

OKLAHOMA HORSE RACING COMMISSION

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REVISED* AGENDA

***Agenda Topic C, Change in Possible Actions**

**Regularly Scheduled Meeting
Thursday, January 11, 2018, 9:30 a.m.**

**Meeting Location:
Agriculture Board Room
Department of Agriculture, Food and Forestry
2800 N. Lincoln Boulevard
Oklahoma City, OK 73105**

New Address of the:

OKLAHOMA HORSE RACING COMMISSION
2800 N. LINCOLN BLVD., SUITE 220
OKLAHOMA CITY, OKLAHOMA 73105
(Located in Department of Agriculture, Food and Forestry Building)
TELEPHONE: (405) 522-8167; FAX: (405) 943-6474
E-MAIL: BMORRIS@OHRC.ORG; WEBSITE: WWW.OHRC.ORG

AGENDA POSTED IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING ACT

All customers who attend public meetings of the Commission who need special accommodations, i.e., Sign Language Interpreter, amplification device, large print materials, Braille materials, audio cassette materials, readers or other special accommodations must notify the Commission by the deadline date and time for acceptance of agenda requests.

CALL TO ORDER Mr. Lucas, Chair

ROLL CALL Mr. Lucas, Chair

BUSINESS Mr. Lucas, Chair

A. MINUTES

The drafted Minutes of the November 16, 2017 Regularly Scheduled Commission Meeting **[Item A.1]** will be considered for approval.

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

B. HEARING FOR SIQ LJUBLJANA, A SLOVENIAN APPLICANT, FOR A NEW GAMING INDEPENDENT TEST LAB LICENSE

Background

The Slovenian Institute of Quality and Metrology, Ljubljana, more commonly known as SIQ Ljubljana [SIQ], submitted an original application for a new gaming Independent Testing Laboratory on October 13, 2017 **[Item B.1]**. SIQ is based in Slovenia, formerly a part of Czechoslovakia, in southern Central Europe.

Item B.2 contains the relevant gaming rule, OAC 325:80-15-1, regarding requirements for Independent Testing Laboratories license applications.

Mr. Pete Markstone, OHRC Director of Law Enforcement, reviewed the application and forwarded a letter recommending approval of the license application on November 14, 2017 **[Item B.3]**.

Current Consideration

The Commission will conduct a hearing on SIQ's application in compliance with OHRC *Rules for Racetrack Gaming* Rule 325:80-19-1, Procedures for Consideration of Applications for Racetrack Gaming Operator and Independent Testing Laboratory Licenses, which calls for such applications to be heard and, if approved, issued by the Commission.

Mr. Brandon Griffith, SIQ Director of Business Development, located in Carson City, Nevada, will represent SIQ.

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, Section 301 et seq.; the Oklahoma Horse Racing Act, Title 3A O.S. Section 200 et seq.; the State-Tribal Gaming Act, Title 3A O.S. Section 261 et seq.; the Commission *Rules of Racing*, OAC 325; and the Commission *Rules for Racetrack Gaming*, OAC 325.

The Hearing procedure will be scheduled as follows:

1. SIQ will have 30 minutes to present its original application for an Independent Testing Laboratory License.
2. Persons supporting the application of SIQ will have 30 minutes to present any comment or evidence in support.
3. Persons opposing the application of SIQ will have 30 minutes to present any comment or evidence in opposition.
4. Mr. Pete Markstone, the OHRC Director of Law Enforcement, will report on his background investigation of SIQ.
5. All parties will be subject to questioning by Commissioners, Commission Counsel, Commission Staff and others as may be allowed by the Commission Chair.

Possible Executive Session for Deliberations in an Individual Proceeding Regarding SIQ's Original Application for a CY 2018 Independent Testing Laboratory License

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session is proposed for deliberations in an individual proceeding regarding SIQ's original application for a CY 2018 Independent Testing Laboratory License.

1. Motion and Vote to Go Into Executive Session for the Purpose Stated Above

2. Vote to Reconvene in Open Session

Possible Action:

Possible actions may include: taking no action; taking preliminary action to approve a CY 2018 Independent Testing Laboratory License to SIQ and directing Commission Staff to draft a license order for consideration in further deliberations at the February 15, 2018 meeting; denying the license; or continuing the matter.

C. REQUEST BY REMINGTON PARK AND THE OKLAHOMA QUARTER HORSE RACING ASSOCIATION TO ADD 60 ADDITIONAL RACES TO THE CY 2018 MIXED BREED RACE MEETING

Background

The CY 2018 Horsemen's Agreement between Remington Park and the Oklahoma Quarter Horse Racing Association [OQHRA] includes a provision that allows an option for the parties to request Commission approval of 60 additional overnight races to be run during the CY 2018 Quarter Horse, Paint and Appaloosa Race Meeting.

Current Consideration

Since the last Commission meeting, Mr. Matt Vance, Vice President of Operations at Remington Park, sent a November 17, 2017 letter [Item C.1], making the request. Item C.2 is OQHRA's January 3, 2018 written confirmation of the joint request. This would set the total projected number of races at:

<u>BREEDS</u>	<u>RACES BY BREED IN LICENSE ORDER</u>	<u>PROPOSED INCREASE IN RACES BY BREED</u>
Quarter Horse	422	480
Paint & Appaloosa	<u>78</u>	<u>80</u>
TOTAL	500	560

In Remington Park's CY 2018 racing license Order, the number of races per day for the Quarter Horse, Paint and Appaloosa meeting was set at a range of 8-12. Specifically, Remington Park proposes to schedule the 60 additional races by running 11 races on Thursdays, 12 races on both Fridays and Saturdays and 10 races on Sundays.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the request, in whole or in part; or continuing the matter.

D. HEARING ON MANUEL MATA'S MOTION FOR REHEARING, RE-OPENING, AND/OR RECONSIDERATION OF COMMISSION ORDER 2017-OHRC-003

Background

On May 18, 2017, following hearings on the matter held at its March 30, and May 18, 2017 meetings, the Commission issued order 2017-OHRC-003, in disposition of three cases referred by the Board of Stewards at Will Rogers Downs with a recommendation that the Commission assess penalties in excess of the one year suspension and \$2,500 fine the Stewards were authorized to impose. In all three cases, the Stewards found Mr. Mata in violation of OAC 325:35-1-5, Trainer Responsibility, and OAC 325:45-1-4, Drugs or Medication, for horses that tested positive for the prohibited medications as follows:

<u>HORSE'S NAME</u>	<u>RACETRACK, DATE & RACE</u>	<u>MEDICATION(S)</u>	<u>STEWARDS' ORDERS</u>
TIMBERLEIGH	Fair Meadows at Tulsa 7/29/16, 9 th Race	Ractopamine	2017-FMT-001
TIME FOR BIG FEET	Will Rogers Downs 10/7/16, 7 th Race	Caffeine Albuterol Nalbuphine	2017-WRD-005
TIME FOR BIG FEET	Will Rogers Downs 9/18/16, 11 th Race	Diazepam Nordiazepam	2017-WRD-006

Mr. Mata did not appeal any of the Stewards' Orders.

The Commission found that Mr. Mata's mitigation arguments were unpersuasive, and aggravated circumstances justified penalties in excess of the Stewards' authority. The Commission imposed the following penalties to be served consecutively: For 17-FMT-001, a five year suspension and a \$10,000 fine; for 17-WRD-005, a five year suspension and \$10,000 fine; and for 17-WRD-006, a one year suspension and \$5,000 fine.

In June, 2017, the Commission received Mr. Mata's Motion for Rehearing, Re-Opening and/or Reconsideration of Commission Order 2017-OHRC-003. A hearing on the motion was originally scheduled for the Commission's October 19, 2017 meeting, but was continued at Mr. Mata's motion to a date to be later determined [Order 2017-OHRC-018, issued on October 16, 2017]. On December 14, 2017, the parties were given notice of the hearing set for January 11, 2018. **Item D.1** contains the related documents.

Current Consideration

The Hearing will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75 O.S. § 301 et seq., the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., and OAC 325 (OHRC Rules of Racing).

The procedure for the Hearing will be held as follows:

1. The Commission will first hear from the parties or their counsel on the issue of whether the Motion was timely filed within ten days of the entry of Commission Order 2017-OHRC-003 as required by 75 O.S. Section 317(A).
2. If the Commission finds that the Motion is properly before it, the Commission will then hear from the parties or their counsel on the issue of whether the Motion should be granted. Oral arguments are limited to the arguments set forth in Mr. Mata's motion and Counsel for the Boards of Stewards' response to the motion. Each party or counsel will have ten (10) minutes to make its presentation.
3. If the Commission grants the Motion, the Commission will then hear from the parties or their counsel on the issue of whether Commission Order 2017-OHRC-003 should be amended. Oral arguments are limited to the arguments set forth in Mr. Mata's motion and Counsel for the Boards of Stewards' response to the motion. Each party or counsel will have fifteen (15) minutes to make its presentation.
4. All parties are subject to questioning by Commissioners, Commission Staff, and Commission Legal Advisor. In addition to oral argument, the Commission may consider the briefs filed by the parties in this matter, and evidence properly offered in accordance with the Oklahoma Administrative Procedures Act, the Oklahoma Horse Racing Act, and the Commission's Rules of Racing.

Possible Executive Session

Pursuant to 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of deliberations in an individual proceeding regarding the Licensee's Motion for Rehearing, Re-Opening and/or Reconsideration of Commission Order 2017-OHRC-003.

1. Motion and Vote to Go Into Executive Session for the Purpose Stated Above
2. Vote to Reconvene in Open Session

Possible Action:

Possible action may include, but is not limited to: taking no action; denying the motion; granting the motion, in whole or in part; or continuing the matter.

E. REPORTS

1. The Second Regular Session of the 56th Legislature is scheduled to begin its work on Monday, February 5, 2018, 12:00 Noon.
2. Mr. Kelly Cathey, Commission Executive Director, approved CY 2018 renewal licenses for three Independent Testing Laboratories, as the Commission delegated responsibility to the Executive Director to make such decisions at its June 20, 2013 meeting. The three labs include:
 - BMM North America, Inc. DBA BMM Testlabs
 - Gaming Laboratories International, LLC
 - Nick Farley and Associates DBA Eclipse Compliance Testing

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

G. ANNOUNCEMENTS

1. A Public Hearing is scheduled for Tuesday, February 6, 2018 to receive comments on proposed rule amendments to the following chapters of OHRC *Rules of Racing*:

Chapter 40, Veterinarian Practices
Chapter 65, Pari-Mutuel Wagering
Chapter 75, Oklahoma-Bred Program

2. The Oklahoma Quarter Horse Racing Association's Annual Awards Program is scheduled for February 24, 2018, 6:00 p.m., to be held at the Hard Rock Casino in Catoosa. The Commission will be presenting CY 2017 Oklahoma-Bred Champion Awards for Quarter Horses, Paints and Appaloosas.

ADJOURNMENT.....Mr. Lucas, Chair

PLEASE SEE CALENDAR ON NEXT PAGE

MID-JANUARY THROUGH FEBRUARY, 2018 CALENDAR

1/15/18 – HOLIDAY [Martin Luther King, Jr. Day]

2/1/18 – Deadline for submitting agenda topics for 2/15/18 Commission meeting

2/6/18 – Public Hearing on Proposed Rule Amendments to Chapters 40, 65 and 75

2/7/18 – Oklahoma-Bred Advisory Council meeting, 1:30 p.m., Conference Room 201, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

2/15/18 – Commission Regularly Scheduled Meeting, 9:30 a.m., Agriculture Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

2/19/18 – HOLIDAY [Presidents' Day]

2/24/18 – Oklahoma Quarter Horse Racing Association's Annual Awards Program, Hard Rock Casino and Hotel, Catoosa, OK