

OKLAHOMA HORSE RACING COMMISSION
REGULARLY SCHEDULED MEETING
November 19th, 2020

MINUTES

CALL TO ORDER

Secretary Sanders welcomed everyone and called to order the Regularly Scheduled Meeting to order at 9:30 a.m. at Remington Park in the Eclipse Room.

Secretary Sanders stated there were some announcements to be made before starting the meeting. Executive Director, Kelly Cathey called Law Enforcement Director, Pete Markstone and Agent Gary Rohr to the podium. Mr. Markstone announced Agent Rohr's retirement and acknowledged him for his many years of service to the Oklahoma Horse Racing Commission and other law enforcement agencies in the State of Oklahoma. Mr. Markstone stated that Agent Rohr would be missed and wished him well on his new journey. Agent Rohr was presented with likeness of a horse in appreciation for his service. After the presentation concluded, Secretary Sanders proceeded with the meeting.

ROLL CALL

The roll call was as follows:

Commissioner Kirk, Commissioner Marcum, Secretary Sanders, Commissioner Von Hemel, and Commissioner Anderson were present during Roll Call.

Chairman Keener, Vice Chair Lucas, Commissioner Goumaz, and Commissioner Wright were absent from the meeting.

Vice Chair Lucas entered the meeting at 10:53 a.m.

A. MINUTES

Commissioner Marcum motioned to accept the minutes as presented. Commissioner Von Hemel seconded the motion. The vote was as follows:

Aye: Commissioner Marcum, Commissioner Von Hemel, Commissioner Kirk, and Secretary Sanders.

Nay: None

Abstain: Commissioner Anderson

Motion passed 4-0.

B. DISTRIBUTION OF REVENUE GENERATED FROM THE EXPORT OF INTERSTATE SIGNALS.

Secretary Sanders announced that Item E would be heard immediately following Item B. Next, Executive Director, Kelly Cathey, asked that all participants speak into the microphone as one of the attorney's, Geoffrey Long, was attending the meeting by telephone.

Secretary Sanders reviewed the background on the matter and announced the opening of the public hearing at approximately 9:34 a.m.

Chris Kannady, Counsel for Thoroughbred Racing Association of Oklahoma, gave comments first. Heath Hardcastle, Attorney for Will Rogers Downs, gave comments next. Attorney Jared Easterling gave comments on behalf of Remington Park last. Secretary Sanders allowed rebuttals and clarifying questions for all parties. The public hearing concluded at approximately 10:06 a.m.

Commissioner Kirk made the motion to go into Executive Session on Item B with Legal Counsel, Geoffrey Long, and Executive Director, Kelly Cathey, present. Commissioner Marcum seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 5 – 0.

The Commission went into Executive Session at 10:07 a.m.

Commissioner Anderson made a motion to go back into open session. Commissioner Von Hemel seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 5 – 0.

The Commission returned to open session at 10:45 a.m.

Commissioner Marcum motioned to direct the Executive Director and Legal Counsel to draft Resolution for the Commission to request the Opinion from the Attorney

General, which will be considered at a future meeting of the OHRC. Commissioner Anderson seconded the motion.

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

Nay: None

Motion passed 5 – 0.

E. PUBLIC HEARING ON CY 2021 HORSEMEN’S AGREEMENTS WITH WILL ROGERS DOWNS AND FAIR MEADOWS OF TULSA.

Before engaging item E, Executive Director, Kelly Cathey, announced that he had received Horsemen’s Agreements from OQHRA, Will Rogers Downs, and Fair Meadow. Joint Application for Reduction of Race Count which follows with Statute 3A Section 264 Race Meeting Numbers Required. Will Rogers Downs 270 Quarter Horse races and 60 Paint and Appaloosa races. They ran 55 races. Mr. Cathey confirmed that a Joint Agreement had been received and shared with the Commission what the language in the stated.

Secretary Sanders reviewed the background on the item and then opened the public hearing at approximately 10:48 a.m. but announced he would not put a time limit on comments as he believed the comments would not be too long.

Heath Hardcastle gave comments as legal counsel for Will Rogers Downs and Fair Meadows. Chris Kannady gave comments on behalf of Thoroughbred Racing Association of Oklahoma (TRAO). After the comments, Secretary Sanders stated that historically if there is an impasse the commission usually extends the current agreements until new agreements are reached. Secretary Sanders further stated that if there was a motion to that, the Commission could move on it.

Commissioner Von Hemel made a motion for the current agreements to extend until new agreements can be reached with TRAO and Will Rogers Downs and Fair Meadow. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 5 – 0.

C. PETITION FOR APPEAL OF JOSUE PONCE, OWNER/TRAINER ORDERS 20-RP-030, 20-RP-030A, and 20-RP-030B.

Vice Chair Lucas entered and began presiding over the meeting. It was announced that a continuance had been granted by the Commission at the October meeting regarding this item. Vice Chair Lucas opened the hearing and informed the participants of the rules.

Mr. Hayes began his statement at approximately 10:56 a.m. Mr. Rucker's statement began at 11:14 a.m. Mr. Hayes was allowed a rebuttal. The hearing closed at approximately 11:24 a.m.

Secretary Sanders motioned to go into Executive Session with Legal Counsel. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None.

Motion passed: 6 – 0.

The Commissioners went into Executive Session at 11:25 a.m.

Commissioner Anderson made a motion to come out of Executive Session. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None

Motion passed: 6 – 0.

The Commission returned to open session at 11:43 a.m.

Vice Chair Lucas announced the actions available to the Commission and stated he would entertain a motion. Secretary Sanders made a motion to uphold the steward's orders and asked that legal counsel prepare a final order for consideration at the next

meeting. The motion was seconded by Commissioner Anderson. The vote was as follows:

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

Nay: None.

Motion passed: 6 – 0.

D. RECOMMENDATION FROM THE OKLAHOMA BRED ADVISORY COUNCIL.

Vice Chair Lucas announced Item D and asked for comments. There were none and the floor was opened for motions.

Commissioner Von Hemel made the motion to approve the proposed requested funding as listed. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None.

Motion passed: 6 – 0.

Item E was heard immediately after Item B.

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

There were none.

G. ANNOUNCEMENTS

12/20/20 – Remington Park’s Thoroughbred race meeting is scheduled to conclude

12/24 - 12/25/20 – HOLIDAY [Christmas]

1/1/21 – HOLIDAY [New Year’s]

1/7/21 – Deadline for submitting agenda topic requests for January 21, 2021
Regularly Scheduled Commission Meeting

1/21/21 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room,
Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard,
Oklahoma City, OK

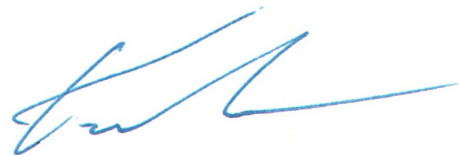
ADJOURNMENT

Vice Chair Lucas declared the meeting adjourned at 11:48 a.m.

APPROVED THIS **21st** DAY OF **January**, 2021.

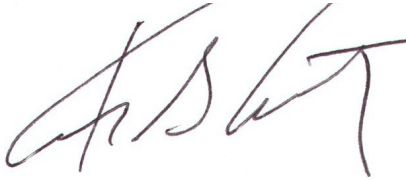


Joe Lucas, Vice Chair



Keith Sanders, Secretary

On Behalf of the Commission:
ATTEST:



Kelly G. Cathey, Executive Director
KGC/nlm/ 1-21-2021

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 view in the lobby of the Department of Agriculture, Food and Forestry, Oklahoma City on **November 13th, 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 **November 11th, 2020**.