

OKLAHOMA HORSE RACING COMMISSION

REGULARLY SCHEDULED MEETING

January 16th, 2020

MINUTES

CALL TO ORDER

Chairman Keener called the Regularly Scheduled Meeting of the Commission to order at 9:30 a.m. in the Board Room of the Department of Agriculture, Food and Forestry, Oklahoma City, Oklahoma.

ROLL CALL

Commission members answering roll call were Commissioner Kirk, Commissioner Marcum, Commissioner Von Hemel, Commissioner Anderson, Vice Chair Lucas, and Chairman Keener. Commissioner Goumaz, Commissioner Wright, and Secretary Sanders were not in attendance. The following Commission staff members were in attendance: Executive Director Mr. Kelly Cathey, Director of Law Enforcement Mr. Pete Markstone, General Counsel Sandra Balzer, Attorney James Rucker, Administrative Technician Sonja Braxton, and Administrative Assistant Nicole Mukes. Eight people signed the registry, which is part of the record. At this time, Chairman Keener acknowledged Kole Kennemer of the Oklahoma Quarter Horse Association as the newly appointed Executive Director.

A. MINUTES

Vice Chair Lucas made a motion to approve the drafted minutes of the November 21st, 2019 Commission meeting as presented. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Vice Chair Lucas, Commissioner Marcum, Commissioner Kirk, Commissioner Von Hemel, Commissioner Anderson, and Chairman Keener.

Nay: None

The motion passed unanimously.

B. CONTINUED DELIBERATIONS FOR OSCAR NUNEZ-HERRERA, OWNER/TRAINER, REGARDING THE APPEAL HEARING OF STEWARDS' ORDER 19-RP-037B

Vice Chair Lucas made the motion to go in Executive Session on the matter and to include Commission Legal Advisor, Sandra Balzer. Commissioner Anderson seconded the motion and the vote was as follows:

Aye: Vice Chair Lucas, Commissioner Anderson, Commissioner Kirk, Commissioner Marcum, Commissioner Von Hemel, and Chairman Keener.

Nay: None.

The motion passed unanimously.

Executive Session convened at **9:33 a.m.**

Commissioner Anderson made the motion to reconvene the regular session. Commissioner Marcum seconded the motion. The vote was as follows:

Aye: Commissioner Anderson, Commissioner Marcum, Commissioner Kirk, Commissioner Von Hemel, Vice Chair Lucas, and Chairman Keener.

Nay: None.

The motion passed unanimously.

The Commission went back into Open Session at **10:48 a.m.**

Vice Chair Lucas motioned to approve the proposed final order with the modifications discussed in Executive Session. Commissioner Marcum seconded the motion. The vote was as follows:

Aye: Vice Chair Lucas, Commissioner Marcum, Commissioner Kirk, Commissioner Von Hemel, Commissioner Anderson, and Chairman Keener.

Nay: None.

The motion passed unanimously.

C. MOTION FOR RECUSAL OR DISQUALIFICATION OF CURRENT COMMISSION MEMBERS IN THE APPEALS OF TRAINERS ALFREDO GOMEZ, JOSE VILAFRANCO-VAZQUEZ, AND FRANCISCO BRAVO.

The Commission heard oral arguments from Movant Attorney John Mac Hayes and Attorney James Rucker, the Prosecutor for the Board of Stewards. The Commissioners questioned Mr. Hayes and Mr. Rucker, and heard from Commission Legal Advisor Assistant Attorney General Sandra Balzer. Commissioner Kirk made a Motion to Deny the motion for the recusal or

disqualification of the Commission Members. The motion was seconded by Commissioner Marcum and the vote was as follows:

Aye: Commissioner Kirk, Commissioner Marcum, Commissioner Von Hemel, and Commissioner Anderson.

Nay: Chairman Keener and Vice Chair Lucas

The motion passed with a 4-2 vote.

D. APPEAL HEARING FOR ALFREDO GOMEZ, OWNER/TRAINER, REGARDING STEWARDS' ORDERS 19-WRD-036 AND 19-WRD-037

Appellant Gomez was not present. He was represented by Attorney John Mac Hayes. Mr. Hayes made an oral motion to continue the matter as well as the Villafranco matter to give him time to appeal the Commission's denial of his Motion to Recuse. Attorney James Rucker stated that the matters had been continued before.

Commissioner Kirk made a motion to grant a continuance on the matters of Gomez and Villafranco. The motion died for lack of a second.

After further discussion Commissioner Marcum made a motion to go into Executive Session for deliberation on the Motion to Continue Items **D & E**, and to include Ms. Balzer. The motion was seconded by Commissioner Kirk.

The vote was as follows:

Aye: Commissioner Marcum, Commissioner Kirk, Vice Chair Lucas, Commissioner Von Hemel, Commissioner Anderson, and Chairman Keener.

Nay: None

The motion passed unanimously.

The Commission convened Executive Session at **11:52 a.m.**

Commissioner Marcum made a motion to reconvene the regular meeting. Commissioner Anderson seconded the motion. The vote was as follows:

Aye: Commissioner Marcum, Commissioner Anderson, Commissioner Kirk, Commissioner Von Hemel, Vice Chair Lucas, and Chairman Keener.

Nay: None

The motion passed unanimously.
The Commission reconvened the regular session at **12:04 p.m.**

Vice Chair Lucas made a motion to deny the Motion to Continue the matter of Appeal of Alfredo Gomez. The motion was seconded by Commissioner Von Hemel. The vote was as follows:

Aye: Vice Chair Lucas, Commissioner Von Hemel, Commissioner Marcum, Commissioner Anderson, Commissioner Kirk, and Chairman Keener.
Nay: None
The motion passed unanimously.

The Commission heard oral argument from Mr. Hayes and Mr. Rucker, and questioned Mr. Hayes and Mr. Rucker.

Vice Chair Lucas made a motion to go into Executive Session. Commissioner Kirk seconded the motion. The vote was as follows:

Aye: Vice Chair Lucas, Commissioner Kirk, Commissioner Marcum, Commissioner Von Hemel, Commissioner Anderson, and Chairman Keener.
Nay: None

The motion passed unanimously.

The Commission convened Executive Session at **12:44 p.m.**

Commissioner Marcum made the motion to reconvene Open Session. The motion is seconded by Commissioner Anderson. The vote is as follows:

Aye: Commissioner Marcum, Commissioner Anderson, Commissioner Kirk, Commissioner Von Hemel, Vice Chair Lucas, and Chairman Keener.
Nay: None

The motion passed unanimously.
The Commission convened Regular Session at **1:39 p.m.**

Commissioner Kirk made the Motion to take Preliminary Action to Affirm the Steward's decision in the Alfredo Gomez Appeal and have legal counsel to draft orders for consideration at the **February 20th, 2020** meeting. Commissioner Anderson seconded the motion. The vote was as follows:

Aye: Commissioner Kirk, Commissioner Anderson, Commissioner Marcum, Commissioner Von Hemel, Vice Chair Lucas, and Chairman Keener.
Nay: None

The motion passed unanimously.

E. APPEAL HEARING FOR JOSE VILAFRANCO-VAZQUEZ, OWNER/TRAINER, REGARDING STEWARDS' ORDER 19-RP-072

Appellant Villafranco-Vazquez was not present. He was represented by Attorney John Mac Hayes. Both Mr. Hayes and Mr. Rucker asked the Commission to apply the oral argument from the Gomez to this matter, as there is no difference in the legal issues.

Commissioner Kirk made the Motion to take Preliminary Action to Affirm the Stewards Decision and instruct the Commission Legal Advisor to draft orders for consideration and further deliberation at the February 20th. 2020 Commission meeting. Commissioner Anderson seconded the motion and the vote was as follows:

Aye: Commissioner Kirk, Commissioner Anderson, Commissioner Marcum, Commissioner Von Hemel, Vice Chair Lucas, and Chairman Keener.

Nay: None

The motion passed unanimously.

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

Appellant Bravo was not present. He was represented by Attorney John Mac Hayes. Mr. Hayes requested a continuance, claiming that he could not proceed until he had the transcript of the Stewards' hearing. Commissioner Marcum made a motion to grant a continuance in the Francisco Bravo matter. The motion was seconded by Commissioner Kirk.

The vote was as follows:

Aye: Commissioner Marcum, Commissioner Kirk, Commissioner Von Hemel, Commissioner Anderson, Vice Chair Lucas, and Chairman Keener.

Nay: None

The motion passed unanimously.

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

There were none.

H. ANNOUNCEMENTS

1/20/2020 – Holiday

2/6/2020 - Deadline for submitting agenda topic requests for February 20th, 2020 Regularly Scheduled Commission Meeting

2/17/2020 - Holiday

2/20/2020 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

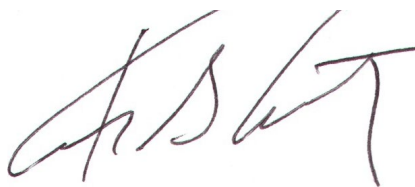
ADJOURNMENT

Chairman Keener declared the meeting adjourned at 1:52 p.m.



Wendy Keener, Chairman

On Behalf of the Commission:
ATTEST:



Kelly G. Cathey, Executive Director
KGC/nlm/ **2/20/2020**

In conformity with the Oklahoma Open Meeting Act, advance notice of this regular Commission meeting was originally transmitted to the Oklahoma Secretary of State on October 18th, 2019; and public notice of this meeting, together with the agenda, was posted in prominent public view in the lobby of the Department of Agriculture, Food and Forestry, Oklahoma City on January 15th, 2020. The announcement of the CY 2020 Commission meetings was posted on the OHRC website on October 18th, 2019. The agenda for this meeting was posted on the OHRC website, www.ohrc.org, on January 10th, 2020.