

# OKLAHOMA HORSE RACING COMMISSION

## REGULARLY SCHEDULED MEETING

November 21<sup>st</sup>, 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, Commissioner Goumaz, and Chairman Keener. The following Commission staff members were in attendance: Executive Director Mr. Kelly Cathey, Director of Law Enforcement Mr. Pete Markstone, Attorney James Rucker, Operations Director Ms. Shonna Gore, Budget Manager Shawn Richmond, Administrative Technician Sonja Braxton, and Administrative Assistant Nicole Mukes. Ten people signed the registry, which is part of the record.

#### **A. MINUTES**

Vice Chair Lucas made a motion to approve the drafted minutes of the October 17<sup>th</sup>, 2019 Commission meeting as presented. Commissioner Kirk seconded the motion. The vote was recorded as follows:

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

Nay: None

Abstain: Commissioner Goumaz

The motion passed on a 8-0 vote.

#### **B. RECOMMENDATION FROM THE OKLAHOMA BRED ADVISORY COUNCIL**

Commissioner Goumaz made the motion to accept the recommendation of the Oklahoma Bred Advisory Council. Secretary Sanders seconded the motion and the vote was as follows:

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

Nay: None

The motion passed unanimously.

**C. CONTINUED DELIBERATIONS ON TRAINER MARY MEZA'S PETITION FOR APPEAL OF THE BOARD OF STEWARDS ORDER 19-RP-057**

Chairman Keener called for a motion to convene in Executive Session for deliberations on the proposed Order. Vice Chair Lucas made a motion to go into Executive Session and to include the Commission's Legal Advisors Assistant Attorney General Sandra Balzer and Assistant Attorney General Marc Pate. Commissioner Goumaz seconded the motion. The vote was as follows:

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

Nay: None

The motion passed unanimously.

Executive Session was entered at **9:33 a.m.**

Commissioner Goumaz made a motion to reconvene regular session. Commissioner Anderson seconded the motion and the vote was as follows:

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

Nay: None

The motion passed unanimously.

The Commission was back in regular session at **9:41 a.m.**

Motion by Vice Chair Lucas to approve the order as proposed. The motion was seconded by Secretary Sanders and the vote was as follows:

Aye: Vice Chair Lucas, Secretary Sanders, Commissioner Goumaz, Commissioner Anderson, Commissioner Kirk, Commissioner Wright,

Commissioner Marcum, Commissioner Von Hemel, and Chairman Keener.

Nay: None

The motion passed unanimously.

At this time, Chair Keener stated that we would skip to **Item I** on the agenda, if there was no objections from the Commission. There were none.

**I. MOTION FOR RECUSAL OR DISQUALIFICATION OF CURRENT COMMISSION MEMBERS FROM THE GOMEZ AND VILAFRANCO-VAZQUEZ MATTERS**

Chairman Keener questioned Attorney John Mac Hayes about the absence of the affidavit required by statute to be filed with his motion for recusal. Mr. Hayes disagreed that the affidavit was required, claiming that as an officer of the Court, his unsworn signature was sufficient. Chairman Keener stated that the motion would not be heard because it lacks the notarized affidavit required by the statute. She introduced Agenda Item D.

The Commission Legal Advisor advised that before proceeding to Item D, the Commission needed to entertain a motion and vote on the recusal issue. Ms. Keener called for a motion on **Item I**. Commissioner Goumaz made a motion to disregard the Motion for Recusal or Disqualification of Current Commission Members because it was not presented or supplied with the proper affidavit as required by Oklahoma Statute. The motion was seconded by Vice Chair Lucas. The vote was as follows:

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

Nay: None

The motion passed unanimously.

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

**&**

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

Mr. Hayes, Attorney for Appellants Gomez and Villafranco-Vazquez, requested a continuance of Item D when his Motion for Recusal was not going to be heard, arguing that it was improper to hear Item D without first hearing his arguments on the Motion for Recusal. Mr. Rucker objected to the motion for continuance, calling for the matter to be heard. After some discussion between Commissioner Kirk and the Commission's Legal Advisor regarding procedural issues with Items I, D, and E, Chairman Keener called for motions concerning Executive Session. Mr. Marcum made a motion to go into Executive Session for Item D. After some discussion on the scope of the Executive Session, he withdrew his motion. Commissioner Goumaz motioned to go into Executive Session on Items **D & I** with the Commission's Legal Advisor present. Commissioner Wright seconded the motion. The vote was as follows:

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

Nay: None

The motion passed unanimously.

The Commission went into Executive Session at approximately **9:58 a.m.**

Commissioner Goumaz made a motion to reconvene open session.

The motion was seconded by Vice Chair Lucas. The vote was as follows:

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

Nay: None

The motion passed unanimously.

The Commission went back into open session at **10:10 a.m.**

Chairman Keener asked Mr. Hayes to clarify if he wanted both matters, agenda items **D & E**, to be continued. Mr. Hayes responded that he wanted a continuance for both. Secretary Sanders made a motion to grant the request for continuance on Agenda Items D & E as requested by Mr. Hayes. The motion was seconded by Commissioner Kirk. The vote was as follows:

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

Nay: None

The motion passed unanimously.

**F. APPEAL HEARING FOR OSCAR NUNEZ-HERRERA,  
OWNER/TRAINER, REGARDIING STEWARDS' ORDER 19-  
RP-037B.**

Appellant Oscar Nunez-Herrera was present and represented by Attorney Daniel Marquez. Mr. Marquez made oral argument and answered questions from the Commission and the Commission's Legal Advisor. James Rucker made oral arguments on behalf of the Board of Stewards. After questioning by the Commissioners, Chairman Keener asked if there was a motion.

Vice Chair Lucas made a motion to go into Executive Session on the matter with the Commission's Legal Advisor. The motion was seconded by Commissioner Kirk. The vote was as follows:

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

Nay: None  
The motion passed unanimously.

The Commission went into Executive Session at **10:51 a.m.**

Motion by Vice Chair Lucas to go back into open session. The motion was seconded by Commissioner Marcum and the vote was as follows:

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

Nay: None  
The motion passed unanimously.

The Commission was back in open session at **11:21 a.m.**

Commissioner Goumaz made the motion to affirm the Steward's orders including the fines, suspension, and disqualifications of both horses and instruct the Commission Legal Advisor to draft orders for further deliberations at the January 2020 Commission Meeting. The motion was seconded Vice Chair Lucas.

Aye: Commissioner Goumaz, Vice Chair Lucas, Commissioner Kirk, Commissioner Marcum, Secretary Sanders, Commissioner Von

Hemel, Commissioner Anderson, Commissioner Wright, and Chairman Keener.

Nay: None

The motion passed unanimously.

**G. REQUEST BY REMINGTON PARK AND THE OKLAHOMA QUARTER HORSE RACING ASSOCIATION TO ADD 60 ADDITIONAL RACES TO THE CY 2020 QUARTER HORSE, PAINT AND APPALOOSA RACE MEETING**

Chairman Keener asked if there were any questions about the agenda item. Vice Chair Lucas motioned to approve the request for 60 additional races. The motion was seconded by Commissioner Von Hemel.

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

Nay: None

The motion passed unanimously.

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

There were none.

**J. ANNOUNCEMENTS**

**12/15/19** – Remington Park's Thoroughbred race meeting is scheduled to conclude

**12/24-25/19** – HOLIDAY [Christmas]  
There is no December, 2019 Meeting

**1/1/20**- HOLIDAY

**1/2/20** – Deadline for submitting agenda topic requests for January 16, 2020  
Regularly Scheduled Commission Meeting

**1/16/20** – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

## **ADJOURNMENT**

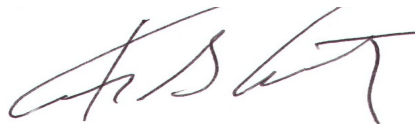
Chairman Keener called for motions to adjourn the meeting. Vice Chair Lucas made the motion to adjourn the meeting. Commissioner Goumaz seconded the motion. Chairman Keener declared the meeting adjourned at 11:24 a.m.



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Wendy Keener, Chairman

On Behalf of the Commission:  
ATTEST:



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Kelly G. Cathey, Executive Director  
KGC/nlm/\_\_\_\_\_, 11/25/2019

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 December 3<sup>rd</sup>, 2018; 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 November 20<sup>th</sup>, 2019. The announcement of the CY 2019 Commission meetings was posted on the OHRC website on December 3<sup>rd</sup>, 2018. The agenda for this meeting was posted on the OHRC website, [www.ohrc.org](http://www.ohrc.org), on November 19<sup>th</sup>, 2019.