

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

REVISED AGENDA 5/20/2020 @ 9:05am

Regularly Scheduled Meeting
Thursday, May 21st, 2020, 9:30 a.m.

Meeting Location:
Simulcast Building at Fair Meadows
4609 E. 21st Street
Tulsa, OK 74114

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: WWW.OHRC.OK.GOV

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 April 1, 2020 Special 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. FAIR MEADOWS REQUEST TO AMEND CY 2020 LIVE RACE DAYS FOR THE MIXED RACE MEETING

April 6, 2020 e-mail, Ms. Amanda Blair, Chief Operating Officer at Expo Square, requests Commission approval to modify the dates of the 2020 Fair Meadows Tulsa State Fair Meet. The request is jointly agreed with by TRAO and OQHRA.

The requested changes are as follows:

- Opening Day would be Friday June 5, 2020 and End on Sunday July 26, 2020.
- 14 Thoroughbred Days, on Mondays and Tuesdays June 8 – July 21
- 20 Quarter Horse / Mixed Days, on Friday and Saturdays, plus two Sundays July 12 and July 26.

Changes in the allotted live race dates include deletions and additions:

June ~~4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18,~~ 19, 20, ~~21, 22, 23, 25,~~ 26, 27, 28, ~~29, 30~~

July ~~2, 3, 4, 5, 6, 7, 8, 9,~~ 10, 11, 12, ~~13, 14, 16,~~ 17, 18, ~~19, 20, 21, 22, 23,~~ 24, 25, ~~26~~

Possible Action:

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

C. REMINGTON PARK'S REQUEST TO AMEND CY 2020 LIVE RACE DAYS FOR THOROUGHBRED RACE MEETING

April 6, 2020 email, Mr. Matt Vance, Vice President of Operations at Remington Park, requests Commission approval to amend its CY 2020 allotted live race days for the Thoroughbred race meeting. TRAO jointly agrees with the request.

The requested changes are as follows:

- Eliminated August 26th, 27th, September 2nd, 7th, November 18th, 19th, and December 13th.
- Add November 16th, 17th, December 14th, 15th, 18th, 19th and 20th.

Changes in the allotted live race dates include deletions and additions:

August 21, 22, ~~26, 27~~, 28, 29

September ~~2~~, 3, 4, 5, ~~7~~, 10, 11, 12, 16, 17, 18, 19, 23, 24, 25, 26, 27,

October 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30, 31

November 4, 5, 6, 7, 11, 12, 13, 14, 16, 17, ~~18, 19~~, 20, 21, 23, 24, 27, 28

December 2, 3, 4, 5, 7, 8, 11, 12, ~~13~~, 14, 15, 18, 19, 20

Possible Action:

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

D. CONTINUED DELIBERATIONS FOR MIGUEL PENA-RODRIGUEZ, OWNER/TRAINER, REGARDING THE APPEAL OF STEWARDS' ORDER 19-RP-027B.

Background

At the February 20th, 2020 meeting, the Commission took preliminary action to overturn Stewards Order 19-RP-027B and directed the Commission Legal Advisor to draft a Final Order for consideration at the March 19th, 2020 Commission Meeting. The matter was rescheduled when the March 19th, 2020 Commission meeting was cancelled due to the Covid 19 restrictions.

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's Appeal of 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; adopting the Final Order as proposed, adopting the Final Order as modified, or continue the matter.

E. PETITION FOR APPEAL OF SAMUEL VALDIVIA, TRAINER

Background

In Stewards' Order 19-WRD-053B, dated February 3rd, 2020, Mr. Valdivia was found to be in violation of Commission rules when his Quarter Horse "FIRST PRIZE SHAWN", tested positive for Clenbuterol following a race at Will Rogers Downs on September 14th, 2019.

1. Preliminary Motions
 - A. Appellant's Motion to Recuse the Commission
 - B. Board of Stewards' Motion to Dismiss Appeal Filed Out of Time

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. Valdivia, and the Board of Stewards at Will Rogers Downs 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. Valdivia. 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 for the Preliminary Motions include, but are not limited to: grant the motion, deny the motion or continue the matter.

Possible Action on the Petition for Appeal includes, but is not limited to: take no action; take preliminary action to affirm or overrule the Board of Stewards' decision and direct the Commission Legal Advisor to draft an Order with Findings of Fact and Conclusions of Law for further deliberations at the May 21, 2020 Commission meeting, or continue the matter.

F. APPEAL HEARING FOR ROMAN CHAPA, REGARDING STEWARDS' ORDER 20-RP-018

Background

In Stewards' Order 20-RP-018, dated April 23, 2020, Mr. Chapa was denied a 2020 Oklahoma Horse Racing Commission License as a Jockey.

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 the Petition for Appeal is set as follows:

1. The appellant, Mr. Chapa, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
2. The appellant, Mr. Chapa, 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. Chapa. 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 Order(s) for consideration in further deliberations at the June 18, 2020 Commission meeting; or continue the matter(s).

G. RECOMMENDATION FROM THE OKLAHOMA-BRED ADVISORY COUNCIL

1. Renewal of Veterinary Medical Diagnostic Program [Necropsy Study]

The Oklahoma-Bred Advisory Council unanimously recommends to the Commission that the Necropsy Study funds be replenished by \$35,439.10 to return the budget to \$50,000 for FY 2021.

2. The Oklahoma- Bred Council Request Funding for CY 2020 Year- End Oklahoma Bred Champion Trophies Of Up To \$15,000 Combined For All Breeds

The Advisory Council unanimously recommends Commission approval of up to \$15,000 in funding for the CY 2020 year-end Oklahoma-Bred champion trophies by breeds to be presented at the CY 2021 award banquets with the cost to be allocated by breed.

3. The Oklahoma-Bred Council Request Funding for FY 2021 Promotional Advertising Of The Program In Industry Publications Of Up to \$50,000

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 for the Quarter Horse, Paint and Appaloosa breeds and up to \$25,000 for the Thoroughbred breed during FY 2021.

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.

H. APPOINTMENT OF NOMINATING COMMITTEE TO PRESENT A PROPOSED SLATE OF NOMINEES FOR COMMISSION OFFICERS FOR FY-2021

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-2021 (July 1, 2020 through June 30, 2021). At the June 18, 2020 Commission meeting, the Nominating Committee will present a proposed slate of nominees for the three positions for Commission consideration.

I. REQUEST APPROVAL OF JOINTLY AGREED LETTER WITH REMINGTON PARK AND OQHRA FOR THE REDUCTION OF DAYS

The commission received a letter from RP and OQHRA requesting that the commission approve the reduction of 60 races during the race meet due to the COVID 19. Remington Park will still meet the statutory requirement of 500 races.

Possible Action:

Possible action may include, but is not limited to: take no action. approving the joint request as proposed, or continue the matter.

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

K. ANNOUNCEMENTS

5/25/2020 – HOLIDAY [Memorial Day]

5/23/2020 – Will Rogers Downs Thoroughbred Meet is scheduled to end.

5/30/2020 – Remington Park’s Mixed Meet is scheduled to end.

6/4/2020 – Deadline for submitting agenda topic for the June 18, 2020 Commission Meeting.

6/18/2020- Commission Regularly Scheduled Meeting.

ADJOURNMENT.....Ms. Keener, Chair