

# OKLAHOMA HORSE RACING COMMISSION

## REGULARLY SCHEDULED MEETING FEBRUARY 21, 2019

### MINUTES

#### CALL TO ORDER

Vice-Chairman Sanders 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. He announced that Chairman Lucas would be joining the meeting later.

#### ROLL CALL

Commission members answering roll call were Commissioners Goumaz, Keener, Kirk, Marcum, Von Hemel, Wiens, Wright and Vice-Chairman Sanders. The following Commission staff members were in attendance: Mr. Kelly Cathey, Mr. Pete Markstone, Ms. Shonna Gore and Ms. Bonnie Morris. Approximately twenty people attended and signed the registry which is part of the record.

#### MINUTES

Commissioner Wiens made a motion to approve the drafted minutes of the January 24, 2019 Commission meeting as presented. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Wiens, Mr. Marcum, Ms. Goumaz, Ms. Keener, Mr. Kirk  
Mr. Von Hemel, Mr. Wright, Mr. Sanders

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

**CONTINUED DELIBERATIONS ON THE DISTRIBUTION OF BREAKAGE AND UNCLAIMED TICKET PROCEEDS GENERATED OUTSIDE OF A RACE MEETING**

**Background**

At the January 24; 2019 meeting, the Commission addressed the matter involving the distribution of breakage and unclaimed ticket revenue that remains in question. The Commission took action that, pursuant to the Commission's authority as provided for at 3A, O.S. Section 204, and interpreting OAC 325:75-1-1S(b), the calculation to be used in the distribution of breakage and unclaimed ticket proceeds generated outside of a race meeting was 90% Thoroughbred and 10% Quarter Horse, Paint and Appaloosa at Remington Park and at Will Rogers Downs and 42% Thoroughbred, 42% Quarter Horse and 16% Paint and Appaloosa at Fair Meadow Tulsa effective as of January 1st 2011. The Commission directed Commission Legal Counsel to draft an Order for consideration at the February 21, 2019 meeting.

**Current Consideration**

Commissioner Goumaz made a motion to go into Executive Session for continued deliberations and include Mr. Kelly Cathey, Ms. Wendi Morse and Mr. James Rucker. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Marcum, Ms. Keener, Mr. Kirk, Mr. Von Hemel,  
Mr. Wiens, Mr. Wright, Mr. Sanders

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

The Executive Session began at 9:33 a.m.

Commissioner Von Hemel made a motion to return to Open Session. Commissioner Keener seconded the motion. The vote was recorded as follows:

Aye: Mr. Von Hemel, Ms. Keener, Ms. Goumaz, Mr. Kirk, Mr. Marcum,  
Mr. Wiens, Mr. Wright, Mr. Sanders

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

The Commission returned to Open Session at 9:46 a.m.

Commissioner Goumaz made a motion to take final action on the proposed Declaratory Ruling as discussed in Executive Session. Commissioner Kirk seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Kirk, Ms. Keener, Mr. Marcum, Mr. Von Hemel,  
Mr. Wiens, Mr. Wright, Mr. Sanders

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

**PROPOSED DELEGATION OF AUTHORITY TO EXECUTIVE DIRECTOR TO APPROVE/DISAPPROVE ANY REFEREE SPLIT LAB ACCREDITED BY THE RACING MEDICATION AND TESTING CONSORTIUM [RMTC]**

**Background**

Under Title 3A, Oklahoma Horse Racing Act, Section 204.B.1., Powers and Duties of the Commission, the Commission may delegate any of its authority to the Executive Director to fully implement and effectuate the purposes of the Act.

The Rules and Medication Committee, along with Commission Staff, recommended that the Commission consider delegating authority to the Executive Director to approve/disapprove naming referee split labs on the condition said labs must be accredited by the Racing Medication and Testing Consortium [RMTC] and follow any other requirement made upon the Commission.

**Current Consideration**

Chairman Lucas joined the meeting at 9:49 a.m.

Commissioner Goumaz made a motion to delegate authority to the Executive Director to approve/disapprove naming referee split labs on the condition said labs must be accredited by the Racing Medication and Testing Consortium and follow any other requirement made upon the Commission. Commissioner Wright seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Wright, Ms. Keener, Mr. Kirk, Mr. Marcum,  
Mr. Sanders, Mr. Von Hemel, Mr. Wiens

Abstain: Mr. Lucas

The motion passed on an 8-0 vote.

Chairman Lucas conducted the rest of the meeting.

**CONTINUED DELIBERATIONS ON REFERRAL BY BOARD OF STEWARDS AT REMINGTON PARK REGARDING STEWARDS' ORDER 18-RP-097**

**Background**

At the January 24, 2019 meeting, the Commission conducted a Referral Hearing on Stewards' Order 18-RP-097 regarding whether any mitigating circumstances existed to merit imposition of a different penalty than the disqualification of the horse and loss of purse.

After hearing argument and evidence, the Commission, finding that there were insufficient circumstances to warrant a lesser penalty, took preliminary action to disqualify the horse, resulting in a loss of purse, and directed Commission Legal Advisor to draft an Order for consideration at the February 21, 2019 meeting.

**Current Consideration**

Commissioner Keener recused herself and left the meeting at 9:50 a.m.

Commissioner Goumaz made a motion to go into Executive Session for continued deliberations and include Mr. Kelly Cathey and Ms. Sandra Balzer. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Sanders, Mr. Kirk, Mr. Marcum, Mr. Von Hemel,  
Mr. Wiens, Mr. Wright, Mr. Lucas

Absent: Ms. Keener

The motion passed on an 8-0 vote.

The Executive Session began at 9:52 a.m.

Commissioner Wiens made a motion to return to Open Session. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Mr. Wiens, Mr. Sanders, Ms. Goumaz, Mr. Kirk, Mr. Marcum,  
Mr. Von Hemet, Mr. Wright, Mr. Lucas

Absent: Ms. Keener

The motion passed on an 8-0 vote.

The Commission returned to Open Session at 10:25 a.m.

Commissioner Goumaz made a motion to take final action on the proposed Order regarding the referral of Stewards' Order 18-RP-0971 including changes made in Executive Session. Commissioner Von Hemel seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Von Hemel, Mr. Wrightt Mr. Kirk, Mr. Marcum,  
Mr. Sanders, Mr. Wiens, Mr. Lucas

Absent: Ms. Keener

The motion passed on an 8-0 vote.

Commissioner Keener returned to the meeting at 10:26 a.m.

## **POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS IN RULES OF RACING UNDER PERMANENT RULEMAKING**

### **Background**

At two CY 2018 meetings, the Commission approved opening the permanent rulemaking process to consider proposed amendments to the following chapters in the *Rules of Racing*:

- Chapter 1, Commission Powers and Jurisdiction
- Chapter 15, Licensing
- Chapter 20t Racing Officials and Racing Personnel
- Chapter 25, Entries and Declarations
- Chapter 30, Claiming Races
- Chapter 40, Veterinarian Practices and Restrictions
- Chapter 45, Prohibited Practices and Equine Testing
- Chapter 60, Running the Race
- Chapter 65, Pari-Mutuel Wagering
- Chapter 70, Objections and Protests; Hearings and Appeals
- Chapter 75, Oklahoma-Bred Program

Mr. Kelly Cathey, Commission Executive Director, discussed the public comments received prior to the February 4, 2019 Public Hearing and those received that day. He noted that, following the Public Hearing, proposed revisions were made to Chapters 20, 45, 60, 70 and 75 by the Ad Hoc Committee on Rules and Medication. The Commission was advised that the Ad Hoc Committee unanimously supported all proposed rule amendments.

Mr. Butch Wise, Board member of the Oklahoma Quarter Horse Racing Commission, asked to discuss proposed changes to Chapter 75, Oklahoma-Bred Program, regarding

recipient mares. Although the comment period ended February 4, 2019, Chairman Lucas allowed him to speak.

Commissioner Goumaz made a motion to adopt all proposed rule amendments, including the proposed change in OAC 325:75-1-19, changing the notice period from 14 days to 30 days. Commissioner Kirk seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Kirk, Ms. Keener, Mr. Marcum, Mr. Sanders,  
Mr. Von Heme!, Mr. Wiens, Mr. Wright, Mr. Lucas

The motion passed on a 9-0 vote.

## **LEGISLATIVE REPORT**

Chairman Lucas announced that the Commission was currently tracking a total of 194 bills in the current Legislative Session that began February 4, 2019.

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

There was no such matter.

## **ANNOUNCEMENTS**

Chairman Lucas made the following announcements:

1. The Oklahoma Quarter Horse Racing Association is scheduled its annual awards banquet for Saturday, March 2, 2019 at the Grand Casino and Hotel in Shawnee. The Commission will present the CY 2018 Year-End Awards for Quarter Horses, Paints and Appaloosas.
2. Live racing returns in March, 2019:
  - Remington Park's Quarter Horse, Paint and Appaloosa race meeting begins March 8, 2019
  - Will Rogers Downs's Thoroughbred race meeting starts March 25, 2019
3. The Commission's next regular meeting is scheduled for March 28, 2019 to be held in the Board Room at the Department of Agriculture, Food and Forestry.

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**ADJOURNMENT**

Chairman Lucas adjourned the meeting by acclamation at 11:24 a.m.

Approved this 28<sup>th</sup> day of March, 2019.



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Joe Lucas, Chairman



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Keith Sanders, Vice-Chairman

On Behalf of the Commission:  
ATTEST:



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Kelly G. Cathey, Executive Director  
KGC/bjm/3/14/19, 3/20/19

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 28, 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 February 20, 2019. The announcement of the CY 2019 Commission meetings was posted on the OHRC website on August 28, 2018. The agenda for this meeting was posted on the OHRC website, [www.ohrc.org](http://www.ohrc.org), on February 15, 2019.