

# OKLAHOMA HORSE RACING COMMISSION

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KURT MURRAY, MEMBER

BRIAN BURGET, MEMBER

CLINT O. BROOKOVER, MEMBER

SUZANNE GILBERT, MEMBER

G.R. CARTER, MEMBER

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## AGENDA

Regularly Scheduled Meeting  
Thursday, January 18, 2024,  
9:30 a.m.

### Meeting Location:

One Remington Place - Eclipse Room  
Oklahoma City, Oklahoma 73111

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### Address of the:

OKLAHOMA HORSE RACING COMMISSION  
2800 N. LINCOLN BLVD., SUITE 101  
OKLAHOMA CITY, OKLAHOMA 73105  
(Located in Department of Agriculture, Food and Forestry Building)  
TELEPHONE: (405) 943-6472; 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. Sanders, Chair**

**ROLL CALL..... Mr. Sanders, Chair**

**BUSINESS..... Mr. Sanders, Chair**

**A. MINUTES**

- 1. The draft Minutes of the **November 16, 2023, 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. WILL ROGERS DOWNS REQUEST TO AMEND CY 2024 LIVE RACEDAYS FOR THE THOROUGHBRED RACE MEET**

Mr. John Lies, Racing Secretary, at Will Rogers Downs, requests Commission approval to modify the dates of the CY 2024 Will Rogers Downs Spring Thoroughbred Race Meet.

Per the amended exhibit B.1 and B.2, the request is to amend the application to reflect a starting date of Monday, March 4, 2024, and running 28 days concluding Wednesday, May 15, 2024.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, approving the request, approving the request as amended, deny the request, or continuing the matter.

**C. CONTINUED DELIBERATIONS FOR FELIPE MARTINEZ-MORALES (OWNER/TRAINER), REGARDING THE APPEAL OF STEWARDS ORDER 20-RP-038A, 20-RP-038B, AND 20-RP-038C.**

At the November 16, 2023 meeting, the Commission took preliminary action to affirm Stewards Orders 20-RP-038A, 20-RP-038B, and 20-RP-038C, including the fine(s), suspension, loss of purse, and disqualification of the Quarter Horse “FAST EDDIE M”. Furthermore, the Commission directed its legal advisor to draft a Final Order for consideration at the January 18, 2024 Commission meeting.

**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. Martinez-Morales Appeal of Stewards’ Order 20-RP-038A, 20-RP-038B, and 20-RP-038C.

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

**D. PETITION FOR APPEAL FILED ON BEHALF OF ETNIEL SANABRIA (OWNER/TRAINER), REGARDING THE APPEAL OF STEWARDS ORDER 22-RP-099B.**

At the November 16, 2023 meeting, the Commission took preliminary action to affirm Stewards Order 22-RP-099B including the fine(s), suspension, loss of purse, and disqualification of the Quarter Horse “JUST A KVN”. Furthermore, the Commission directed its legal advisor to draft a Final Order for consideration at the January 18, 2024 Commission meeting.

**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. Sanabria Appeal of Stewards’ Order 22-RP-099B.

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

**E. POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS TO CERTAIN CHAPTERS IN RULES OF RACING UNDER PERMANENT RULEMAKING**

At the November 16, 2023, Commission Meeting, the Commission approved the permanent rulemaking process to consider proposed amendments to open certain chapters in *Rules of Racing*: Changes are proposed in the following chapters:

**Rules of Racing:**

**Chapter 1-Commission Powers and Jurisdiction**

**Chapter 15- Occupation Licensing**

**Chapter 20- Racing Officials and Racing Personnel**

**Chapter 25- Entries and Declarations**

**Chapter 30- Claiming Races**

**Chapter 35- General Conduct**

**Chapter 40-Veterinarian Practices and Restrictions**

**Chapter 45-Prohibited Practices and Equine Testing**

**Chapter 60-Running The Race**

**Chapter 70- Objections and Protest; Hearings and Appeals**

**Chapter 75- Oklahoma- Bred Program**

**Current Consideration**

The Commission provided the Secretary of State, the Cabinet Secretary, and the Governor's office of General Counsel proposed rule amendments as authorized at the Commission's November meeting. The Notice of Permanent Rulemaking Intent was published in the Oklahoma Register, public comment was taken, and a hearing on each chapter was conducted.

**Possible action**

Possible action may include, but not limited to: taking no action, adopt the rules as proposed, modify proposed rules and adopt as modified, not adopting proposed rules or continue the matter.

**F. DIRECTIVE REGARDING A CHANGE TO THE STEWARDS TO DETERMINE INTERFERENCE AND PLACEMENT RULE AT 325:60-1-20 (2024-D-1)**

The Commission will consider whether to issue a Directive to modify the application of Rule 325: 60-1-20 as proposed in the permanent rule making. The proposed rule change is a follows:

1. For a Thoroughbred horse race, the Stewards shall determine if a Horse or its Jockey has caused an interference and finished in front of the Horse it interfered with, and, if not for the interference, the Horse would have finished behind the Horse it interfered with, the interfering Horse shall be placed immediately behind the Horse with which it interfered. If the interference is a result of Dangerous Riding, the Stewards shall place the interfering Horse in last place.

2. For a Quarter Horse, Appaloosa, and Paint horse race, the Stewards shall determine the extent of interference in cases of Fouls or riding infractions. They may disqualify the offending Horse and place it behind such other horses as in their judgment it interfered with, or they may place it last. The Stewards may determine that a Horse shall be unplaced.

**Possible Action:**

Possible action may include, but not limited to: taking no action, adopt the Directive as proposed, adopt the Directive as modified or continue the matter.

**G. DIRECTIVE REGARDING A CHANGE TO THE LISTED THRESHOLDS OF THOURGHBREDS RULE AT 325:45-1-6.1 (2024-D-2)**

The Commission will consider whether to issue a Directive to modify the application of Rule 325:45-1-6.1 as propose in the permanent rule making. The proposed rule change is as follows:

(b) Non-steroidal anti-inflammatories shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

(3) Flunixin: 5 ng/ml in Biological Samples consisting of Plasma or

Serum;

(f) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:

- (1) The presence of more than one permitted non-steroidal anti-inflammatories in a Biological Sample consisting of Plasma or Serum is prohibited; or
- (2) The presence of more than one corticosteroids in a Biological Sample consisting of Plasma or Serum is prohibited.

**Possible Action:**

Possible action may include, but not limited to: taking no action, adopt the Directive as proposed, adopt the Directive as modified or continue the matter.

**H. DIRECTIVE REGARDING A CHANGE TO THE LISTED THRESHOLDS OF QUARTER HORSES, PAINTS, AND APPALOOSAS RULE AT 325:45-1-6.2 (2024-D-3)**

The Commission will consider whether to issue a Directive to modify the application of Rule 325:45-1-6.2 as propose in the permanent rule making. The proposed rule change is as follows:

(b) Non-steroidal anti-inflammatories shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

- (3) Flunixin: 5 ng/ml in Biological Samples consisting of Plasma or Serum;

(f) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:

- (1) The presence of more than one permitted non-steroidal anti-inflammatories in a Biological Sample consisting of Plasma or Serum is prohibited; or
- (2) The presence of more than one corticosteroids in a Biological Sample consisting of Plasma or Serum is prohibited.

**Possible Action:**

Possible action may include, but not limited to: taking no action, adopt the Directive as proposed, adopt the Directive as modified or continue the matter.

**I. DIRECTIVE REGARDING A CHANGE TO THE PROHIBITED PRACTICES RULE AT 325:45-1-27 (2024-D-4)**

The Commission will consider whether to issue a Directive to modify the application of Rule 325:45-1-27 as propose in the permanent rule making. The proposed rule change is as follows:

The following Substances and/or therapies shall be prohibited:

(12) The Horse has been injected with a Substance to desensitize the nerve(s) above the foot.

**Possible Action:**

Possible action may include, but not limited to: taking no action, adopt the Directive as proposed, adopt the Directive as modified or continue the matter.

**J. DIRECTIVE REGARDING A CHANGE TO THE HORSES INELIGIBLE TO START IN A RACE RULE AT 325:25-1-10 (2024-D-5)**

The Commission will consider whether to issue a Directive to modify the application of Rule 325:25-1-10 as propose in the permanent rule making. The proposed rule change is as follows:

(a) In addition to any other valid ground or reason, a Horse is ineligible to start in any Race if:

(8) Such Horse is on the Stewards' List, Starter's List, or the Veterinarian's List, as such:

(A) Horses on these lists are not eligible to start in a Race if the following is determined after Entry:

(i) a Horse has not raced in twelve (12) months or longer since its pervious start shall be placed on the Steward's List or Official Veterinarian's List.

(ii) a Horse is four (4) years old or older and has never started shall be placed on the Steward's List or Official Veterinarian's List.

**Possible Action:**

Possible action may include, but not limited to: taking no action, adopt the Directive as proposed, adopt the Directive as modified or continue the matter.

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

**L. ANNOUNCEMENTS**

**02/01/2024-** Agenda Topic Submission Deadline for February 15, 2024 Meeting

**02/15/2024-** Regularly Scheduled Commission Meeting

**02/19/2024-** Presidents' Holiday

**ADJOURNMENT..... Mr. Sanders, Chair**