundred seventy (270) races for Thoroughbred horses.	March 21 st , 2022 to May 25 th , 2022
Tulsa State Fair (Tulsa County Public Facilities Authority) Fair Meadows at Tulsa	Quarter Horse Paint & Appaloosa Thoroughbred	<u>34 Race Days</u> 170 Quarter Horse Est. 68 Paint & Appaloosa Est. 170 Thoroughbred Est.	No less than four hundred (400) total races, which shall include conducting no fewer than an average of four (4) races per day for Thoroughbred horses.	June 3 rd , 2022 to July 25 th , 2022

THE FOLLOWING PROCEDURES PERTAIN TO THE PRESENTATIONS REGARDING RACING AND GAMING RENEWAL APPLICATIONS FOR ORGANIZATION LICENSES.

Each racetrack will be given up to ten (10) minutes to make its presentation on its CY 2022 racing and gaming renewal license applications with a concentration on changes proposed or made since the CY 2021 applications. Following the presentation, Commissioners, Commission Counsel and Commission Staff may ask questions. The period taken with questions and answers will not be charged against the time allotted the Applicant.

Possible Executive Session for Deliberations in Individual Proceedings Regarding Racetrack Applications for Racing and the Companion Gaming Licenses

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session is proposed for deliberations in individual proceedings regarding CY 2021 organization license [racing] and the companion gaming applications from Remington Park, Will Rogers Downs and Fair Meadows at Tulsa (Tulsa County Public Facilities Authority).

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: taking no action; taking preliminary action to allot CY 2022 live race dates and directing Commission Staff to draft CY 2022 racing and companion gaming license orders subject to staff reports and consideration of the Staff Briefs and draft orders for consideration in further deliberations at the October 21st, 2021 meeting; or continuing consideration to the October 21st, 2021 meeting.

C. CY 2022 COMMISSION MEETING DATES.

Commission Staff recommends that the Commission consider scheduling eight monthly meetings in CY 2022 for the months of January, February, March, May, June, August, October and November. The proposed CY 2022 meeting dates include January 20, February 17, March 17, May 19, June 16, August 25, October 20 and November 17.

Possible Action:

Possible action may include but is not limited to: scheduling eight meetings on the suggested dates, scheduling meetings on different dates, or continuing the matter to the October 21, 2021 Commission meeting.

D. PETITION FOR APPEAL FOR MR. CARLOS CHAVEZ RUIZ, OWNER/TRAINER REGARDING STEWARD'S ORDERS 21-RP-049, 21-RP-050, and 21-RP-051.

Background

On July 5, 2021, the Commission received a Petition for Appeal of Steward's Orders 21-RP-049, 21-RP-050, and 12-RP-051, issued by the Board of Stewards at Remington Park dated June 30, 2021.

The Board of Stewards found Mr. Ruiz in violation of Commission rules when three horses he trained, "QUEEN FOR CASH", "PEANUTS NV" and "LINDT" tested positive for the prohibited substance "Clenbuterol" following races held at Remington Park in May 2020.

For each horse, the Board of Stewards fined Mr. Ruiz Ten Thousand Dollars (\$10,000) and suspended him for three-hundred sixty-five (365) days, less eight (8) days already served, to be served consecutively beginning June 30, 2021 and ending on August 21, 2024. Further the Stewards disqualified all three horses from their first and second place finishes and ordered the purses redistributed.

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., and O.A.C. 325(OHRC Rules of Racing), Chapter 70, Objections and Protests: Hearings and Appeals.

The procedure for the consideration of the Petition for Appeal is set as follows:

1. The appellant, Mr. Ruiz, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Mr. Ruiz, or his counsel - will present oral arguments first, with Counsel for the Board of Stewards proceeding next. Each party will be allowed fifteen (15) minutes in total oral argument, including any rebuttal argument.
3. The Appeal is not a new evidentiary hearing on the matter. Both parties are limited to making arguments/comments concerning the evidence presented at the Board of Stewards' Hearing. However, the Commission may consider new evidence not found in the record of the Board of Stewards' Hearing, 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).

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. Ruiz. 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 Order(s) for consideration in further deliberations at the October 21st, 2021 Commission meeting; or continue the matter(s).

E. PETITION FOR APPEAL FOR MR. MATT EDWARD WHITEKILLER, OWNER/TRAINER REGARDING STEWARD'S ORDER 21-RP-052.

Background

On July 19, 2021, the Commission received a Petition for Appeal for Order 21-RP-052 issued by the Board of Stewards at Remington Park, dated July 13, 2021.

The Board of Stewards found Mr. Whitekiller in violation of Commission rules when a horse he trained, "WF GITTER DUN CHICK," tested positive for the prohibited substance "Clenbuterol" following a race held at Remington Park on May 17, 2020.

The Board of Stewards fined Mr. Whitekiller Ten Thousand Dollars (\$10,000) and suspended him for three hundred sixty-five (365) days less eight (8) days' time served beginning July 13, 2021 through July 4, 2022. Further, the Stewards disqualified "WF GITTER DUN CHICK" from second (2nd) place in the sixth (6th) race and ordered the purse redistributed.

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., and O.A.C. 325(OHRC Rules of Racing), Chapter 70, Objections and Protests: Hearings and Appeals.

The procedure for the consideration of the Petition for Appeal is set as follows:

1. The appellant, Mr. Whitekiller, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Mr. Whitekiller, or his counsel - will present oral arguments first, with Counsel for the Board of Stewards proceeding next. Each party will be allowed fifteen (15) minutes in total oral argument, including any rebuttal argument.
3. The Appeal is not a new evidentiary hearing on the matter. Both parties are limited to making arguments/comments concerning the evidence presented at the Board of Stewards' Hearing. However, the Commission may consider new evidence not found in the record of the Board of Stewards' Hearing, 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 O.A.C. 70:1-22(2).
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. Whitekiller. 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

Order(s) for consideration in further deliberations at the October 21st, 2021 Commission meeting; or continue the matter(s).

F. PETITION FOR APPEAL FOR MR. WAYNE FRANKLIN GEORGE, OWNER/TRAINER REGARDING STEWARD'S ORDER 21-WRD-025.

Background

On July 22nd, 2021, the Commission received a Petition for Appeal for Order 21-WRD-025, issued by the Board of Stewards at Will Rogers Downs, dated

The Board of Stewards found Mr. George in violation of Commission rules when a horse he trained, "STAUNCH ELABORATOR" tested positive for caffeine following a race held at Will Rogers Downs on March 22nd, 2021.

The Board of Stewards fined Mr. George One Thousand Five Hundred dollars (\$1,500) and disqualified "STAUNCH ELABORATOR" from first (1st) place in the second (2nd) race. The Stewards ordered "STAUNCH ELABORATOR" to pass a commission – approved examination before becoming eligible to race again.

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., and O.A.C. 325 (OHRC Rules of Racing), Chapter 70, Objections and Protests: Hearings and Appeals.

The procedure for the consideration of the Petition for Appeal is set as follows:

1. The appellant, Mr. George, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Mr. George, or his counsel - will present oral arguments first, with Counsel for the Board of Stewards proceeding next. Each party will be allowed fifteen (15) minutes in total oral argument, including any rebuttal argument.
3. The Appeal is not a new evidentiary hearing on the matter. Both parties are limited to making arguments/comments concerning the evidence presented at the Board of Stewards' Hearing. However, the Commission may consider new evidence not found in the record of

the Board of Stewards' Hearing, 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 O.A.C. 70:1-22(2).

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. George. 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 Order(s) for consideration in further deliberations at the October 21st, 2021 Commission meeting; or continue the matter(s).

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

H. ANNOUNCEMENTS:

****No Meeting in September 2021****

8/20/2021 – Remington Park Thoroughbred Race Meeting is scheduled to begin.

9/11/2021 – Will Rogers Downs Quarter Horse, Paint and Appaloosa Race Meeting is scheduled to begin.

10/7/2021 – Deadline for submitting agenda topics for the October 21st, 2021 Meeting.

10/21/2021 – Regularly Scheduled Commission Meeting.

ADJOURNMENT Mr. Lucas, Chair