

OKLAHOMA HORSE RACING COMMISSION

JOE LUCAS, CHAIR

WENDY I. KEENER, ESQ, VICE CHAIR

KEITH SANDERS, SECRETARY

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KURT MURRAY, MEMBER

BRIAN BURGET, MEMBER

CLINT O. BROOKOVER, MEMBER

DONNIE VON HEMEL, MEMBER

DAN PILCHER, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, May 19, 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

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 *February 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. PRESENTATION ON MONITORING PROJECT OF COMPULSIVE GAMING ASSISTANCE PLANS BY RACETRACK GAMING OPERATOR LICENSEES.

Dr. Wiley D. Harwell will present his report on Responsible Gambling Assistance Plan for Remington Park and Will Rogers Downs for FY 2022-2023.

C. RECOMMENDATION FROM THE OKLAHOMA-BRED ADVISORY COUNCIL.

Background

The Oklahoma-Bred Advisory Council met on May 4th to discuss funding recommendations for the 2022-2023 Calendar and Fiscal Years. Recommendations are as follows:

1. The Oklahoma-Bred Council requests funding for CY 2023 Year-End Oklahoma-Bred Champion trophies of up to \$15,000.00, combined for all breeds.
2. The Oklahoma-Bred Council requests funding for CY 2023 (promotional advertising of the program in industry publications of up to \$50,000.00.)
3. The Advisory Council unanimously recommends Commission approval of funding for the annual promotional advertising of the program in industry publications with up to \$25,000.00 for the Quarter Horse, Paint and Appaloosa breeds and up to \$25,000.00 for the Thoroughbred breeds during CY 2023.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving, in whole or in part, the recommendation(s), amending the funding amount, denying the funding request, or continuing the matter.

D. PROPOSED FY-2023 PARI-MUTUEL AND GAMING AUDITING CONTRACTS BETWEEN THE OKLAHOMA HORSE RACING COMMISSION AND THE OFFICE OF STATE AUDITOR AND INSPECTOR (SA&I).

Background

The Horse Racing Commission received proposed auditing contracts between the Commission and the Office of State Auditor and Inspector for FY-2023 for July 1, 2022 through June 30, 2023. The pari-mutuel contract proposes a cost of \$162,500.00. The gaming contract proposes costs of \$58,797.84. The fees have remained the same from FY-2022.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the proposed contracts in whole or in part, authorizing the making of counter offers, or continuing the matter.

E. PROPOSED FY-2023 AGENCY BUDGET.

Secretary Sanders, as Chair of the Ad Hoc Committee on Budget, Finance, Technology and Facilities, will present the proposed FY-2023 agency budget.

Possible Action

Possible action may include, but is not limited to: taking no action, approving the budget proposal, amending the budget proposal, or continuing the matter.

F. DISCUSSION AND POSSIBLE ACTION REGARDING OKLAHOMA COUNTY DISTRICT COURT CASE CS-2017-8543, HOBBY HORSE FARMS, INC V. OKLAHOMA HORSE RACING COMMISSION AND SEQUOYAH COUNTY DISTRICT COURT CASE CV-2021-223, WHITEKILLER VS. OKLAHOMA HORSE RACING COMMISSION.

Possible Executive Session

Pursuant to 25 O.S. § 307(B)(4) and § 311(B)(1), an Executive Session may be proposed for the purpose of confidential communications between a public body and its attorney concerning the pending case if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim, or conduct the litigation in the public interest.

1. Motion and Vote to go into executive session for the purposes stated above.
2. Motion and vote to reconvene in executive session.

Possible Action

Possible action may include, but is not limited to, take no action, authorize action regarding the conduct of the litigation, or continue the matter.

G. PETITION FOR APPEALS FILED ON BEHALF OF AUSTIN GUSTAFSON (OWNER/TRAINER) ORDER NO. 21-RP-076, AND FELIPE MARTINEZ MORALES (OWNER/TRAINER) ORDER NO. 21-RP-077.

On October 22, 2021, the Commission received a Petition for Appeals for Order 21-RP-076 filed on behalf of Austin Gustafson and a Petition for Appeals for Order 21-RP-077 filed on behalf of Felipe Martinez Morales.

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 appellants, Austin Gustafson and Felipe Martinez-Morales and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellants, Austin Gustafson and Felipe Martinez-Morales or

their 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. Gustafson and Mr. Martinez-Morales Appeal of Stewards' Orders 21-RP-076 and 21-RP-077.

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).

H. APPOINTMENT OF NOMINATING COMMITTEE TO PRESENT A PROPOSED SLATE OF NOMINEES FOR COMMISSION OFFICERS FOR FY-2023.

The Chair will appoint a Nominating Committee of Commissioners to develop a slate of nominees for Commission Officers (Chair, Vice Chair and Secretary) to serve in FY-2023; July 1, 2022 through June 30, 2023. At the June 16, 2022 commission meeting, the Nominating Committee will present a proposed slate of nominees for the three positions for Commission consideration.

Possible Action

Possible action may include, but is not limited to: appointing the Nominating Committee, or continuing the matter.

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

J. ANNOUNCEMENTS.

05/25/2022 – Last Day of Thoroughbred Race Meet at Will Rogers Downs.

05/28/2022 – Last Day of Quarter Horse, Appaloosa and Paint Race Meets at Remington Park.

05/30/2022 – Holiday (Memorial Day).

06/02/2022 – Agenda Topic Submission Deadline for the June 16, 2022 regularly scheduled commission meeting.

06/03/2022 – First Day of Thoroughbred, Quarter Horse, Appaloosa and Paint Race Meeting at Fair Meadows.

06/16/2022—Regularly Scheduled Commission Meeting.

ADJOURNMENT.....Mr. Lucas, Chair