

OKLAHOMA HORSE RACING COMMISSION
REGULARLY SCHEDULED MEETING
THURSDAY, JUNE 16, 2022 AT 9:30 A.M.

MINUTES

Call to Order

Chairman Lucas called the meeting to order at 9:30 a.m.

Roll Call

Commissioners answering roll call were Commissioner Brookover, Secretary Sanders, Commissioner Von Hemel, Commissioner Anderson, Commissioner Pilcher, Vice Chairman Keener and Chairman Lucas.

Commissioner Burget entered the meeting following roll call and approval of Minutes at 9:31 a.m.

Absent from the meeting was Commissioner Murray.

A. MINUTES

The Minutes from the **May 19, 2022**, meeting were considered for approval. Vice Chairman Keener made a motion to approve the minutes from the May 19, 2022 meeting. Commissioner Anderson seconded the motion. The vote was as follows:

Motion passed 7-0-0

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

B. NECROPSY STUDIES WITH OKLAHOMA ANIMAL DISEASE DIAGNOSTIC LABORATORY (OADDL)

Executive Director Kelly Cathey talked on this agenda item. He stated that normally we approve this with all of the Oklahoma-Bred items during the May meeting, however, there were some issues that needed to be worked through and those are all worked out. He asked that the budget be brought back up to \$50,000.00 like every year to continue our necropsy studies with OSU.

Commissioner Von Hemel made a motion to accept the proposal for the necropsy studies and fund it up to \$50,000.00. Commissioner Pilcher seconded the motion and the vote was as follows:

Motion passed 8-0-0

C. FY-2022-2023 MEMBERSHIP ON THE OKLAHOMA-BRED ADVISORY COUNCIL

Each year the Commission needs to approve the representatives from the organizations listed on the agenda plus the At-Large representatives.

Commissioner Anderson made a motion to approve. Commissioner Von Hemel seconded the motion and the vote was as follows:

Motion passed 8-0-0

D. CONTINUED DELIBERATIONS FOR MR. FELIPE MARTINEZ-MORALES REGARDING HIS APPEAL OF STEWARDS ORDERS 21-RP-076 & 21-RP-077.

Vice Chairman Keener made a motion to adopt the final order as proposed. Secretary Sanders seconded the motion and the vote was as follows:

Motion passed 7-0-1

E. PETITION FOR APPEAL FILED ON BEHALF OF KELLY MARLENE HELTZEL (OWNER/TRAINER) ORDER NO. 21-RP-038B

Prior to any discussions on Item E, Vice Chairman Keener recused herself from the matter.

Assistant Attorney General, Sandra Balzer spoke on the matter and stated that we needed to entertain an oral motion from Mr. Marquez and give Mr. Rucker a chance to state his thoughts on the issue and then the Commission can vote to grant or deny the motion. Ms. Balzer stated that she recommends the Commission grant the motion.

Mr. Marquez made an oral motion to allow him to appear as out of state council. Mr. Marquez stated that he did resubmit his fee to the Oklahoma Bar Association because it has to be renewed every year, and since this matter is still ongoing, he was approved last week to continue to appear in this matter. The intent was to have Mr. Phillips appear at the June Commission Meeting, however, he was set to appear in Federal Court at 9:30 a.m. in Tulsa the same day. He also motioned that Mr. Phillips presence be waived for purposes of today's hearing.

Secretary Sanders motioned to allow Mr. Marquez to appear as out of state council and waive Mr. Phillips' appearance. Commissioner Burget seconded the motion and the vote was as follows:

Motion passed 7-0-0

Second preliminary matter is concern from Ms. Balzer is that there was no transcript of the Stewards Hearing for the Commissioners to review. There was

an oral recording that is the understanding of Ms. Balzer that none of the Commissioners had an opportunity to hear, prior to the meeting and Mr. Marquez and his Petition for Appeal on behalf of Ms. Heltzel, makes some complex arguments about issues and errors she believes needs to be briefed before they are considered. Ms. Balzers' recommendation is that the Commission go ahead and hear the oral arguments and then later ask them to brief those issues, if you can't get your answers to those questions answered by what you hear in the oral argument and have them come back at the August meeting or not have them come back at the August meeting but you just review their brief and determine how that will affect their decision and today they would not be taking any preliminary action.

Secretary Sanders motioned to remand this to the Stewards and that we reconsider any exhibits at the August 25th meeting.

Ms. Balzer stated that on the remand issue, the other possibility was that in the Petition for Appeal, Mr. Marquez raises several issues about errors in the Findings of Fact and Conclusions of Law on the Stewards, and part of their order, so the other option is to remand the matter to the Stewards for correction of an amended order that the Commission would then consider again at the next meeting.

Original motion failed due to a lack of a second.

Commissioner Burget motioned that the Commissioners go into executive session. Commissioner Pilcher seconded the motion and the vote was as follows:

Motion passed 7-0-0

Commissioner Anderson motioned to come out of executive session. Commissioner Brookover seconded the motion and the vote was as follows:

Motion passed 7-0-0

Commissioner Burget made a motion to continue this matter and postpone oral arguments until the August 25th Meeting. Commissioner Von Hemel seconded the motion and the vote was as follows:

Motion passed 7-0-0

Commissioner Burget made a second motion to remand to the two remaining Board of Stewards to amend the order that is presented on three (3) points to make conclusions of law citing to which particular paragraph of OAC 325:45-1-4 the Stewards found Ms. Heltzel to have violated, a reconsideration of evidence presented taking new evidence on the issue of who was the owner of San Lorenzo Tay in the addition of finding facts regarding this question, and finally to state the fact which the Stewards finding that San Lorenzo Tay is in violation of Rules of Racing, cite specific applicable section of the rule that was violated and

cite the evidence which was the basis of the finding of fact that the horse violated that rule. The Stewards are directed to amend the order no later than July 15th, 2022. Commissioner Brookover seconded the motion and the vote was as follows:

Motion passed 7-0-0

Mr. Marquez stated his objections and preserved some alleged errors with the procedure with the remand to the Stewards prior to the vote of the second motion.

Commissioner Burget made a third motion to grant leave to the Petitioner to file an amended petition for appeal and brief and support no later than August 12th, 2022, and further allow the Stewards council to respond no later than August 19th, 2022. Commissioner Brookover seconded the motion and the vote was as follows:

Motion passed 7-0-0

F. PROPOSED SLATE OF COMMISSION OFFICERS PRESENTED BY THE NOMINATING COMMITTEE AND ELECTION OF OFFICERS FOR FY-2023

Vice Chairman Keener joined the commission meeting prior to any discussions on Item F.

Committee Chairman Bennett Anderson stated the Nominating Committee met on May 19, 2022 at Remington Park. He reported that the Nominating Committee unanimously recommends there be no change in officer for FY-2023. No other nominations were recommended.

Commissioner Brookover made a motion to approve the FY-2023 slate of officers recommended by the Nominating Committee. Commissioner Burget seconded the motion and the vote was as follows:

Motion passed 8-0-0

G. REPORTS

1. Horseracing Integrity and Safety Act (HISA) update.

Chairman Lucas gave an update on HISA. He stated that only portions of HISA will go into effect July 1, 2022. That being the Safety and Welfare portion, which primarily involves the racetracks, but also several requirements of horseman. There is an ongoing lawsuit in which the OHRC, the US Trotter Association, the OQHA, Will Rogers Downs, Remington Park, and Fair Meadows are all plaintiffs, along with other states who joined this suit. We are now in the appeal process with that suit after a Federal Court Judge in Kentucky ruled in favor of HISA. The Oklahoma Attorney General will file an

appeal with the Sixth Circuit Court of Appeals on his ruling. There is also another lawsuit, that TRAO and National HBPA and several other entities are in that is going in a Texas Federal court. This suit is also under appeal in the Fifth Circuit Court of Appeals. There continues to be other states and entities joining the efforts both lawsuits opposing HISA.

2. Receipt of Renewal Applications for CY 2023 Racetrack Gaming and Organizational License

Executive Director Kelly Cathey spoke on the applications for Racetrack Gaming and Organizational Licensees for CY-2023.

There were a couple of scrivener's errors on the charts. Thoroughbreds for Remington Park should have been 67 and the Thoroughbreds for Will Rogers should be 29. Reviewing of applications has started, and staff briefs are being prepared with questions and answers that we may be the answer to by the application.

These will be prepared with answers by the August 25th meeting when those will be scheduled to be heard by the Commission.

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

No unknown business or matters prior to commission meeting.

I. ANNOUNCEMENTS

05/25/2022 – Last Day of Thoroughbred Race Meet at Will Rogers Downs.

05/28/2022 – Last Day of Quarter Horse, Appaloosa and Paint Race Meets at Remington Park.

05/30/2022 – Holiday (Memorial Day).

06/02/2022 – Agenda Topic Submission Deadline for the June 16, 2022 regularly scheduled commission meeting.

06/03/2022 – First Day of Thoroughbred, Quarter Horse, Appaloosa and Paint Race Meeting at Fair Meadows.

06/16/2022—Regularly Scheduled Commission Meeting.

ADJOURNMENT..... Mr. Lucas, Chair

Chairman Lucas adjourned the meeting at 10:35 a.m.

APPROVED THIS 25th DAY OF AUGUST 2022.



Wendy I. Keener, Vice Chairman &
Acting Chairman for August 2022
Commission Meeting

On Behalf of the Commission:

ATTEST:



Kelly G. Cathey, Executive Director

KGC/ack 08/25/2022

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 30, 2021 and amended on January 13, 2022; 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 August 19, 2022. The announcement of the CY 2022 Commission meetings was posted on the OHRC website on September 7, 2021. The agenda for this meeting was posted on the OHRC website, www.ohrc.ok.gov on August 19, 2022.