

OKLAHOMA HORSE RACING COMMISSION
REGULARLY SCHEDULED MEETING
THURSDAY, MAY 19, 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, Secretary Sanders, Commissioner Von Hemel, Commissioner Anderson, Commissioner Pilcher, Vice Chairman Keener and Chairman Lucas.

Absent from the meeting was Commissioner Burget.

A. MINUTES

The Minutes from the **February 17, 2022**, meeting were considered for approval. Vice Chairman Keener made a motion to approve the minutes from the February 17, 2022 meeting. Commissioner Pilcher seconded the motion. The vote was as follows:

Motion passed 8-0-0

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

B. PRESENTATION ON MONITORING PROJECT OF COMPULSIVE GAMING ASSISTANCE PLANS BY RACETRACK GAMING OPERATOR LICENSEES.

Executive Director Kelly Cathey talked on this agenda item as Dr. Harwell became ill and could not attend the meeting. It was asked if Dr. Harwell should come back at the June 2022 Commission Meeting, and he will not be required to come back at the meeting. Remington Park and Will Rogers Downs will have to let the Commission know in June whether they continue to plan on using his services or not or who plans to monitor their compulsive gaming plan. Information pertaining to the Compulsive Gaming Assistance Plans were included in Commissioners packets for review.

C. RECOMMENDATION FROM THE OKLAHOMA-BRED ADVISORY COUNCIL.

Executive Directory Kelly Cathey presented to the Commission the recommendations from the May 4, 2022 Oklahoma-Bred Advisory Council Meeting which includes the following:

1. The Oklahoma-Bred Council requests funding for CY 2023 Year-End Oklahoma-Bred Champion trophies of up to \$15,000.00, combined for all breeds.
2. The Oklahoma-Bred Council requests funding for CY-2023 for promotions and advertisements of up to \$50,000.00.
3. Approved funds for promotional advertising of the program industry of up to \$25,000.00 for Quarter Horse, Paints and Appaloosas and \$25,000.00 for Thoroughbreds.

The necropsy report is usually on the report, however, there have been some issues that are being worked through due to HISA regulations. Therefore, information will be available at the June Commission Meeting.

Promotions have gone away from just magazines, and we now have billboards put up as well as a commercial in the works to air that's being finalized now.

Commissioner Von Hemel mad a motion to approve the recommendations from the Oklahoma-Bred Advisory Council. Commissioner Anderson seconded the motion and the vote was as follows:

Motion passed 8-0-0

D. PROPOSED FY-2023 PARI-MUTUEL AND GAMING AUDITING CONTRACTS BETWEEN THE OKLAHOMA HORSE RACING COMMISSION AND THE OFFICE OF STATE AUDITOR AND INSPECTOR (SA&I).

The price has remained the same for the last two years.

TRAO Executive Director Danielle Barber asked the Commission for the matter to be continued until next month. Ms. Barber stated the proposed budget contemplates all three tracks exporting signals (as has been done in previous years) but does not have a clause to allow for a reduced cost in the event WRD and/or FMT opt to not export their signals due to HISA requirements, thereby reducing the need for services contemplated by State Auditor's office. In addition she requested adding something into the scope of work to include comparing their audited numbers to monies actually being placed in the respective purse accounts.

OHRC Executive Director Kelly Cathey stated that this has been talked about before and if we did that, the price would go up.

Secretary Sanders noted that a contract has to be approved before the start of the fiscal year. Secretary Sanders also recommends that we do what TRAO Executive Director stated and that is negotiate with the State Auditor's Office and if there's an additional price we can bring it back as a separate action and add it.

Secretary Sanders made a motion to approve the contract with the State Auditor, contingent on resolving the issues presented by Ms. Barber. Commissioner Anderson seconded the motion and the vote was as follows:

Motion passed 8-0-0

E. PROPOSED FY-2023 AGENCY BUDGET.

Secretary Sanders spoke on behalf of the budget committee and presented to the commission, the results of the commission budget proposal.

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

Motion passed 8-0-0

F. DISCUSSION AND POSSIBLE ACTION REGARDING OKLAHOMA COUNTY DISTRICT COURT CASE CS-2017-8543, HOBBY HORSE FARMS, INC V. OKLAHOMA HORSE RACING COMMISSION AND SEQUOYAH COUNTY DISTRICT COURT CASE CV-2021-223, WHITEKILLER VS. OKLAHOMA HORSE RACING COMMISSION.

Vice Chairman Keener made a motion to go into executive session to include the commission legal counsel and employee Kelly Cathey. Secretary Sanders seconded the motion and the vote was as follows:

Motion passed 8-0-0

The Commissioners went into executive session at 9:43 a.m.

Commissioner Anderson made a motion to come out of executive session. Commissioner Pilcher seconded the motion, however, Vice Chairman Keener was not present at the time of voting and the vote was as follows:

Motion passed 7-0-0

The Commissioners came back into regular session at 10:14 a.m.

After voting to come out of executive session, it was stated that Agenda Item F would be broken into two separate votes. First case, Whitekiller vs. Oklahoma Horse Racing Commission (CV-2021-223) and second case, Hobby Horse Farms, Inc. vs. Oklahoma Horse Racing Commission (CS-2017-8543).

Whitekiller vs. Oklahoma Horse Racing Commission (CV-2021-223) - Commissioner. Brookover made a motion to authorize action as discussed in executive session. Commissioner Anderson seconded the motion and the vote was as follows:

Motion passed 7-0-0

Ms. Keener was not present in the portion of the executive session in which the Whitekiller case was discussed and did not vote on the Motion. She rejoined the meeting following the vote on CV-2021-223 Whitekiller vs. Oklahoma Horse Racing Commission at 10:15 a.m.

Hobby Horse Farms, Inc. vs. Oklahoma Horse Racing Commission (CS-2017-8543) – Vice Chairman Keener made a motion to direct staff to take action as discussed in executive session. Commissioner Von Hemel seconded the motion and the vote was as follows:

Motion passed 8-0-0

G. PETITION FOR APPEALS FILED ON BEHALF OF AUSTIN GUSTAFSON (OWNER/TRAINER) ORDER NO. 21-RP-076, AND FELIPE MARTINEZ MORALES (OWNER/TRAINER) ORDER NO. 21-RP-077.

Attorney John Mac Hayes, Attorney for Appellants, spoke on behalf of his clients, the appellants, Austin Gustafson and Felipe Martinez Morales and presented his case to the Commissioners.

Attorney Geoffrey Long, Attorney for the Board of Stewards, spoke on behalf of his clients, The Board of Stewards at Remington Park and presented his case to the Commissioners.

Commissioner Von Hemel made a motion to go into executive session to include Ms. Balzer for legal counsel. Commissioner Anderson seconded the motion and the vote was as follows:

Motion passed 8-0-0

The Commissioners went into executive session at 10:45 a.m.

Vice Chairman Keener made a motion to come back into regular session. Secretary Sanders seconded the motion and the vote was as follows:

Motion passed 8-0-0

The Commissioners came back into regular session at 11:10 a.m.

Commissioner Brookover made a motion to take preliminary action on the

matter to affirm the stewards orders before us and direct Ms. Balzer to prepare a proposed order with findings of fact in conclusion of law for further consideration at the next meeting. Commissioner Murray seconded the motion and the vote was as follows:

Motion passed 8-0-0

Following the vote of the Commissioners, Attorney John Mac Hayes asked if he could address the Commission further. Chairman Lucas denied his request but Mr. Hayes went to the podium and attempted to further argue his case to the Board. After being told numerous times to leave the podium, Chairman Lucas instructed Law Enforcement Agent Pete Markstone to remove Mr. Hayes from the meeting.

H. APPOINTMENT OF NOMINATING COMMITTEE TO PRESENT A PROPOSED SLATE OF NOMINEES FOR COMMISSION OFFICERS FOR FY-2023.

Chairman Lucas appointed three people for the committee and they are as follows: Bennett Anderson (Chair), Dan Pilcher and Donnie Von Hemel. Chairman Lucas asked that those three get together and get a slate of nominees they want for next year and it will be voted on at the next commission meeting.

I. 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.

J. 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.

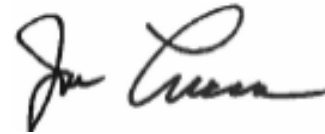
06/03/2022 – First Day of Thoroughbred, Quarter Horse, Appaloosa and Paint Race Meeting at Fair Meadows.

06/16/2022—Regularly Scheduled Commission Meeting.

ADJOURNMENT..... Mr. Lucas, Chair

Chairman Lucas adjourned the meeting at 11:15 a.m.

APPROVED THIS 16th DAY OF JUNE 2022.



Joe Lucas, Chairman

On Behalf of the Commission:

ATTEST:



Kelly G. Cathey, Executive Director

KGC/ack 06/16/2022

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 June 10, 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 June 16, 2022.