

OKLAHOMA HORSE RACING COMMISSION

JOE LUCAS, CHAIR

BECKY GOUMAZ, VICE-CHAIR

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STANTON HARRELL, ESQ., MEMBER

WENDY INGERSOLL KEENER, ESQ., MEMBER

PHILLIP KIRK, MEMBER

MONTY MARCUM, MEMBER

DONNIE VON HEMEL, MEMBER

DOUGLAS WRIGHT, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, November 16, 2017, 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)
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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 ORDERMr. Lucas, Chair
- ROLL CALLMr. Lucas, Chair
- BUSINESSMr. Lucas, Chair

A. MINUTES

The drafted Minutes of the October 19, 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. PROPOSED OPENING OF PERMANENT RULEMAKING PROCESS FOR PROPOSED AMENDMENTS TO CHAPTER 65, PARI-MUTUEL WAGERING, AND CHAPTER 75, OKLAHOMA-BRED PROGRAM

Chapter 65, Pari-Mutuel Wagering Rules

Remington Park has requested the Commission open the permanent rulemaking process to consider proposed changes for Win Three Pools and Pick (n) Pools as well as proposed new rules for Surface Change and Straight 8 Wager, a new wager type.

Chapter 75, Oklahoma-Bred Program Rules

The Commission adopted amendments to OAC 325:75-1-3. Definition of Accredited Oklahoma-Bred Thoroughbred, that changed the stallion yearly re-certification fees that took effect September 11, 2017.

Commission Staff recommends opening Chapter 75 so that the same fee changes will be reflected in OAC 325:75-1-12.1, Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the beginning of the permanent rulemaking process to consider amendments in Chapter 65 and Chapter 75 as proposed, or as modified at the meeting, by authorizing publication in *The Oklahoma Register* and scheduling a Public Hearing; or continuing the matter.

C. RECOMMENDATION FROM THE OKLAHOMA-BRED ADVISORY COUNCIL

The Oklahoma-Bred Advisory Council met on November 1, 2017 and forwarded the following recommendation for Commission consideration for allocation of the FY-2017 [July 1, 2016 through June 30, 2017] Oklahoma-Bred registration fees totaling \$138,903.80 to be used for Oklahoma-Bred purse money in CY 2018:

<u>RACETRACK</u>	<u>BREEDS</u>			<u>TOTAL</u>
	<u>Thoroughbred</u>	<u>Quarter Horse</u>	<u>Paint/ Appaloosa</u>	
Remington Park	\$19,381.19	\$45,123.38	\$ 4,607.76	\$ 69,112.33
Will Rogers Downs	\$ 9,690.59	\$28,870.40	\$ 3,544.43	\$ 42,105.42
Fair Meadows at Tulsa	<u>\$ 5,491.34</u>	<u>\$18,177.68</u>	<u>\$ 4,017.03</u>	<u>\$ 27,686.05</u>
	\$34,563.12	\$92,171.46	\$12,169.22	\$138,903.80

The Oklahoma-Bred Advisory Council unanimously recommends funding from the Oklahoma Breeding Development Fund Special Account.

Possible Action:

Possible action may include but is not limited to: taking no action; approving the proposed allocations, in whole or in part; altering the requested allocation; or continuing the matter.

D. DISCUSSION OF GERRY AND THERESA MCLEANS' APPEAL OF STEWARDS' ORDER 2017-RP-054A*

***Since Chairman Lucas had to leave the October 19, 2017 meeting before the Appeal Hearing was conducted, Vice-Chair Goumaz will preside over this agenda topic.**

Background

At the October 19, 2017 meeting, the Commission conducted a Hearing on Gerry and Theresa McLeans' appeal of Stewards' Order 2017-RP-054A, in which Mr. McLean was found to be in violation of OAC 325:35-1-5, Trainer Responsibility, and OAC 325:45-1-4, Drugs or Medication, and the Directive on Commission-Sanctioned Thresholds for his horse, EXPRESSIONS N SNOW, testing positive for Tolfenamic Acid, a prohibited substance. The Board of Stewards fined Mr. McLean \$2,500 and suspended his occupation license for a period of three hundred sixty-five (365) days beginning Thursday, April 13, 2017, and continuing through Thursday, April 12, 2018. The Stewards also disqualified the horse, EXPRESSIONS N SNOW, from second place with the horse to remain unplaced in the 6th race at Remington Park on Saturday, March 25, 2017. The purse was ordered to be redistributed.

In Stewards' Order 17-RP-055A, Ms. Theresa Lynn McLean, Owner, was suspended pursuant to OAC 325:15-5-10(a)(6), Grounds for Denial, Refusal, Suspension or Revocation of License.

After the Hearing, the Commission took preliminary action to affirm decisions in Stewards' Orders 17-RP-054A and 17-RP-055A and instruct the Commission Legal Advisor to draft an Order, including Findings of Fact and Conclusions of Law discussed in Executive Session, for continued deliberations at the November 16, 2017 Commission meeting.

Current Consideration

Since the October 19, 2017 meeting, Mr. McLean has passed away. Ms. Alecia George, Commission Legal Advisor for the appeal, suggests that the Commission discuss the final proposed Order and consideration of the effect of Mr. McLean's passing on the Order regarding both Stewards' Orders.

Possible Action:

Possible action may include but is not limited to: taking no action or continuing the matter.

E. PROPOSED OPENING OF EMERGENCY RULEMAKING PROCESS FOR PROPOSED AMENDMENTS TO CHAPTER 45, MEDICATION AND EQUINE TESTING PROCEDURES

The Ad Hoc Committee on Rules and Medication proposes amendments to Chapter 45, Medication and Equine Testing Procedures, of Rules of Racing, under the emergency rulemaking process. The amendments are proposed to: extensively revise, update, and reorganize existing medication rules, including but not limited to, adding, amending, and deleting existing definitions and rules to clarify the rights and obligations of owners, trainers, and other licensees; define testing procedures; identify prohibited practices; and add lists of permitted substances for specific breeds of horses. The amendments would take effect on an emergency basis upon gubernatorial approval through September 14, 2018 unless otherwise amended or superseded. The Commission already opened the permanent rulemaking process for Chapter 45 at its May 18, 2017 meeting.

Item E.1 contains the proposed amendments.

If adopted under the emergency rulemaking process, the Commission must submit an Emergency Declaration, finding "that an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule." [75 O.S., 2001, Section 253(A)] **Item E.2** is a drafted Emergency Declaration for Commission consideration.

Possible Action:

Possible emergency rulemaking may include, but is not limited to: taking no action, adopting the proposed amendments, deciding not to adopt the proposed amendments, adopting modified a version of the proposed rule amendments, or continuing the discussion.

Possible action may include, but is not limited to: adopting the drafted Emergency Declaration, adopting a modified version of the drafted Emergency Declaration, or continuing the discussion.

F. PROPOSED ELIMINATION OF DIRECTIVE ON COMMISSION-SANCTIONED THRESHOLDS

Background

If the Commission adopts the proposed amendments to Chapter 45, Medication and Equine Testing Procedures under the emergency rulemaking process [as shown in Agenda Topic E], the current Directive on Commission-Sanctioned Thresholds would need to be eliminated contingent upon gubernatorial approval of the emergency rulemaking to be effective the date of gubernatorial approval.

Possible Action:

Possible action may include, but is not limited to: taking no action; eliminating the current Directive upon gubernatorial approval of the emergency rule amendments' effective date; adopting a modified version of the current Directive; or continuing the matter.

G. REPORTS

1. Ms. Amanda Blair, Chief Operating Officer at Expo Square, will provide a status report regarding Fair Meadows at Tulsa's construction plans for the barn and Jockey Room.

2. Mr. Mark Enterline, Consulting General Manager at Will Rogers Downs, will provide a status report regarding the barns that were damaged by a tornado.

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

I. ANNOUNCEMENTS

1. Will Rogers Downs's CY 2017 Quarter Horse, Paint and Appaloosa race meeting concluded on November 11, 2017.
2. Remington Park's CY 2017 Thoroughbred race meeting is scheduled to conclude on December 17, 2017.
3. The Commission's next regular meeting is scheduled for January 11, 2018 to be held in the Board Room at the Department of Agriculture, Food and Forestry.
4. **Best wishes for a happy and safe holiday season.**

ADJOURNMENT.....Mr. Lucas, Chair

PLEASE SEE CALENDAR ON NEXT PAGE

NOVEMBER, 2017-JANUARY, 2018 CALENDAR

11/23-24/17 – HOLIDAY [Thanksgiving]

12/17/17 – Remington Park's Thoroughbred race meeting is scheduled to conclude

12/25-26/17 – HOLIDAY [Christmas]

12/28/17 – Deadline for submitting agenda topic requests for January 11, 2018 Regularly Scheduled Commission Meeting

There is no December, 2017 Regularly Scheduled Meeting

1/1/18 – HOLIDAY [New Year's Day]

1/5/18 – Public Hearing on Proposed Rule Amendments in Chapter 45 of *Rules of Racing*, 1:00 p.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

1/11/18 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

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