

# **OKLAHOMA HORSE RACING COMMISSION**

## **REGULARLY SCHEDULED MEETING**

**February 20<sup>th</sup>, 2020**

### **MINUTES**

#### **CALL TO ORDER**

Chairman Keener called the Regularly Scheduled Meeting of the Commission to order at 9:36 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 Marcum, Secretary Sanders, Commissioner Von Hemel, Commissioner Anderson, Commissioner Wright, Vice Chair Lucas, and Chairman Keener. Commissioner Goumaz and Commissioner Kirk were not in attendance.

The following Commission staff members were in attendance: Executive Director Mr. Kelly Cathey, Director of Law Enforcement Mr. Pete Markstone, Commission Legal Advisor Sandra Balzer, Stewards Attorney James Rucker, Administrative Technician Sonja Braxton, and Administrative Assistant Nicole Mukes. Eleven people signed the registry, which is part of the record.

#### **A. MINUTES**

Commissioner Lucas made a motion to accept the minutes with changes as discussed. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None

Abstain: Secretary Sanders and Commissioner Wright

The motion passed 5-0.

#### **B. REQUEST FROM WILL ROGERS DOWNS TO AMEND THE 2020 QUARTER HORSE, PAINT AND APPALOOSA RACE MEET DATES**

Vice Chair Lucas motioned to approve the requested changes submitted by Will Rogers Downs. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 7-0.

**C. POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS TO 8 CHAPTERS IN RULES OF RACING UNDER PERMANENT RULEMAKING**

Commissioner Anderson made a motion to approve. Commissioner Wright seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 7-0.

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

Chairman Keener recommended the Commission address agenda items D & E jointly. Vice Chair Lucas motioned to go into Executive Session on Items D & E and include Commission Legal Advisor Sandra Balzer. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 7-0.

The Commission went into Executive Session at **9:44 a.m.**

Secretary Sanders motioned to reconvene from Executive Session to the Regularly Scheduled Meeting. Commissioner Marcum seconded the motion. The vote was as follows:

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

Motion passed 7-0.

The Commission reconvened Open Session at **10:16 a.m.**

Chairman Keener advised she would hear a motion on Item D. Vice Chair Lucas motioned to adopt the Final Order as proposed. Commissioner Anderson seconded the motion. The vote was as follows:

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

Motion passed 7-0.

**E. CONTINUED DELIBERATIONS FOR JOSE VILAFRANCO-VAZQUEZ, OWNER/TRAINER, REGARDING THE APPEAL OF STEWARDS' ORDER 19-RP-072**

Chairman Keener advised the Commission of the motion options under Item E. Vice Chair Lucas motioned to adopt the Final Order as proposed. Commissioner Anderson seconded the motion. The vote was as follows:

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

Motion passed 7-0.

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

Chairman Keener shared the rules of engagement for the Appeal Hearing. Attorney John Mac Hayes appeared for the Appellant and began his statement at **10:19 a.m.** Mr. Rucker, Stewards' Counsel, gave a statement at approximately **10:31 a.m.**

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

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

Nay: None

Motion passed 7-0.

The Commission entered Executive Session at **10:36 a.m.**

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

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

Nay: None

Motion passed 7-0.

The Commission returned to Open Session at **11:15 a.m.**

Commissioner Anderson made a motion to take preliminary action, uphold the Steward's ruling and have the legal advisor draft an order. Secretary Sanders seconded the motion.

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

Nay: None

Motion passed 7-0.

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

Chairman Keener shared the rules of engagement for the Appeal Hearing. Mr. Pena was present. Attorney Daniel Marquez appeared for the Appellant and began his statement at **11:17 a.m.** Mr. Rucker, Steward's Counsel, gave a statement at approximately **11:35 a.m.**

Vice Chair Lucas made a motion to go into Executive Session with the Commission Legal Advisor. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None  
Motion passed 7-0.

The Commission went into Executive Session at **11: 41 a.m.**

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

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

Nay: None  
Motion passed 7-0.

The Commission returned to Open Session at **11:57 a.m.**

Vice Chair Lucas made a motion to take preliminary action to overturn the Stewards' Order on the matter and instruct Commission Legal Advisor to draft orders for consideration and further deliberation at the March Commission Meeting. Commissioner Anderson seconded the motion. The vote was of follows:

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

Nay: None  
Motion passed 7-0.

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

There were none.

**I. ANNOUNCEMENTS**

**2/29/2020** – OQHRA Awards Banquet- The Grand Casino, Shawnee

**3/5/2020** -- Deadline for submitting agenda topic requests for March 19, 2020  
Regularly Scheduled Commission Meeting

**3/6/2020** – Opening Day at Remington Park Quarter Horses, Paints and  
Appaloosas Meet

**3/16/2020** – Opening Day at Will Rogers Downs Thoroughbred Meet

**3/19/2020** – 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 **11:59 a.m.**

Approved this 1st day of April, 2020.



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Wendy Keener, Chairman

On behalf of the Commission:

ATTEST:



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Kelly G. Cathey, Executive Director  
KGC/nlm/ 04/02/20

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 18<sup>th</sup>, 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 **February 19<sup>th</sup>, 2020**. The announcement of the CY 2020

Commission meetings was posted on the OHRC website on **October 18<sup>th</sup>, 2019**. The agenda for this meeting was posted on the OHRC website, [www.ohrc.org](http://www.ohrc.org), on **February 14<sup>th</sup>, 2020**.