

OKLAHOMA HORSE RACING COMMISSION

JOE LUCAS, CHAIR

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BRIAN BURGET, MEMBER

CLINT O. BROOKOVER, MEMBER

DONNIE VON HEMEL, MEMBER

DAN PILCHER, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, January 19, 2023, 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)
TELEPHONE: (405) 522-8167; FAX: (405) 943-6474 WEBSITE:
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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

- 1. The drafted Minutes of the **November 17, 2022, 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. POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS TO ALL CHAPTERS IN RULES OF RACING AND RULES OF RACETRACK GAMING UNDER PERMANENT RULEMAKING

Background

At the August 25, 2022, Commission Meeting, the Commission approved the permanent rulemaking process to consider proposed amendments to open All chapters in *Rules of Racing and Racetrack Gaming*: Changes were proposed in the following chapters:

Rules of Racing:

- Chapter 1-Commission Powers and Jurisdiction**
- Chapter 10- Racing Organization**
- Chapter 15- Licensing**
- Chapter 20- Racing Officials and Racing Personnel**

Chapter 25- Entries and Declarations

Chapter 30- Claiming Races

Chapter 35- General Conduct

Chapter 50- Human Substance Abuse

Chapter 55- Fire Prevention and Security

Chapter 65- Pari-Mutuel Wagering

Chapter 70- Objections and Protest: Hearings and Appeals

Chapter 75- Oklahoma- Bred Program

Mr. Kelly Cathey, Commission Executive Director, will present the public comments.

Current Consideration

The next step in the rulemaking process is the Commission’s consideration of adopting the proposed rule amendments in the chapters under the permanent rulemaking process.

Possible Action

Possible action may include but is not limited to: take no action; adopt the proposed amendments, in whole or in part; adopting amendments as modified, in whole or in part; or continue the matter.

C. CONTINUED DELIBERATIONS FOR MR. DAVID CABRERA REGARDING HIS APPEAL OF STEWARDS ORDER 22-RP-105

Background

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. At the November 17, 2022, meeting the Commission voted to affirm the Stewards Order.

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 regarding the Final Order for the Appeal filed by Mr. David Cabrera.

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

D. CONTINUED DELIBERATIONS ON PETITIONS FOR APPEAL FILED ON BEHALF OF KELLY MARLENE HELTZEL (OWNER/TRAINER) ORDER 21-RP-038B

Background

On January 24,2022, the Commission received a Petition for Appeal for Order 21-RP-038B filed on behalf of Kelly Marlene Heltzel. On June 16,2022, the matter was continued and set for hearing on November 17, 2022. At the November 17, 2022, meeting the commission voted to affirm the Steward's Order.

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 regarding the Final Order for the Appeal filed by Ms. Kelly Marlene Heltzel.

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; adopting the Order as proposed, adopting the Order as modified; or continue the matter(s).

E. PETITION FOR APPEAL FILED ON BEHALF OF GARY WALKER (OWNER/TRAINER) ORDER 22-WRD-072.

Background

The OHRC received a petition for appeal on November 30,2022, for OHRC licensee Gary Walker on behalf of himself for order 22-WRD-72 issued by the board of Stewards at Will Rogers Downs, dated November 21,2022.

The Board of Stewards found Mr. Walker to be in violation of OAC 325:15-5-7 Knowledge of Rules; OAC 325:35-1-5 Trainer Responsibility; OAC 325:35-1-16 Conduct Detrimental to Horse Racing; OAC 325:35-1-23 Compliance with Orders of Racing Officials and Commission

The Board of Stewards fined Mr. Walker the sum of five hundred dollars (\$500.00).

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 etseq., 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. Walker, and the Board of Stewards at Will Rogers Downs are entitled to be present and to present arguments.
2. The appellant, Mr. Walker, or his counsel - will present oral arguments first,with Counsel for the Board of Stewards proceeding next. Each party willbe 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. Walker. 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; adopting the Final Order as proposed, adopting the Final Order as modified or continue the matter.

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

Background

At the November 17, 2022, commission meeting the Chairman Lucas discussed the three-party agreement that all horse racing commissions have been asked to enter. The Commission made a motion and voted to take no action pending receipt of information requested.

Possible Action:

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

G. ANY MATTER NOT KNOWN ABOUT OR WHICH WOULD NOT HAVE BEEN REASONABLY FORSEEN PRIOR TO POSTING THE AGENDA. 25 O.S. § 311(A)(10).

H. ANNOUNCEMENTS

02/02/2023 – Agenda Topic Submission Deadline for February 16, 2023, Meeting

02/16/2023—Regularly Scheduled Commission Meeting

03/10/2023 – Opening Day at Remington Park for Quarter Horses, Paints and Appaloosas

03/06/2023 – Opening Day at Will Rogers Downs for Thoroughbreds

ADJOURNMENT..... Mr. Lucas, Chair