

OKLAHOMA HORSE RACING COMMISSION

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CLINT O. BROOKOVER, MEMBER

DONNIE VON HEMEL, MEMBER

DAN PILCHER, MEMBER

AGENDA

Regularly Scheduled Meeting

Thursday, November 18th, 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)

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 ORDERMr. Lucas, Chair

ROLL CALL Mr. Lucas, Chair

BUSINESS Mr. Lucas, Chair

A. MINUTES

The drafted Minutes of the **October 21st, 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. RECOMMENDATION FROM THE OKLAHOMA BRED ADVISORY COUNCIL.

Background

The Oklahoma-Bred Advisory Council met on November 3, 2021 and forwarded the following recommendations for the Commission’s approval:

1. The Oklahoma Quarter Horse Racing Association (OQHRA) requested Oklahoma-Bred funding for stakes races in CY-2022 at each racetrack based on projections and subject to fund availability.
 - \$967,600 for Stakes Races, Futurity and Derby Trials/Finals at Remington Park
 - \$49,000 for Stakes Races at Fair Meadows
 - \$60,800 for Stakes Races, Futurity and Derby Trials/Finals at Will Rogers Downs

2. The Thoroughbred Racing Association of Oklahoma (TRAO) requested Oklahoma-Bred funding for stakes races in CY-2022 at each racetrack based on projections and subject to fund availability.
 - \$605,600 for Stakes Races at Remington Park
 - \$20,000 for Stakes Races at Fair Meadows
 - \$60,000 for Stakes Races at Will Rogers Downs

Possible Action:

Possible actions may include, but is not limited to: taking no action, approving the proposed requested funding, altering the requested funding, or continuing the matter.

C. DISCUSSION AND POSSIBLE ACTION REGARDING ROGERS COUNTY CASE CJ-2018-183 GOSS V. KELLY CATHEY, ET AL.

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 purpose 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.

D. PETITION FOR APPEAL FILED ON BEHALF OF JUAN PULIDO (JOCKEY).

In Stewards Order 21-RP-057, dated September 8, 2021, Mr. Pulido was suspended from race riding for a period of Fourteen (14) days, beginning March 4, 2022 and continuing through March 17, 2022.

Appellant's Petition for Appeal was received on September 28, 2021. The Petition does not state on the date on which Appellant received the Stewards' Order, only states "Timely".

Pursuant to Rule: 325:70-1-23. Appeal from decision of the Steward

- (a) The Commission shall review hearings of any case referred to the Commission by the Stewards or appealed to the Commission from the decisions of the Stewards except as otherwise provided in this Chapter. Upon every appealable decision of the Stewards, the person subject to the

decision or order shall be made aware of his/her right to an appeal before the Commission and the necessary procedures thereof. Appeals shall be made no later than 5:00 p.m. on the third calendar day, excluding intermediate Saturdays and Sundays and legal holidays as defined by the Oklahoma Statutes or any other day when the Commission office does not remain open for public business until 5:00 p.m. from the date of the notice to the licensee of the rendering of the decision of the Stewards, excluding the date the decision was rendered, unless the Commission for good cause extends the time for filing not to exceed thirty (30) days from the rendering date, and shall be filed with the Office of the Commission as specified in 325:1-1-14. Notification may be made by delivery of the decision or order in person, by email, or regular mail to an address listed on the applicant's most recent license application, to the applicant's attorney of record in person, by email, or regular mail to an address listed on the attorney's Entry of Appearance, or by other means if requested in writing or on the record by the applicant or the applicant's attorney of record. When the applicant is notified by mail of the Stewards' decision, three (3) days shall be added to the time within which the application for temporary stay order shall be filed. Action on the hearing request shall commence by the Commission within thirty (30) days of the filing of the appeal. An appeal shall not affect a decision of the Stewards until the appeal has been sustained or dismissed or a stay order issued.

- (b) The Commission shall review hearings of any case referred to the Commission by the Stewards or appealed to the Commission from the decisions of the Stewards except as otherwise provided in this Chapter. Upon every appealable decision of the Stewards, the person subject to the decision or order shall be made aware of his/her right to an appeal before the Commission and the necessary procedures thereof. Appeals shall be made no later than 5:00 p.m. on the third calendar day, excluding intermediate Saturdays and Sundays and legal holidays as defined by the Oklahoma Statutes or any other day when the Commission office does not remain open for public business until 5:00 p.m. from the date the applicant or the applicant's attorney of record is notified of the rendering of the decision of the Stewards, excluding the date the decision was rendered, unless the Commission for good cause extends the time for filing not to exceed thirty 30 days from the rendering date, and shall be filed with the Office of the Commission as specified in 325:1-1-14. Notification may be made by delivery of the decision or order in person, by email, or regular mail to an address listed on the applicant's most recent license application, to the applicant's attorney of record in person, by email, or regular mail to an address listed on the attorney's Entry of Appearance, or by other means if requested in writing or on the record by the applicant or the applicant's attorney of record. When the applicant is notified by mail of the Stewards' decision, three (3) days shall be added to the time within which the application for temporary stay order shall be filed. Action on the hearing request shall commence by the Commission within thirty (30) days of the filing of the appeal. An appeal shall not affect a decision of the Stewards

- until the appeal has been sustained or dismissed or a stay order issued.
- (c) After the date for an appeal hearing has been set, a party to the hearing may request a hearing continuance if the request is received in writing by the Commission no later than three (3) days prior to the scheduled date of hearing and as otherwise specified in 325:1-1-14. The request for continuance may be granted or denied by the Executive Director after his/her consultation with three (3) Commissioners; however, a continuance shall only be considered by the Commission upon showing of serious circumstances; which in the opinion of the Commission would justify the granting of a continuance.
 - (d) The form in Appendix A of this Chapter shall be used when filing an appeal petition with the Commission. The petition shall be typed or printed on 8-1/2" x 11" paper with the original and three (3) copies being filed.

The Hearing is limited to the issues of whether Mr. Pulido Petition for Appeal was timely filed in accordance with OAC 325:70-1-23 or whether there is good cause to extend the time for filing.

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. Juan Pulido, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Mr. Juan Pulido, 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. Pulido Appeal of Stewards' Order 21-RP-057.

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).

E. Report

All 2022 signed Racing and Gaming Order’s and Horsemen Agreements have been received by OHRC.

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

G. ANNOUNCEMENTS:

****There is no December, 2021 Regularly Scheduled Meeting****

12/17/21 – Remington Park’s Thoroughbred Race Meeting is scheduled to conclude

12/23-24/21 – HOLIDAY [Christmas]

1/7//2022 – Agenda Topic Submission Deadline for January 21, 2020 Meeting

1/21/2022—Regularly Scheduled Commission Meeting

ADJOURNMENT.....Mr. Lucas, Chair