

OKLAHOMA HORSE RACING COMMISSION

WENDY KEENER, ESQ., CHAIR

JOE LUCAS, VICE CHAIR

KEITH SANDERS, SECRETARY

BENNETT ANDERSON, MEMBER

BECKY GOUMAZ, MEMBER

MONTY MARCUM, MEMBER

PHILLIP KIRK, MEMBER

DONNIE VON HEMEL, MEMBER

DOUGLAS WRIGHT, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, February 20, 2020, 9:30 a.m.

Meeting Location:
Agriculture Board Room
Department of Agriculture, Food and Forestry
2800 N. Lincoln Boulevard
Oklahoma City, OK 73105

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
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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 Ms. Keener, Chair

ROLL CALL Ms. Keener, Chair

BUSINESS Ms. Keener, Chair

A. MINUTES

The drafted Minutes of the January 16, 2020 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. REQUEST FROM WILL ROGERS DOWNS TO AMEND THE 2020 QUARTER HORSE, PAINT AND APPALOOSA RACE MEET DATES

Will Rogers Downs request that the Quarter Horse, Paint and Appaloosa Race Meeting from 2020 be changed from the original license submission of:

QUARTER HORSE, PAINT AND APPALOOSA RACE MEETING

[28 Race Days]

September 5, 6, 11, 12, 13, 18, 19, 20, 25, 26, 27

October 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25

November 6, 7, 8, 13, 14

The revised schedule they would like to request is:

QUARTER HORSE, PAINT AND APPALOOSA RACE MEETING

[28 Race Days]

September 12, 13, 18, 19, 20, 25, 26, 27

October 2, 3, 4, 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31

November 1, 6, 7, 8, 13, 14

Possible Action:

Possible action may include, but is not limited to: take no action; adopting the requested changes as proposed, or continue the matter.

C. POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS TO 8 CHAPTERS IN RULES OF RACING UNDER PERMANENT RULEMAKING

Background

At the August 22, 2019 meeting, the Commission approved the permanent rulemaking process to consider proposed amendments to the following chapters in *Rules of Racing*:

- Chapter 15, Licensing
- Chapter 25, Entries and Declarations
- Chapter 35, General Conduct
- Chapter 45, Prohibited Practices and Equine Testing
- Chapter 50, Human Substance Abuse Testing
- Chapter 60, Running the Race
- Chapter 70, Objections and Protests; Hearing and Appeals
- Chapter 75, Oklahoma-Bred Program

Mr. Kelly Cathey, Commission Executive Director, will present the public comments. Following the Public Hearing, proposed revisions were made to Rules 325:25-1-19 Deadline for arrival of entered horses and 325:50-1-2 Definitions.

The Ad Hoc Committee on Rules unanimously supports all proposed rule amendments.

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.

D. CONTINUED DELIBERATIONS FOR ALFREDO GOMEZ, OWNER/TRAINER, REGARDING THE APPEAL OF STEWARDS' ORDERS 19-WRD-036 and 19-WRD-037.

Background

At the January 16, 2020 meeting, the Commission took preliminary action to affirm Stewards Order 19-WRD-036 and 19-WRD-037, including the fines, suspension, and disqualifications of both horses. Furthermore the Commission directed its legal advisor to prepare a proposed Final Order with Findings of Facts and Conclusions of Law for continued deliberations at the February 20, 2020 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. Gomez's Appeal of Stewards' Order 19-WRD-036 and 19-WRD-037.

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. CONTINUED DELIBERATIONS FOR JOSE VILAFRANCO-VAZQUEZ, OWNER/TRAINER, REGARDING THE APPEAL OF STEWARDS' ORDER 19-RP-072.

At the January 16, 2020 meeting, the Commission took preliminary action to affirm Stewards Order 19-RP-072, including the fines, suspension, and disqualifications of both horses. Furthermore the Commission directed its legal advisor to prepare a proposed Final Order with Findings of Facts and Conclusions of Law for continued deliberations at the February 20, 2020 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. Villafranco-Vazquez' Appeal of Stewards' Order 19-RP-072.

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.

F. APPEAL HEARING FOR FRANCISCO J. BRAVO, OWNER/TRAINER, REGARDING STEWARDS' ORDER 19-WRD-069

Background

The matter was continued from the January 16, 2020 Commission Meeting.

In Stewards' Order 19-WRD-069, the Board of Stewards at Will Rogers Downs found Mr. Bravo to be in violation of Commission rules when his thoroughbred horse "EASE IT ON OVER" tested positive for an overage of Xylazine, following a race at Will Rogers Downs on April 3, 2019.

The Board of Stewards at Will Rogers Downs found that Francisco J. Bravo, having a second offense for a Category "B" substance in the past 365 days, shall be and is hereby fined one thousand five hundred dollars (\$1,500) and is suspended and/or made ineligible for licensure for a period of thirty (30) days, effective the first day of Live Racing of the 2020 Will Rogers Downs Spring Meet.

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. Bravo, and the Board of Stewards at Will Rogers Downs are entitled to be present and to present arguments.
2. The appellant, Mr. Bravo, 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. 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 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. Bravo Appeal of Stewards' Order 19-WRD-069.

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(s) and instruct the Commission Legal Advisor to draft Order(s) for consideration in further deliberations at the March 19, 2020 Commission meeting; or continue the matter(s).

G. APPEAL HEARING FOR MIGUEL PENA-RODRIGUEZ, OWNER/TRAINER, REGARDING STEWARDS' ORDER 19-RP-027B

Background

In Stewards' Order 19-RP-027B, the Board of Stewards at Remington Park found Mr. Pena-Rodriguez to be in violation of OAC 325:35-1-31 Fighting for the assault of David Eurique Bieblas at Remington Park on April 9, 2019.

It was the Order of the Board of Stewards at Remington Park that the Owner/Trainer license issued to Miguel Pena-Rodriguez shall be suspended for thirty (30) days beginning Friday, April 12, 2019 and continuing through May 11, 2019.

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. Miguel Pena-Rodriguez, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Mr. Miguel Pena-Rodriguez, 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. 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 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. Pena-Rodriguez' Appeal of Stewards' Order 19-RP-027B.

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 and instruct the Commission Legal Advisor to draft Order(s) for consideration in further deliberations at the March 19, 2020 Commission meeting; or continue the matter.

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

I. ANNOUNCEMENTS

2/29/2020 – OQHRA Awards Banquet- The Grand Casino, Shawnee

3/5/2020 -- Deadline for submitting agenda topic requests for March 19, 2020
Regularly Scheduled Commission Meeting

3/6/2020 – Opening Day at Remington Park Quarter Horses, Paints and Appaloosas Meet

3/16/2020 – Opening Day at Will Rogers Downs Thoroughbred Meet

3/19/2020 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

ADJOURNMENT.....Ms. Keener, Chair