

# 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

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## AGENDA

**Regularly Scheduled Meeting  
Thursday, October 15th, 2020, 9:30 a.m.**

**Meeting Location:  
One Remington Park Place – Eclipse Room/Suites Floor  
Oklahoma City, Oklahoma 73111**

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### **Address:**

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: [WWW.OHRC.ORG](http://WWW.OHRC.ORG)

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 August 27, 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. DISTRIBUTION OF REVENUE GENERATED FROM THE EXPORT OF INTERSTATE SIGNALS.**

**Background**

The Thoroughbred Racing Association of Oklahoma has filed a petition for a Declaratory Ruling from the Commission to clarify the correct calculation and proper distribution of the export signal sale revenue.

**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 the correct calculation of the export signal. An executive session may be proposed following oral argument for each Preliminary Motion and the Petition for Appeal.

- a. Motion and Vote to Go Into Executive Session for the Purpose Stated Above
- b. 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 a Declaratory Ruling for consideration in further deliberations at the November 19<sup>th</sup>, 2020 Commission meeting; or continue the matter(s).

**C. CONTINUED DELIBERATIONS FOR ERIC ROMAN CHAPA, REGARDING THE APPEAL OF STEWARDS' ORDER 20-RP-018.**

**Background**

At the August 27<sup>th</sup>, 2020 meeting, the Commission took preliminary action to affirm Stewards Order 20-WRD-018, which denied Mr. Chapa's jockey license application. 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 October 15<sup>th</sup>, 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. Chapa's appeal of Stewards' Order 20-RP-018.

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. CONTINUED DELIBERATIONS FOR RICK ROBINSON, TRAINER, REGARDING STEWARD'S ORDERS 19-WRD-059B, 19-WRD-073A, 20-WRD-025, 20-WRD-026, 20-WRD-027, 20-WRD-028, 20-WRD-029, 20 WRD-030, 20-WRD-031, 20-WRD-032, 20-WRD-033, 20-WRD-034, 20-WRD-035, and 20-WRD-043.**

**Background**

At the August 27<sup>th</sup>, 2020 meeting, the Commission took preliminary action to affirm the above Stewards Orders regarding the presence of albuterol, a prohibited substance, in the post-race samples of thirteen horses in fourteen different races. 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 October 15<sup>th</sup>, 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. Robinson's appeal of Stewards' Order 19-WRD-79A.

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 ROMUALDO LOPEZ-GARCIA REGARDING STEWARD'S ORDER 20-WRD-022.**

### **Background**

At the August 27<sup>th</sup>, 2020 meeting, the Commission took preliminary action to overturn Stewards Order 20-WRD-022, regarding the presence of clenbuterol, a prohibited substance, in the post-race sample of his horse DF LAWTON. 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 October 15<sup>th</sup>, 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. Lopez-Garcia's appeal of Stewards' Order 20-WRD-022.

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. PETITION FOR APPEAL OF JOSUE PONCE, OWNER/TRAINER ORDERS 20-RP-030, 20-RP-030A, and 20-RP-030B.**

**Background**

The Board of Stewards found Mr. Ponce to be in violation of OAC 325:45-1-4 Substance Violations; and OAC 325:45-1-11 Trainer Responsibility, for the presence of Clenbuterol, a prohibited substance, in the Quarter Horse “OH FANCY GO”, following the race held at Remington Park on April 25, 2020.

The Board of Stewards fined Mr. Ponce ten thousand dollars (\$10,000) and suspended his Owner/Trainer license for three hundred sixty five (365) days. The suspension runs from Thursday, May 7, 2020 through Thursday, May 6, 2021.

The Stewards further ordered that the Quarter Horse “Oh Fancy Go” be disqualified from First (1<sup>st</sup>) Place and shall remain unplaced in the Sixth (6<sup>th</sup>) Race at Remington Park on Saturday, April 25, 2020.

**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 consideration of each Preliminary Motion and the Petition for Appeal is set as follows:

1. The appellant, Mr. Ponce, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The Party filing the Preliminary Motion or Petition will present oral arguments first, with Respondent or Counsel proceeding next. Each party will be allowed fifteen (15) minutes in total of oral argument for each Preliminary Motion and the Petition for Appeal, including any rebuttal argument.
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. Ponce. An executive session may be proposed following oral argument for each Preliminary Motion and the Petition for Appeal.

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 November 19<sup>th</sup>, 2020 Commission meeting; or continue the matter(s).

## **G. CONTINUED DELIBERATIONS REGARDING RENEWAL APPLICATIONS FOR CY 2021 GAMING AND RACING LICENSES FOR REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS AT TULSA.**

### **Background**

At the August 27, 2020 meeting, representatives for Remington Park, Will Rogers Downs and Fair Meadows at Tulsa presented their respective renewal applications for CY 2021 racing and gaming licenses. Commissioners and Commission Staff asked questions. The Commission then took preliminary action to award CY 2021 racing and gaming licenses to Remington Park, Will Rogers Downs and Fair Meadows at Tulsa, allot CY 2021 live race dates and directed Commission Staff to draft License Orders for continued deliberations for the next Commission meeting.

### **Current Consideration**

- Remington Park Drafted Conditional Organization License Order 2020 OHRC 0019
- Remington Park Drafted Racetrack Gaming Order 2020 OHRC 0020
- Will Rogers Downs Drafted Conditional Organization License Order 2020 OHRC 0021
- Will Rogers Downs Drafted Racetrack Gaming Operator License Order 2020-OHRC 0022
- Fair Meadows of Tulsa Drafted Conditional Organization License Order 2020 OHRC 0023
- Fair Meadows of Tulsa Drafted Recipient Racetrack Gaming License Order 2020 OHRC 0024

The drafted racing and gaming license Orders have been distributed to the Commissioners.

### **Possible Executive Session for Deliberations in Individual Proceedings Regarding Racetrack Applications for Racing and the Companion Gaming Licenses**

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session may be proposed for continued deliberations in individual proceedings regarding CY 2021 organization license [racing] and the companion gaming applications from Remington Park, Will Rogers Downs and Fair Meadows at Tulsa.

1. Motion and Vote to Go Into Executive Session for the Purpose Stated Above
2. Vote to Reconvene in Open Session

### **Possible Action:**

Possible actions may include, but is not limited to: taking final action to approve the drafted CY 2021 racing and gaming license orders and allot CY 2021 live race dates; adopting amended orders or race dates; or continuing to a future Commission meeting or taking no action.

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

**I. ANNOUNCEMENTS**

**11/5/20** – Deadline for submitting agenda topic requests for November 19, 2020 Regularly Scheduled Commission Meeting

**11/14/20** – Will Rogers Downs’ Quarter Horse, Paint and Appaloosa race meeting is scheduled to conclude

**11/11/20** – HOLIDAY [Veterans’ Day]

**11/19/20** – Commission Regularly Scheduled Meeting, 9:30 a.m., Remington Park, One Remington Park Place – Eclipse Room/Suites Floor, Oklahoma City, OK 73111

**11/26-27/20** – HOLIDAY [Thanksgiving]

**ADJOURNMENT.....Mrs. Keener, Chair**