

OKLAHOMA HORSE RACING COMMISSION

REGULARLY SCHEDULED MEETING

October 17th, 2019

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 Sanders, Commissioner Von Hemel, Commissioner Wright, Vice Chair Lucas and Chairman Keener. Commissioner Goumaz was not in attendance. The following Commission staff members were in attendance: Executive Director Mr. Kelly Cathey, Director of Law Enforcement Mr. Pete Markstone, Operations Director Ms. Shonna Gore, and Administrative Assistant Nicole Mukes. Eighteen people signed the registry, which is part of the record.

A. MINUTES

Commissioner Sanders made a motion to approve the drafted minutes of the August 22nd, 2019 Commission meeting as presented. Commissioner Wright seconded the motion. The vote was recorded as follows:

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

Nay: None

Abstain: Commissioner Kirk

Absent: Commissioner Goumaz

The motion passed on a 7-0 vote.

B. CONTINUED DELIBERATIONS REGARDING RENEWAL APPLICATIONS FOR CY 2020 GAMING AND RACING LICENSES FOR REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS AT TULSA

Motion by Vice Chair Lucas to approve the drafted orders as presented for CY 2020 Racing and Gaming licenses for all three facilities. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Vice Chair Lucas, Commissioner Sanders, Commissioner Kirk, Commissioner Anderson, Commissioner Von Hemel, Commissioner Marcum, Commissioner Wright, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.

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

Chairman Keener gave a brief description of Mr. Pena-Rodriguez's appeal. Statements were made by all parties and the Chairman opened the floor for a motion. Vice Chairman Lucas made a motion to go into executive session and to include General Counsel, Ms. Sandra Balzer. Commissioner Wright seconded the motion. The vote is recorded as follows:

Aye: Vice Chair Lucas, Commissioner Wright, Commissioner Sanders, Commissioner Kirk, Commissioner Marcum, Commissioner Von Hemel, Commissioner Anderson, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.
The Commissioners went into Executive Session at 9:40 a.m.

Chairman Keener opened the floor for a motion to acknowledge that the Commission was out of Executive Session. Commissioner Marcus gave the motion and Vice Chair Lucas seconded the motion. The vote is recorded as follows:

Aye: Vice Chair Lucas, Commissioner Anderson, Commissioner Marcum, Commissioner Kirk, Commissioner Sanders, Commissioner Von Hemel, Commissioner Wright, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.
The Commission returned from Executive Session at approximately 9:55 a.m.

Chairman Keener stated that she would entertain a motion to allow Mr. Marquez to provide representation on the matter. Vice Chair Lucas made the motion to approve Mr. Marquez and directed Mr. Hayes to submit an order admitting Mr. Marquez to practice on this case one week from today. The motion was seconded by Commissioner Anderson. The vote is recorded as follows:

Aye: Vice Chair Lucas, Commissioner Anderson, Commissioner Kirk,
Commissioner Marcum, Commissioner Sanders, Commissioner Von
Hemel, Commissioner Wright, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.

Chairman Keener gave Mr. John Mac Hayes an opportunity to speak concerning the request for continuance. After the statement, Chairman Keener asked the Commission if there were any questions. There were none. Chairman Keener gave the floor to Staff Attorney James Rucker. Chairman Keener stated that the matter on the floor was only the continuance. The Chairman then opened the floor for a motion.

Commissioner Kirk motioned to go back into Executive Session. Commissioner Anderson seconded the motion. The vote is as recorded:

Aye: Commissioner Kirk, Commissioner Anderson, Vice Chair Lucas,
Commissioner Marcum, Commissioner Sanders, Commissioner Von
Hemel, Commissioner Wright, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.
The Commission went into Executive Session at 10:00 a.m.

Chairman Keener entertained a motion to reconvene open session. The motion was made by Commissioner Sanders and the second was given by Commissioner Von Hemel. The vote was recorded as follows:

Aye: Commissioner Sanders, Commissioner Von Hemel, Commissioner
Kirk, Commissioner Anderson, Vice Chair Lucas, Commissioner
Marcum, Commissioner Wright, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.
The Commission returned to open session at 10:18 a.m.

Chairman Keener entertained a motion for a possible continuance. Vice Chair Lucas motioned that the request for a continuance be granted until the regularly scheduled meeting in January. The motion was seconded by Commissioner Anderson. The vote was recorded as follows:

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

Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.

D. PETITION FOR APPEAL FILED ON BEHALF OF MARY MEZA

After a brief statement, Chairman Keener gave the Commissioners instructions on their action options. Ms. Balzer stated that the parties needed to be allowed to make their oral arguments at this time and that the comments needed to be limited to whether the matter was timely filed. All parties made presentations. Ms. Keener called for questions then called for a motion to go into Executive Session.

Commissioner Kirk gave the motion to go into Executive Session. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Commissioner Kirk, Commissioner Marcum, Vice Chair Lucas, Commissioner Von Hemel, Commissioner Anderson, Commissioner Sanders, Commissioner Wright, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.
The Commission went into Executive Session at 10:47 a.m.

The motion was made by Commissioner Wright to end Executive Session. The motion was seconded by Commissioner Marcum. The vote was recorded as follows:

Aye: Commissioner Wright, Commissioner Marcum, Commissioner Kirk, Vice Chair Lucas, Commissioner Von Hemel, Commissioner Anderson, Commissioner Sanders, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.
The Commission resumed Open Session at 11:20 am.

Chairman Keener stated she would entertain a motion to take preliminary action on the matter or to continue the matter. Vice Chair Lucas made the motion to take preliminary action to find Ms. Meza's Petition for Appeal was not timely filed and therefore the Commission lacks jurisdiction to hear the matter and direct legal advisors to prepare orders, findings of fact, and conclusions of law to be heard at the November meeting. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.

E. PROPOSED OPENING OF THE PERMANENT RULEMAKING PROCESS TO CONSIDER RULE AMENDMENTS FOR THE OHRC RULES OF RACING AS PROPOSED BY THE COMMISSION EXECUTIVE DIRECTOR

Chairman Keener asked Executive Director Kelly Cathey for any statements before the floor was opened for a motion. Mr. Cathey gave a brief statement on the matter. Chairman Keener opened the floor up for motions to open the permanent rulemaking process to consider rule amendments for Chapters 70 and 75. Vice Chair Lucas made a motion to open the rulemaking process. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Vice Chair Lucas, Commissioner Sanders, Commissioner Anderson, Commissioner Kirk, Commissioner Wright, Commissioner Marcum, Commissioner Von Hemel, and Chairman Keener.
Nay: None
Absent: Commissioner Goumaz
The motion passed on an 8-0 vote.

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

There was no such matter.

G. ANNOUNCEMENTS

Chairman Keener made the following announcements:

1. November 7th is the deadline for submitting agenda item requests for the November 21st Meeting.
2. November 6th is the Oklahoma Bred Advisory Council Meeting at 1:30 p.m. in the Commissioner's Conference Room in the Department of Agriculture.

3. November 9th is the conclusion of the Will Roger's Down Quarter Horse, Paint, and Appaloosa Race Meeting.
4. November 11th is Veteran's Day – A Holiday.
5. November 21st is the next Regularly Scheduled Meeting at 9:30 a.m. in this Board Room.
6. November 28th is Thanksgiving – A Holiday.
7. December 15th the Conclusion of Remington Park's Thoroughbred Race Meetings.
8. October 18th is start of the Oklahoma Classics is at Remington Park at 7:00 p.m.

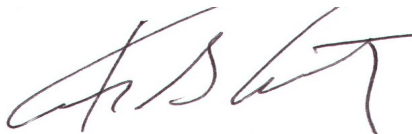
ADJOURNMENT

Chairman Keener called for motions to adjourn the meeting. Vice Chair Lucas made the motion to adjourn the meeting. Commissioner Kirk seconded the motion. Chairman Keener declared the meeting adjourned at 11:24 a.m.



Wendy Keener, Chairman

On Behalf of the Commission:
ATTEST:



Kelly G. Cathey, Executive Director
KGC/nlm/_____, 10/22/2019

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 August 17, 2017; 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 22, 2019. The announcement of the CY 2019 Commission meetings was posted on the OHRC website on August 22, 2019. The agenda for this meeting was posted on the OHRC website, www.ohrc.org, on January 18, 2019.