

OKLAHOMA HORSE RACING COMMISSION
REGULARLY SCHEDULED MEETING
March 28, 2019
MINUTES

CALL TO ORDER/ROLL CALL

Chairman Lucas 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. Commission members answering roll call were Commissioners Keener, Kirk, Marcum, Sanders, Von Hemel, Wiens, Wright and Chairman Lucas. Commissioner Goumaz was unable to attend the meeting. The following Commission staff members were in attendance: Mr. Kelly Cathey, Ms. Shonna Gore, Ms. Sonja Braxton, Ms. Julie Kagno and Agent Griffith. Approximately five 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 February 21, 2019 Regularly Scheduled Meeting as presented. Commissioner Sanders seconded the motion. The vote was recorded as follows:

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

Absent: Ms. Goumaz

The motion passed on an 8-0-1 vote.

PROPOSED DELEGATION OF AUTHORITY TO EXECUTIVE DIRECTOR FOR MODIFICATION OF THE 10-15-15 DELEGATION REGARDING SETTING REMAINING SUSPENSION DATES

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. At the October 15, 2015 meeting, the Commission delegated authority to the Executive Director to set suspension dates in cases appealed to the District Court with the Court affirming the Commission's Order or the horseman dismissing the case.

Current Consideration

Commission Staff recommends that this delegation of authority be modified to include additional circumstances in which the Executive Director may set dates for any remaining unserved suspension days.

Commissioner Sanders made a motion to approve the Executive Director setting the dates on which any remaining unserved suspension days will be served when the Commission's Order is appealed to the District Court and: the Appellant dismisses the case; the Court dismisses the case; or the Court affirms the Commission's order. Commissioner Keener seconded the motion. The vote was recorded as follows:

Aye: Mr. Sanders, Ms. Keener, Mr. Kirk, Mr. Marcum, Mr. Von Hemel, Mr. Wiens, Mr. Wright, and Mr. Lucas
Absent: Ms. Goumaz
The motion passed on an 8-0-1 vote.

PROPOSED FY-2020 AGENCY BUDGET

Commissioner Sanders, as Chair of the Ad Hoc Committee on Budget, Finance, Technology and Facilities, will present the proposed FY-2020 agency budget.

Commissioner Marcum made a motion to approve the FY-2020 agency budget. Commissioner Wiens seconded the motion. The vote was recorded as follows:

Aye: Mr. Marcum, Mr. Wiens, Ms. Keener, Mr. Kirk, Mr. Sanders, Mr. Von Hemel, Mr. Wright, and Mr. Lucas
Absent: Ms. Goumaz
The motion passed on an 8-0-1 vote.

APPEAL OF STEWARDS' ORDER 18-RP-086 AND REFERRAL BY BOARD OF STEWARDS AT REMINGTON PARK IN THE MATTER OF THERONE TRENT ALEXANDER, OWNER/TRAINER

Background

This matter was continued from the Commission's January 24, 2019 meeting for further deliberations. At the January 24 meeting the Commission heard argument and evidence and deliberated in executive session concerning the Stewards' Order finding Mr. Alexander to be in violation of OAC 325:35-1-5(a), Trainer Responsibility, and OAC 325:35-1-21, Tricks/Schemes Prohibited, regarding the horse, POPPIN BAYOU, and imposing the Stewards' maximum penalty of a Three Hundred Sixty Five Days [365] suspension. The Board of Stewards referred the case to the Commission with the recommendation that the Commission impose the greater penalty of revocation of Mr. Alexander's Owner/Trainer license.

Current Consideration

Commissioner Sanders made a motion to go into Executive Session to continue deliberation on the matter and include Ms. Sandra Balzer, Commission Legal Counsel, and Mr. Kelly Cathey, Commission Executive Director. Mr. Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Sanders, Mr. Marcum, Ms. Keener, Mr. Kirk, Mr. Von Hemel, Mr. Wiens
Mr. Wright, and Mr. Lucas
Absent: Ms. Goumaz
The motion passed on an 8-0-1 vote.

The Executive Session began at 9:39 a.m.

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

Aye: Ms. Keener, Mr. Wiens, Mr. Kirk, Mr. Marcum, Mr. Sanders, Mr. Von Hemel,
Mr. Wright, and Mr. Lucas
Absent: Ms. Goumaz
The motion passed on an 8-0-1 vote.

The Commission returned to Open Session at 11:20 a.m.

Commissioner Sanders made a motion to take preliminary action to: (1) affirm the Stewards ruling on Mr. Alexander's violation of the Trainer Responsibility rule as it pertains to the neglect of the horse's (Poppin Bayou) hooves; (2) to overturn the Stewards ruling regarding a violation of the Tricks/Schemes rule for having a horse on the backside without signing said horse in at the stable gate; (3) to deny the Steward's recommendation for revocation of Mr. Alexander's license and (4) remand back to the Stewards the question of a possible violation of an alleged false answer on Mr. Alexander's License Application. The Commission directed the Commission legal advisor to prepare an Order with findings of fact and conclusion of law for further consideration by the Commission at the May 16, 2019 meeting.

Commissioner Wright seconded the motion. The vote was recorded as follows:

Aye: Mr. Sanders, Mr. Wright, Ms. Keener, Mr. Kirk, Mr. Marcum, Mr. Von Hemel,
Mr. Wiens, and Mr. Lucas
Absent: Ms. Goumaz
The motion passed on an 8-0-1 vote.

LEGISLATIVE REPORT

Chairman Lucas reported approximately twenty bills are now being tracked by the Commission, which is down from the one hundred and ninety reported at the February Commission meeting.

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-Bred Advisory Council is scheduled to meet on May 1, 2019, starting at 1:30 p.m., in Conference Room 201, in the Department of Agriculture, Food and Forestry building.
2. The Commission's next regular meeting is scheduled for May 16, 2019 to be held in the Board Room at the Department of Agriculture, Food and Forestry.

ADJOURNMENT

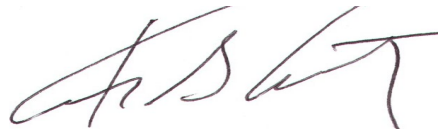
Chairman Lucas adjourned the meeting by acclamation at 11:26 a.m.

Approved this 16th day of May, 2019



Joe Lucas, Chairman

On Behalf of the Commission:
ATTEST:



Kelly G. Cathey, Executive Director
KGC 5/16/19

In conformity with the Oklahoma Open Meeting Act, advance notice of this regular

**Regularly Scheduled Meeting
March 28, 2019**

Oklahoma Horse Racing Commission

Commission meeting was originally transmitted to the Oklahoma Secretary of State on August 17, 2017; 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 March 27, 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, on March 22, 2019.