

OKLAHOMA HORSE RACING COMMISSION

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DAN PILCHER, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, January 20th, 2022, 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

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CALL TO ORDERMr. Lucas, Chair

ROLL CALL Mr. Lucas, Chair

BUSINESS Mr. Lucas, Chair

A. MINUTES

The drafted Minutes of the **November 18th, 2021** Regularly Scheduled Commission Meeting will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BYTHE COMMISSION.

B. PETITION FOR APPEAL FILED ON BEHALF OF LUIS VILAFRANCO (OWNER/TRAINER).

On November 8, 2021, the Commission received a Petition for Appeal for Order 21-FMT-031C issued by the Board of Stewards at Fair Meadows, dated November 2, 2021.

The Board of Stewards found Mr. Villafranco to be in violation of OAC 325:45-1-4 Substance Violations; and OAC 325:35-1-5(a) and 325:45-1-11(a) Trainer Responsibility, for the presence of Albuterol, a prohibited substance, in the horse “RELENTLESS SPEED”, following the race held at Fair Meadows of Tulsa on July 2, 2021.

The Board of Stewards fined Mr. Villafranco ten thousand dollars (\$10,000) and suspended his Owner/Trainer license for three hundred sixty-five (365) days. The suspension runs from Monday, August 2, 2021 through Monday August 1, 2022.

The Stewards further ordered that the Quarter Horse “RELENTLESS SPEED” be disqualified from (2nd) Place and shall remain unplaced in the Seventh (7th) Race at Fair Meadows Tulsa on Friday, July 2, 2021.

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 Hearing before the Commission is set as follows:

1. The appellant, Mr. Luis Villafranco, and the Board of Stewards at Fair Meadows are entitled to be present and to present arguments.
2. The appellant, Mr. Luis Villafranco, 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 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. Villafranco Appeal of Stewards' Order 21-FMT-031C.

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; or continue the matter(s).

C. PETITION FOR DECLARATORY RULING FILED ON BEHALF OF AUSTIN GUSTAFSON (OWNER/TRAINER), JUAN PULIDO (JOCKEY), AND FELIPE MARTINEZ MORALES (OWNER/TRAINER)

On October 22, 2021, the Commission received a Request for Declaratory Ruling filed by Attorney John Mac Hayes. Pursuant to Commission rule OAC 325:1-1-18 Mr. Hayes seeks a declaratory ruling on the applicability of 75 O.S. § 316 to the members of the Board of Stewards at Remington Park. Section 316 concerns the disqualification of an agency member for inability to give a fair and impartial hearing.

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., and the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., and OAC 325 1-1-18.

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

1. The Petitioners and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The Petitioners or their counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. The parties are encouraged to limit their arguments to no more than twenty minutes.
3. As this is a quasi-legislative proceeding rather than a quasi-judicial proceeding the Commission may choose to hear from other persons on the question.
4. All persons speaking on the issue are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

Possible Action:

Possible action may include, but is not limited to: take no action; take preliminary action on the matter; or continue the matter(s).

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

E. ANNOUNCEMENTS:

2/3//2022 – Agenda Topic Submission Deadline for February 17, 2022 Meeting

2/17/2022—Regularly Scheduled Commission Meeting

ADJOURNMENT..... Mr. Lucas, Chair