

OKLAHOMA HORSE RACING COMMISSION
REGULARLY SCHEDULED MEETING
October 15th, 2020

MINUTES

CALL TO ORDER

Chairman Keener called the Regularly Scheduled Meeting to order at 9:34 a.m. at Remington Park in the Eclipse Room.

ROLL CALL

The roll call was as follows:

Commissioner Kirk, Commissioner Marcum, Secretary Sanders, Commissioner Von Hemel, Commissioner Wright, & Chairman Keener were present during Roll Call. Vice Chair Lucas joined the meeting at 10:14 a.m. during discussion on item C.

Commissioner Goumaz and Commissioner Anderson were absent from the meeting. Vice Chair Lucas was absent during discussion on Items A and B from the agenda.

A. MINUTES

Commissioner Marcum made the motion to approve the Minutes of the August 27, 2020 Regularly Scheduled Commission Meeting. Secretary Sanders seconded the motion. The vote was as follows:

Aye: Commissioner Marcum, Secretary Sanders, Commissioner Kirk, Commissioner Von Hemel, Commissioner Wright, and Chairman Keener.

Nay: None

Motion passed 6-0.

B. DISTRIBUTION OF REVENUE GENERATED FROM THE EXPORT OF INTERSTATE SIGNALS.

Chairman Keener announced the agenda item and explained the Thoroughbred Racing Association of Oklahoma has filed a Petition for Declaratory Ruling from the Commission to clarify the correct calculation and proper distribution of the export signal sale revenue. Chairman Keener went further to explain the opening of public comments on the matter and that period will be remain open until the November 2020 meeting. At the meeting, public comments will be heard.

Chairman Keener acknowledged that a letter had been received from Mr. Heath Hardcastle, legal counsel for the Cherokee Nation. At that time, Chairman Keener opened the floor for the requester to briefly give comments to the Commission.

Chris Canady, legal counsel to the petitioner, introduced himself and asked if there were questions. There were none and Chairman Keener announced a possible executive session and that she would hear a motion.

Secretary Sanders motioned for the Commission to go into Executive Session with Legal Counsel and Executive Director. The motion was seconded by Commissioner Von Hemel. The vote was as follows:

Aye: Secretary Sanders, Commissioner Von Hemel, Commissioner Kirk, Commissioner Marcum, Commissioner Wright, and Chairman Keener.

Nay: None

Motion passed 6-0.

The Commission went into Executive Session at 9:39 a.m.

Commissioner Marcum made the motion to go back into open session and Commissioner Kirk seconded the motion. The vote was as follows:

Aye: Commissioner Marcum, Commissioner Kirk, Secretary Sanders, Commissioner Von Hemel, Commissioner Wright, and Chairman Keener.

Nay: None

Motion passed 6-0.

The Commission returned to open session at 10:12 a.m.

Commissioner Sanders made the motion to set a Public Hearing on request for a Declaratory Ruling from the Oklahoma Thoroughbred Racing Association of Oklahoma for November 19th, 2020, to be conducted at the scheduled Oklahoma Horse Racing Commission Meeting, the interested parties may submit written comments or brief to the Oklahoma Horse Racing Commission prior to the November Meeting. Any other interested parties may make public comments during to the public meeting in November. The motion was seconded by Commissioner Marcum.

The vote was as follows:

Aye: Secretary Sanders, Commissioner Marcum, Commissioner Kirk, Commissioner Von Hemel, Commissioner Wright, and Chairman Keener.

Nay: None

Motion passed 6-0.

C. CONTINUED DELIBERATIONS FOR ERIC ROMAN CHAPA, REGARDING THE APPEAL OF STEWARDS' ORDER 20-RP-018.

Chairman Keener announced the agenda item and requested the minutes reflect that Vice Chair Lucas had joined the meeting. Chairman Keener continued with possible action for the Commission on this agenda item and then called for a motion up to and including possible Executive Session.

Vice Chair Lucas made a motion to go into Executive Session. Secretary Sanders seconded the motion:

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

Nay: None

Motion passed 7-0.

The Commission went into Executive Session at 10:15 a.m.

Commissioner Marcum made the motion to come out of Executive Session. Vice Chair Lucas. The vote was as follows:

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

Nay: None

Motion passed 7-0.

The Commission was back in open session at 10:49 a.m.

After Executive Session, Vice Chair Lucas made motion to approve the Order as amended today. Secretary Sanders seconded the motion and the Commissioner went forward with the vote as follows:

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

Nay: None

Motion passed 7-0.

D. CONTINUED DELIBERATIONS FOR RICK ROBINSON, TRAINER, REGARDING STEWARD'S ORDERS 19-WRD-059B, 19-WRD073A, 20-WRD-025, 20-WRD-026, 20-WRD-027, 20-WRD-028, 20WRD-029, 20 WRD-030, 20-WRD-031, 20-WRD-032, 20-WRD-033, 20-WRD-034, 20-WRD-035, and 20-WRD-043.

Chairman Keener announced the item, gave the background, and stated the possible action items for the Commission. Chairman Keener called for a motion up to and including Executive Session.

Commissioner Marcum made a motion to go into Executive Session. Commissioner Von Hemel seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 7-0.

The Commission went into Executive Session at 10:51 a.m.

Commissioner Marcum made the motion to come out of Executive Session. Vice Chair Lucas seconded the motion.

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

Nay: None

Motion passed 7-0.

The Commission was out of Executive Session at 11:00 a.m.

After the Commission returned to open session, Chairman Keener informed the commissioners of the various options for action. Vice Chair Lucas made the motion to approve the Order as proposed. Commissioner Von Hemel seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 7-0.

E. CONTINUED DELIBERATIONS FOR ROMUALDO LOPEZ-GARCIA REGARDING STEWARD'S ORDER 20-WRD-022.

Chairman Keener announced that Vice Chair Lucas would preside over the meeting at this point. Chairman Keener recused herself and left the meeting room. The time was approximately 11:02 a.m.

Vice Chair Lucas announced Agenda Item E and the background on the item, informed the Commission of their action options, and called for a motion including possible Executive Session.

Failing to have a motion to go into Executive Session, Vice Chair Lucas stated the other options available to the Commission and asked for a motion on the proposed order.

Commissioner Marcum made the motion to adopt the Final Order as proposed. The motion was seconded by Secretary Sanders.

Aye: Commissioner Marcum, Secretary Sanders, Commissioner Kirk, Commissioner Von Hemel, Commissioner Wright, and Vice Chair Lucas.

Nay: None

Motion passed 6-0.

F. PETITION FOR APPEAL OF JOSUE PONCE, OWNER/TRAINER ORDERS 20-RP-030, 20-RP-030A, and 20-RP-030B.

Vice Chair Lucas announced Item F from the agenda. Vice Chair Lucas acknowledged Executive Director, Kelly Cathey, and gave him the floor where he announced the Appellant's Attorney, Mr. John Mac Hayes, made contact with him and stated that he had been running a fever all day the day prior and he would like a continuance. Vice Chair Lucas confirmed with Mr. Cathey that the request was made in writing to Mr. Cathey. Chairman Keener re-entered the room to participate in the meeting.

Commissioner Marcum made a motion to continue the matter. However; after some discussion with Legal Counsel and other Commissioners, it was determined that the motion should contain a date as to when the continuance will extend. The motion was then amended.

Commissioner Marcum made the motion to continue Item E until November 19th, 2020. Commissioner Von Hemel seconded the motion.

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

Nay: None

Motion passed 7-0.

G. CONTINUED DELIBERATIONS REGARDING RENEWAL APPLICATIONS FOR CY 2021 GAMING AND RACING LICENSES FOR REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS AT TULSA.

Chairman Keener announced the item and then gave Mr. Cathey the floor to review changes that had not been previously issued to the Commission. Mr. Cathey also stated that an amended calendar of dates had been received from Remington Park to address the issue of overlaps discussed in the last meeting. Chairman Keener called for questions and opened the floor for a motion.

Vice Chair Lucas asked if all the gaming and racing applications could be done all at the same time. Ms. Balzer stated they could but to clearly state the type of application in the motion. Vice Chair Lucas made a motion to go into Executive Session regarding the renewal applications for Will Rogers Downs Pari-Mutuel Racing, Simulcast, and Gaming License, also included would be Global Gaming Licensing to Conduct Gaming and Racing, and Fair Meadows for Racing and Gaming Recipient License for Calendar Year 2021 and Vice Chair Lucas further stated that he would like the Executive Session to include Legal Counsel, whichever is appropriate to attend, as well and the Executive Director. Commissioner Marcum seconded the motion.

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

Nay: None

Motion passed 7-0.

The Commission went into Executive Session at 11:11 a.m.

Commissioner Marcum motioned to come out of Executive Session and Commissioner Wright seconded. The vote was as follows:

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

Nay: None

Motion passed 7-0.

The Commission was out of Executive Session at 11:46 a.m.

Chairman Keener announced the possible actions of the Commission. Vice Chair Lucas announced that he would like to make a motion restrictive to Remington Park only. The motion was to make the final approval of the Remington Park Gaming and Racing License which now includes the Horsemen's Agreements for both elected Horsemen's representatives. Secretary Sanders seconded the motion. The vote was as follows:

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

Nay: None

Motion passed 7-0.

Vice Chair Lucas also moved to conditionally approve the renewal license applications from Will Rogers Downs and Fair Meadows regarding their respective gaming/ gaming recipient license and racing license pending the receipt of the Horsemen's Agreements. The parties will be given notice that a hearing will be conducted at the November 19th Meeting pursuant to Rule 325:35-1-37 to determine the condition of the race meetings if an agreement is not received prior to the November 19th Meeting. Secretary Sanders seconded the motion.

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

Nay: None

Motion passed 7-0.

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

There were none.

I. ANNOUNCEMENTS:

Chairman Keener reviewed the announcements during the meeting. They were as follows:

11/5/20 – Deadline for submitting agenda topic requests for November 19, 2020 Regularly Scheduled Commission Meeting

11/14/20 – Will Rogers Downs' Quarter Horse, Paint and Appaloosa race meeting is scheduled to conclude

11/11/20 – HOLIDAY [Veterans' Day]

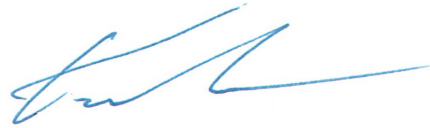
11/19/20 – Commission Regularly Scheduled Meeting, 9:30 a.m., Remington Park, One Remington Park Place – Eclipse Room/Suites Floor, Oklahoma City, OK 73111

11/26-27/20 – HOLIDAY [Thanksgiving]

ADJOURNMENT:

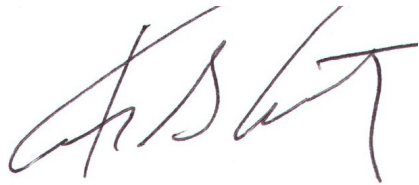
Chairman Keener, declared the meeting adjourned at approximately 11:50 a.m.

APPROVED THIS 19th DAY OF November, 2020.



Keith Sanders, Secretary

On Behalf of the Commission:
ATTEST:



Kelly G. Cathey, Executive Director
KGC/nlm/ 11-19-2020

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 18th, 2019**; 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 **October 9th, 2020**. The announcement of the CY 2020 Commission meetings was posted on the OHRC website on **October 18th, 2019**. The agenda for this meeting was posted on the OHRC Website, www.ohrc.org, on **October 9th, 2020**.