

**OKLAHOMA HORSE RACING COMMISSION**  
**REGULARLY SCHEDULED MEETING**  
**THURSDAY, JANUARY 20, 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 Murray, Commissioner Brookover, Commissioner Burget, Commissioner Von Hemel, Commissioner Anderson, Commissioner Pilcher, Vice Chairman Keener and Chairman Lucas.

Absent from the meeting was Secretary Sanders.

**A. MINUTES**

The Minutes from the **November 18, 2021**, Meeting were considered for approval. The vote was as follows:

Ayes: 7  
Nays: 0  
Abstain: 1  
Motion passed 7-0-1

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

**B. PETITION FOR APPEAL FILED ON BEHALF OF LUIS VILLAFRANCO (OWNER/TRAINER).**

On November 8, 2021, the Commission received a Petition for Appeal for Order 21-FMT-031C issued by the Board of Stewards at Fair Meadows, dated November 2, 2021.

Mr. Thomas Zynda, Counsel for Luis Villafranco, presented his statement to the Board, as did legal counsel for the Commission, Mr. James Rucker. Both parties were allowed 15 minutes for presentation.

Commissioner Burget made a motion to go into executive session. Vice Chairman Keener seconded the motion and the vote was as follows:

Ayes: 8  
Nays: 0  
Abstain: 0  
Motion passed 8-0

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

Ayes: 8  
Nays: 0  
Abstain: 0  
Motion passed 8-0

Commissioner Burget made a motion to remand to the stewards for reasons to be set forth in the final order by the commission. Commissioner Murray seconded the motion and the vote was as follows:

Ayes: 8  
Nays: 0  
Abstain: 0  
Motion passed 8-0

**C. PETITION FOR DECLARATORY RULING FILED ON BEHALF OF AUSTIN GUSTAFSON (OWNER/TRAINER), JUAN PULIDO (JOCKEY), AND FELIPE MARTINEZ MORALES (OWNER/TRAINER)**

On October 22, 2021, the Commission received a Request for Declaratory Ruling filed by Attorney John Mac Hayes. Pursuant to Commission rule OAC 325:1-1-18 Mr. Hayes seeks a declaratory ruling on the applicability of 75 O.S. § 316 to the members of the Board of Stewards at Remington Park. Section 316 concerns the disqualification of an agency member for inability to give a fair and impartial hearing.

It was noted by OHRC Administrator, Kelly Cathey, that Mr. Long (Stewards Legal Counsel) was not able to be present at the meeting and that his argument is presented in the brief provided.

Vice Chairman Keener motioned commission recognizes the stewards authority under 75 OS Section 316 to determine best qualifications for Remington Park Board of Stewards. Commissioner Anderson seconded the motion and the vote was as follows:

Ayes: 7  
Nays: 0  
Abstain: 1  
Motion passed 7-0-1

Sandra Balzer asked for clarification on the motion. Vice Chairman stated that for clarification, counsel prepare an order for consideration at the next meeting.

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

Sandra Balzer stated that there was a matter brought to her attention in the late afternoon on the day prior to the Commission Meeting that would have not been reasonably foreseen regarding some pending litigation involving the Commission. Sandra stated that the new business would be for the Commission to take action to be in an executive session for confidential communications with their attorney regarding this pending litigation, that matter being with the district court of appeals.

Vice Chairman Kenner motioned to move into executive session. Commissioner Murray seconded the motion and the vote was as follows:

Ayes: 8  
Nays: 0  
Abstain: 0  
Motion passed 8-0-0

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

Ayes: 8  
Nays: 0  
Abstain: 0  
Motion passed 8-0-0

Vice Chairman Keener made a motion to take no action regarding the litigation discussed in the executive session. Commissioner Anderson seconded the motion and the vote was as follows:

Ayes: 8  
Nays: 0  
Abstain: 0  
Motion passed 8-0-0

**E. ANNOUNCEMENTS:**

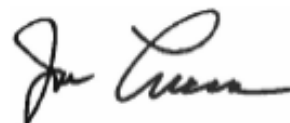
**2/3/2022** – Agenda Topic Submission Deadline for February 17, 2022 Meeting

**2/17/2022**—Regularly Scheduled Commission Meeting

**ADJOURNMENT..... Mr. Lucas, Chair**

Chairman Lucas adjourned the meeting at 11:59 a.m.

APPROVED THIS 20th DAY OF JANUARY 2022.

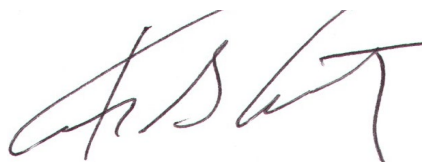


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Joe Lucas, Chairman

On Behalf of the Commission:

ATTEST:



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Kelly G. Cathey, Executive Director

KGC/ack 01/20/2022

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 January 14, 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.org](http://www.ohrc.org), on January 14, 2022.