

OKLAHOMA HORSE RACING COMMISSION
REGULARLY SCHEDULED MEETING
THURSDAY, NOVEMBER 17, 2022, AT 9:30 A.M.

MINUTES

Call to Order

Chairman Lucas called the meeting to order at 9:31 a.m.

Roll Call

Commissioners answering roll call were Commissioner Murray, Commissioner Brookover, Commissioner Von Hemel, Commissioner Burget, Commissioner Pilcher, Secretary Sanders and Vice Chairman Keener, Chairman Lucas

Absent from the meeting was Commissioner Anderson.

A. MINUTES

The Minutes from the **October 20, 2022**, meeting were considered for approval. Vice Chairman Keener made a motion to approve the minutes from the October 20, 2022, meeting. The motion was seconded by Commissioner Pilcher. The vote was as follows:

Motion passed 8-0-0

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

B. RECOMMENDATION FROM THE OKLAHOMA BRED ADVISORY COUNCIL.

Executive Director Kelly Cathey spoke about the Oklahoma - Bred Advisory Council meeting from November 3rd, 2022, and forwarded the following recommendations:

1. The Oklahoma Quarter Horse Racing Association (OQHRA) requested Oklahoma Bred funding for stakes races in CY-2023 at each racetrack based on projections and subject to fund availability.
 - \$967,600 for Stakes Races, Futurity and Derby Trials/Finals at Remington Park
 - \$49,000 for Stakes Races at Fair Meadows
 - \$60,800 for Stakes Races, Futurity and Derby Trials/Finals at Will Rogers Downs
2. The Thoroughbred Racing Association of Oklahoma (TRAO) requested

Oklahoma-Bred funding for stakes races in CY-2023 at each racetrack based on projections and subject to fund availability.

- \$605,600 for Stakes Races at Remington Park
- \$20,000 for Stakes Races at Fair Meadows
- \$60,000 for Stakes Races at Will Rogers Downs

Commissioner Von Hemel made a motion to approve recommendations from the Oklahoma- Bred Advisory Council. The motion was seconded by Vice Chairman Keener.

The vote was as follows:

Motion passed 8-0-0

C. DISCUSSION AND POSSIBLE ACTION ON EXECUTING VOLUNTARY AGREEMENT WITH HORSERACING INTEGRITY ANDSAFETY AUTHORITY (HISA)

Chairman Lucas discussed the three-party agreement (HISA, HIWU and commissions) that all horse racing commissions have been asked to enter. Horseracing Integrity and Safety Authority, HISA is a private entity. There was discussion about the current law suit that Oklahoma and many other states are in pertaining to the constitutionality of the agreement, and whether the commission had the authority to even enter the agreement were addressed. Chairman Lucas informed the other commissioners that he had Executive Director Kelly Cathey send a letter to HISA requesting an extension of the deadline date of November 16th, 2022, and an explanation of their assessment methodology for their credit back process. OHRC received no response to this communication prior to the meeting.

Secretary Sanders made a motion that the commission take no action, pending receipt of the information requested. The motion was seconded by Commissioner Brookover. The vote was as follows:

Motion passed 8-0-0

D. AFFIDAVIT RECEIVED BY DAVID CABRERA'S COUNSEL JOHN MAC HAYES ON THE OHRC RECUSING THEMSELVES FROM PRESIDING OVER THE ADMINISTRATIVE APPEAL HEARING, ORDER 22-RP-105

Deputy Attorney General Niki Batt addressed the commission concerning the recusal of the commission. It was voted and decided that no commissioner would disqualify or recuse themselves form the matter.

The matter was decided that no commissioner would recuse or disqualify themselves. Each commissioner voted in turn. The vote was as follows:

Motion passed 8-0-0

E. PETITION FOR APPEAL FILED ON BEHALF OF (JOCKEY) DAVID CABRERA, ORDER 22-RP-105

The case was presented by both party's attorneys. Mr. Rucker for the commission and Mr. Mac Hayes for David Cabrera.

Motion was made for a short recess to allow counselors and commission to look up information pertinent to the case.

Motion for recess made by Vice Chairman Keener. The Motion seconded by Commissioner Von Hemel.

Vote as follows:8-0-0

Recess was had 10:29 to 10:39

After a brief recess Chairman Lucas called the meeting back to order. The commission watched video footage of the event in question. Both counselors spoke on behalf of their clients. Mr. Mac Hayes asked the commission for a continuance on the case until the next commission meeting.

Motion was made to go into executive session with legal counsel. Motion made was made by Vice Chairman Keener. The motion was seconded by Commissioner Von Hemel.

The vote was as follows: 8-0-0

Executive Session had 11:01 am to 11:28 am.

Motion to come out of executive session made by Commissioner Von Hemel. The motion was seconded by Commissioner Murray.

The vote was as follows 8-0-0

After reconvening regular session, a motion was made by Vice Chair Keener to affirm the Steward's Order 22-RP-105. The motion was seconded by Commissioner Burget.

The vote was as follows: 8-0-0.

F. PETITION FOR APPEAL FILED ON BEHALF OF KELLY MARLENE HELTZEL (OWNER/TRAINER), ORDER 21-RP-038B

On January 24, 2022, the commission received a petition for Appeal for Order 21-RP-038B filed on behalf of Kelly Marlene Heltzel. On June 16, 2022, the matter was continued and set for hearing November 17, 2022.

Vice Chairman Keener recused herself from the matter before any item was heard on the matter. Mr. Daniel Marquez spoke on behalf of his client and Mr. James Rucker spoke on behalf of his clients. Commissioner Burget motioned to go into Executive Session with legal counsel. The motion was seconded by Secretary Sanders.

The vote was as follows: 7-0-0

The commissioners entered executive Session at 11:37 am.

Motion to reconvene regular session from Executive session, motion was made by Commissioner Von Hemel, The motion was seconded by Secretary Sanders at 11:54am.

Vote was as follows:7-0-0

After reconvening a motion was made to affirm the stewards Order 21-RP-038C. Motion made by Commissioner Burget. The motion was seconded by Commissioner Von Hemel.

Vote was as follows: 7-0-0

G. REPORT

All 2023 Racing and Gaming Order's and Horsemen Agreements have been received by the OHRC, making them all effective January 1,2023.

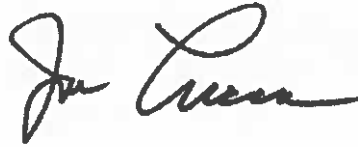
H. NEW BUSINESS

Mr. Kelly Cathey, Executive Director brought up the possibility of moving the commission meeting to other tracks to give a break to those who had to drive more than others. The Commission was open to the opportunity.

ADJOURNMENT..... CHAIRMAN LUCAS

Chairman Lucas adjourned the meeting at 11:58 a.m.

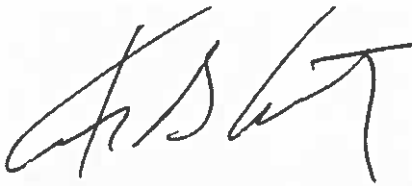
Approved this 19th day of January ,2023



Chairman Joe Lucas

On the behalf of the Commission :

ATTEST :



Kelly G. Cathey, Executive Director

KGC/nsc/11/17/2022

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 20th, 2022; and public notice of this meeting, together with the agenda was posted in prominent view in the lobby of the Department of Agriculture, Food and Forestry, Oklahoma City on November 10th, 2022. The announcement of the CY 2022 Commission meetings was posted on the OHRC website on September 7, 2021. The agenda for this meeting was posted on the OHRC Website, www.ohrc.org, on November 10th, 2022.