

## OKLAHOMA HORSE RACING COMMISSION

### REGULAR SCHEDULED MEETING MAY 21<sup>ST</sup>, 2020

#### MINUTES

#### CALL TO ORDER

Chairman Keener called the Regularly Scheduled Meeting to order at 9:32 a.m. at the Simulcast Building at Fair Meadows in Tulsa, Oklahoma.

#### ROLL CALL

The roll call was as follows:

Commissioners answering as present were: Commissioner Goumaz, Commissioner Kirk, Commissioner Marcum, Secretary Sanders, Commissioner Anderson, Commissioner Wright, Vice Chairman Lucas, and Chairman Keener.

Absent was Commissioner Von Hemel.

#### **A. MINUTES**

Commissioner Marcum made a motion to approve the minutes from the April 1<sup>st</sup> Special Meeting. Commissioner Wright seconded the motion. The vote was as follows:

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

Nay: None

Abstain: Commissioner Goumaz & Commissioner Kirk

The motion passed 6-0.

#### **B. FAIR MEADOWS REQUEST TO AMEND CY 2020 LIVE RACE DAYS FOR THE MIXED RACE MEETING**

Vice Chair Lucas made a motion to approve the requested changes as provided. Commissioner Goumaz seconded the motion. The vote was as follows:

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

Nay: None

The motion passed 8-0.

**C & I. REMINGTON PARK'S REQUEST TO AMEND CY 2020 LIVE RACE DAYS FOR THOROUGHBRED RACE MEETING**

**&**

**REQUEST APPROVAL OF JOINTLY AGREED LETTER WITH REMINGTON PARK AND OQHRA FOR THE REDUCTION OF DAYS**

Chairman Keener stated the background on the item and announced, if there were no objections, the Commission move Item I up on the agenda and take action with Item C. The Commission proceeded with both items. Executive Director of the Oklahoma Quarter Horse Racing Association, Kole Kennemer, made a statement in support of the amendment. Commissioner Goumaz made a motion to proceed with the approval of Items C & I. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0.

**D. CONTINUED DELIBERATIONS FOR MIQUEL PENA-RODRIGUEZ, OWNER/TRAINER, REGARDING THE APPEAL OF STEWARDS' ORDER 19-RP-027B**

Chairman Keener provided background on this item.

Vice Chair Lucas motioned to approve **Order # 2020-OHRC-0010 Overruling Board of Stewards Order 19-RP-027B** as presented. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

**E. PETITION FOR APPEAL FOR SAMUEL VALDIVIA, TRAINER**

Chairman Keener gave a brief description of Mr. Valdivia's appeal and then opened the hearing for the Motion for Recusal at 9:38 a.m. Attorney John Mac Hayes and Attorney James Rucker gave oral arguments during the hearing. Comments were given by Executive Director Kelly Cathey and General Counsel Sandra Balzer during the hearing. The hearing closed at approximately 9:59 a.m.

Commissioner Lucas made a motion to Deny the Motion for Recusal on the basis that the Statutory Requirement had not been met. Commissioner Goumaz seconded the motion.

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

Nay: None

Motion passed 8-0

After the Commission's action on the Motion to Recuse, Chairman Keener opened the hearing concerning the Steward's Motion to Dismiss. Attorney for the Steward's, James Rucker, gave a statement at 9:48 a.m. followed by a statement by John Mac Hayes at 9:51 a.m. The hearing ended at 9:59 a.m. with a clarifying statement from Executive Director, Mr. Cathey. Chairman Keener opened the floor for more questions from the questions from the Commission and then allowed a motion for possible Executive Session. Vice Chair Lucas made a motion to go into Executive Session with General Counsel Sandra Balzer. Commissioner Goumaz seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

The Commission entered into Executive Session at 10:03 a.m.

Commissioner Goumaz made a motion to return to Open Session.

Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

The Commission returned to Open Session at 10:17 a.m.

Chairman Keener then announced that the floor was open for a motion on the Appeal of the Steward's Order. Vice Chair Lucas motioned to deny the Appeal based on the fact that it was untimely filed. The motion was seconded by Commissioner Kirk. The vote was as follows:

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

Nay: None

Motion passed 8-0

**F. APPEAL HEARING FOR ROMAN CHAPA, REGARDING STEWARDS' ORDER 20-RP-018**

Chairman Keener gave the background on the matter and announced the procedures for oral arguments for the parties appearing before the Commission. The hearing began at 10:22 a.m. with oral arguments from Attorney Joe White, Attorney James Rucker, and a statement from Roman Chapa. The hearing ended at 10:54 a.m.

After some discussion and questions, Chairman Keener stated she would entertain a motion. Commissioner Goumaz made a motion to go into Executive Session with General Counsel Sandra Balzer. Vice Chair Lucas seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

The Commission entered Executive Session at 11:06 a.m.

Chairman Keener announced she would hear motions to return to Open Session. Commissioner Marcum made a motion to return from Executive Session. Vice Chair Lucas seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

The Commission re-entered Open Session at 12:07 p.m.

Chairman Keener informed the Commission on the actions available on this item. Commissioner Goumaz moved to continue the matter to the August 2020 meeting. Commissioner Anderson seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

**G. RECOMMENDATION FROM THE OKLAHOMA-BRED ADVISORY COUNCIL**

Chairman Keener gave the background on agenda item and turned the floor over to Executive Director Cathey to give a report on the program and the recent meeting of the Advisory Council.

Vice Chair Lucas made a motion to approve. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 8-0

**H. APPOINTMENT OF NOMINATING COMMITTEE TO PRESENT A PROPOSED SLATE OF NOMINEES FOR COMMISSION OFFICERS FOR FY2021**

Chairman Keener announced her appointment of Doug Wright as Chair and Commissioner Marcum and Commissioner Kirk as members of the Nominating Committee for FY 2021 Commission Officers.

**I. ITEM I COMBINED WITH ITEM C.**

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

Executive Director Kelly Cathey introduced Shilah Arnold, the Oklahoma Bred Program's Inspector. Mr. Cathey also announced the death of Tommie Steidley a former employer of the Will Rogers Downs. Mr. Cathey stated that Mr. Steidley was one of the first employees hired when coming to work in Oklahoma. Mr. Cathey expressed his sadness as Mr. Steidley recently passed away after a battle with cancer. He was 79 years old and still working. Mr. Cathey stated that Mr. Steidley will be missed.

Chairman Keener acknowledged Will Rogers Downs for setting record levels in their off track handle while continuing to race in these trying times. Chairman Keener stated that in 2019 off track handle for the entire meet was \$16 million. This year that total was \$131.4 Million. They had a one-day total of \$7.3 Million.

Chairman Keener described it as a shining light in the middle of all this that we were able to keep this going.

**K. ANNOUNCEMENTS**

**5/25/2020** – HOLIDAY [Memorial Day]

**5/23/2020** – Will Rogers Downs' Thoroughbred Meet is scheduled to end. Chairman Keener stated they actually ended on the 20<sup>th</sup>.

**5/30/2020** – Remington Park's Mixed Meet is scheduled to end.

**6/4/2020** - Deadline for Submitting agenda topics for the June 18<sup>th</sup>, 2020 Commission Meeting.

**6/18/2020** – Commission Regularly Scheduled Meeting.

Executive Director Cathey thanked Amanda Blair and Mark Enterline for providing the space for the meeting. Chairman Keener agreed.

**G. ADJOURNMENT**

Chairman Keener declared the meeting adjourned at **12:24 p.m.**

Approved this 18<sup>th</sup> day of June, 2020



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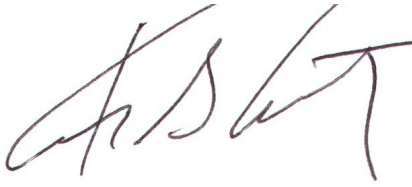
Wendy Keener, Chairman

**Regularly Scheduled Meeting  
May 21<sup>st</sup>, 2020**

**Oklahoma Horse Racing Commission  
MINUTES**

On behalf of the Commission:

ATTEST:



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Kelly G. Cathey, Executive Director  
KGC/nlm/05/22/20

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 **May 20<sup>th</sup>, 2020**. The announcement of the CY 2020 Regular 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 **May 15<sup>th</sup>, 2020**.