

**OKLAHOMA HORSE RACING COMMISSION**  
**REGULARLY SCHEDULED MEETING**  
**THURSDAY, JANUARY 19, 2023, 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 Murray, Commissioner Brookover, Commissioner Von Hemel, Commissioner Anderson, Commissioner Pilcher, Commissioner Anderson, Secretary Sanders and Vice Chairman Keener, Chairman Lucas

**Note:** Mr. James Rucker introduced Dale Highschool Ag Council member Morley Griffith who was job shadowing with him for the day.

**A. MINUTES**

The Minutes from the **November 17, 2022**, meeting were considered for approval. Commissioner Brookover made a motion to approve the minutes from the November 17, 2022, meeting. Commissioner Burget seconded the motion. The vote was as follows:

Motion passed 8-0-1

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

**B. POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS TO ALL CHAPTERS IN RULES OF RACETRACK GAMING UNDER PERMANENT RULEMAKING**

Changes were proposed in the following chapters:

**Rules of Racing**

**Chapter 1- Commission Powers and Jurisdiction**

**Chapter 10- Racing Organization**

**Chapter 15- Licensing**

**Chapter 20- Racing Officials and Racing Personnel**

**Chapter 25- Entries and Declarations**

**Chapter 30- Claiming Races**

**Chapter 35- General Conduct**

**Chapter 50- Human Substance Abuse**

**Chapter 55- Fire Prevention and Security**

**Chapter 65- Pari-Mutuel Wagering**

**Chapter 70- Objections and Protests: Hearings and Appeals**

**Chapter 75- Oklahoma Bred Program**

OHRC Executive Director Kelly Cathey was set to present public comment. There were no public comments on the proposed rule changes to be heard. The commission briefly discussed the definition of a calendar year-365- period. The commission discussed making the change next year to further cohesiveness of the word throughout the rulebook.

Commissioner Burget made a motion to approve all changes except changes to the definition of a calendar year. Commissioner Von Hemel seconded the motion. The vote was as follows:

Motion passed 9-0-0

**C. CONTINUED DELIBERATIONS FOR MR. DAVID CABRERA REGARDING HIS APPEAL OF STEWARDS ORDER 22-RP-105**

- **Per Deputy Attorney General Niki Batt, Items C and D could be deliberated in the same executive session if no Commissioners objected. In addition, Vice Chairman Keener must not participate in any discussion on Item D in Executive Session.**

Vice Chairman Keener made a motion at 9:45 a.m. to go into Executive Session with legal counsel, Deputy Attorney General Niki Batt and Attorney General Sandra Balzar for further deliberation on Items C and D. The motion was seconded by Commissioner Anderson. The vote was as follows:

Motion passed 9-0-0

**Note:** Vice Chairman Keener left the Executive Session at 9:55 a.m. after discussions on Item C and before any deliberation on matters pertaining to Item D took place.

Vice Chairman Keener made a motion at 10:01 a.m. to reconvene regular session. Commissioner Murray seconded the motion. The vote was as follows:

Motion passed 9-0-0

Commissioner Burget made a motion to affirm Commission Order 2023-OHRC-0001 as amended in Executive Session. The motion was seconded by Commissioner Anderson. The vote was as follows:

Motion passed 9-0-0

Commissioner Burget made a motion to affirm Commission Order 2023-OHRC-0002 as amended in Executive Session. The motion was seconded by Vice Chairman Keener. The vote was as follows:

Motion passed 9-0-0

**D. CONTINUED DELIBERATIONS ON PETITIONS FOR APPEAL FILED ON BEHALF OF KELLY MARLENE HELTZEL (OWNER/TRAINER) ORDER 21-RP-038B**

Vice Chairman Keener recused herself Item D.

**Note:** Item D was deliberated along with item C during Executive Session.

Commissioner Burget made a motion to affirm Commission Order 2023-OHRC-0003 with the amendments as discussed in Executive Session. Commissioner Anderson seconded the motion. The vote was as follows:

Motion passed 8-0-0

**E. PETITION FOR APPEAL FILED ON BEHALF OF GARY WALKER (OWNER/TRAINER) ORDER 22-WRD-072**

Mr. Walker represented by himself spoke to the commission about the situation and circumstances of Stewards Order 22-WRD-072.

Mr. James Rucker attorney for the WRD Stewards spoke on their behalf.

Vice Chairman Keener made a motion to go into Executive Session with legal counsel to deliberate the matter. Commissioner Brookover seconded the motion. The vote was as follows:

Motion passed: 9-0-0

Executive Session was had. Motion to reconvene regular session was made by Secretary Sanders. The motion was seconded by Commissioner Brookover. The vote was as follows:

Motion passed 9-0-0

The commission voted to overrule Stewards Order 22-WRD-072 on lack of clear and convincing evidence. The motion was made by Commissioner Burget. The motion was seconded by Commissioner Murray. The vote was as follows:

Motion passed 9-0-0

**F. DISCUSSION AND POSSIBLE ACTION ON EXECUTING VOLUNTARY AGREEMENT WITH HORSERACING INTEGRITY AND SAFETY AUTHORITY (HISA)**

Chairman Lucas spoke about the question and concerns the commission had the HISA/HIWU voluntary agreement. The commission voted to take no action until all questions and concerns were addressed. The motion was made by Secretary Sanders. The motion was seconded by Commissioner Anderson. The vote was as follows:

Motion passed 9-0-0

**G. ANY MATTER NOT KNOWN ABOUT OR WHICH WOULD NOT HAVE BEEN REASONABLY FORSEEN PRIOR TO POSTING THE AGENDA. 25 O.S. § 311 (A) (10).**

Mr. Kelly Cathey, Executive Director of the OHRC addressed the commissioners letting them know of his resignation. Mr. Cathey stated he has agreed to stay until his replacement has been named.

**H. ANNOUNCEMENTS**

**02/02/2023** – Agenda Topic Submission Deadline for February 16, 2023, Meeting

**02/16/2023** – Regularly Scheduled Commission Meeting

**03/10/2023**—Opening Day at Remington Park for Quarter Horses, Paints and Appaloosas

03/06/2023- Opening Day at Will Rogers Downs for Thoroughbreds

**ADJOURNMENT..... CHAIRMAN LUCAS**

Chairman Lucas adjourned the meeting at 11:01a.m.

Approved this 16<sup>th</sup> day of February ,2023



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Chairman Joe Lucas

On the behalf of the Commission:

ATTEST:



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Kelly G. Cathey, Executive Director

KGC/Insc/2/16/2023

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 January 13<sup>th</sup>, 2023; 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 January 13<sup>th</sup>, 2023. The announcement of the CY 2023 Commission meetings was posted on the OHRC website on September 7, 2022. The agenda for this meeting was posted on the OHRC Website, [www.ohrc.ok.gov](http://www.ohrc.ok.gov), on January 13<sup>th</sup>, 2023.