

OKLAHOMA HORSE RACING COMMISSION

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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, August 23, 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)

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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 ORDER Mr. Lucas, Chair

ROLL CALL Mr. Lucas, Chair

BUSINESS Mr. Lucas, Chair

A. MINUTES

The drafted Minutes of the June 14, 2018 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. REMINGTON PARK’S REQUEST TO AMEND CY 2018 LIVE RACE DAYS FOR THOROUGHBRED RACE MEETING

In a June 21, 2018 e-mail [Item B.1], Mr. Tim Williams, Racing Secretary at Remington Park (RP), requests Commission approval to amend its CY 2018 allotted live race days for the Thoroughbred race meeting. RP is asking to make the following change:

- Drop Wednesday, October 3, 2018
- Replace with Wednesday, September 26, 2018

Item B.2 contains written support for this change by the Thoroughbred Racing Association of Oklahoma.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the proposed change to the live race dates, in whole or in part; deciding not to approve the proposed change; or continuing the discussion.

C. PRELIMINARY CONSIDERATION OF CY 2019 RACING AND GAMING APPLICATIONS

The Commission received three renewal applications from Remington Park, Will Rogers Downs and Fair Meadows at Tulsa for organization licenses to conduct live racing and simulcasting in CY 2019 as well as gaming applications. **Item C.1** reflects the CY 2019 requested live race dates.

In the past, the Commission has determined that a full formal Public Hearing would be conducted only on original applications for organization and gaming licenses. On renewal applications, the Public Hearing is limited to a presentation by a racetrack representative followed by a question and answer period by Commissioners, Commission Counsel and Commission Staff.

The following is a summary of the race day applications received.

1. Remington Park

Remington Park, Inc. [RP] applied to conduct two race meetings:

- a **Quarter Horse, Paint and Appaloosa race meeting**, 50 days in length [422 QH and 78 PT/APP races], from March 8 through June 1, 2019 and
- a **Thoroughbred race meeting**, 67 days in length [600 TB races], from August 23 through December 15, 2019.

Remington Park also submitted a Racetrack Gaming Operator License application.

Staff Briefs have been completed on Remington Park's CY 2019 racing and gaming license applications, respectively [**Items C.2 and C.3**].

2. Will Rogers Downs, L.L.C.

Will Rogers Downs, L.L.C. [WRD] applied to conduct two race meetings:

- a **Thoroughbred race meeting**, 24 days in length [216 TB races], from March 18 through May 25, 2019 and

- a **Quarter Horse, Paint and Appaloosa race meeting**, 26 days in length [262 QH and 44 PT/APP races], from September 7 through November 3, 2019.

Will Rogers Downs also submitted a Racetrack Gaming Operator License application.

Staff Briefs have been completed on Will Rogers Downs's CY 2019 racing and gaming license applications, respectively [**Items C.4 and C.5**].

3. Tulsa State Fair (Tulsa County Public Facilities Authority)

The Tulsa State Fair (the Tulsa County Public Facilities Authority) applied to conduct one fair race meeting:

- a **Thoroughbred, Quarter Horse, Paint and Appaloosa fair race meeting** at Fair Meadows at Tulsa, 34 race days in length [170 QH, 170 TB and 68 PT/APP races], from June 6 through July 27, 2019.

Fair Meadows at Tulsa [FMT] also submitted a Recipient Racetrack Gaming License application.

Staff Briefs have been completed on the Tulsa County Public Facilities Authority's CY 2019 racing and gaming license applications, respectively [**Items C.6 and C.7**].

The chart on the next page summarizes the proposed race days as reflected in the applications and the amendments thereto.

Applicants for Renewal Racing Licenses	Race Meetings	Number of Live Race Days Requested and Number of Races Per Breed Requested	Number of Required Races By Breed To Conduct Gaming	Race Meeting Time Frame (2019)
REMINGTON PARK Global Gaming RP, L.L.C. Oklahoma City	Quarter Horse Paint and Appaloosa	<u>50 race days</u> 422 QH races 78 PT/APP races	No fewer than 500 races within a period of 12 consecutive weeks	3/8/19 – 6/1/19
	Thoroughbred	<u>67 race days</u> 600 TB races		
WILL ROGERS DOWNS Will Rogers Downs, L.L.C. Claremore	Thoroughbred	<u>24 race days</u> 216 TB races	No fewer than 270 QH races No fewer than 60 PT and AP races	3/18/19 – 5/25/19 9/7/19 – 11/3/19
	Quarter Horse Paint and Appaloosa	<u>26 race days</u> 262 QH races 44 PT/APP races		
TULSA STATE FAIR (Tulsa County Public Facilities Authority) Fair Meadows at Tulsa	Quarter Horse Thoroughbred Paint and Appaloosa	<u>34 race days</u> 170 QH races [EST.] 170 TB races [EST.] 68 PT/APP races [EST.]	No fewer than 400 total races with no fewer than an average of 4 races per day for TB horses	6/6/19 – 7/27/19

Because the issuance of organization licenses includes the allocation of live race dates, and because the Commission, in allocating race dates, attempts to avoid unnecessary overlap and simultaneous competition among racetracks, the Commission has determined that (1) information received regarding any particular application for an organization license is considered as part of the record regarding all of the applications for organization licenses and (2) that deliberations on all organization license applications should take place together.

THE FOLLOWING PROCEDURES PERTAIN TO THE PRESENTATIONS REGARDING RACING AND GAMING RENEWAL APPLICATIONS FOR ORGANIZATION LICENSES.

Each racetrack will be given up to ten (10) minutes to make its presentation on its CY 2018 racing and gaming renewal license applications **with a concentration on changes proposed or made since the CY 2018 applications**. Following the presentation, Commissioners, Commission Counsel and Commission Staff may ask questions. The period taken with questions and answers will not be charged against the time allotted the Applicant.

Possible Executive Session for Deliberations in Individual Proceedings Regarding Racetrack Applications for Racing and the Companion Gaming Licenses

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session is proposed for **deliberations in individual proceedings regarding CY 2019 organization license [racing] and the companion gaming applications from Remington Park, Will Rogers Downs and Fair Meadows at Tulsa (Tulsa County Public Facilities Authority).**

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 allot CY 2019 live race dates and directing Commission Staff to draft CY 2019 racing and companion gaming license orders subject to staff reports and consideration of the Staff Briefs and draft orders for consideration in further deliberations at the October 18, 2018 meeting; or continuing consideration to the October 18, 2018 meeting.

D. PROPOSED EMERGENCY RULEMAKING FOR DEFINITION IN CHAPTER 45, PROHIBITED PRACTICES AND EQUINE TESTING

Commission Staff proposes to open the emergency rulemaking process to correct an inadvertent error made in last fall's emergency and permanent rulemaking amendments to OAC 325:45-1-2, Definitions, for the "teeth floating" definition. The definition erroneously stated that it would be provided as veterinary practice. It is necessary to make the correction under the emergency rulemaking process to avoid violation of a state law that states teeth floating is done by a non-veterinarian. The proposed amendments are shown as follows:

"Teeth floating", **as provided by a non-veterinary equine dental care provider**, means the ~~veterinary practice provided by a non-veterinary equine dental care provider consisting of removing~~ **removal of** enamel points and **the** smoothing, contouring and leveling of dental arcades and incisors of ~~a horse's~~ **horses'** teeth.

Item D.1 is a drafted Emergency Declaration for Commission consideration.

Possible Actions:

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 a modified version of the proposed rule amendments, or continuing the discussion.

Possible action on the drafted Declaration of Emergency 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.

E. PROPOSED OPENING OF THE PERMANENT RULEMAKING PROCESS TO CONSIDER RULE AMENDMENTS FOR THE OHRC RULES OF RACING AS PROPOSED BY THE COMMISSION EXECUTIVE DIRECTOR

Mr. Kelly Cathey, Commission Executive Director, proposes opening the permanent rulemaking process to consider amendments in the *Rules of Racing* to:

Chapter 1, Commission Powers and Jurisdiction
Chapter 25, Entries and Declarations
Chapter 45, Prohibited Practices and Equine Testing¹
Chapter 75, Oklahoma-Bred Program

¹Including 325:45-1-2 for the Teeth Floating Amendments

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 the cited chapters as proposed, or as modified at the meeting, by authorizing publication in *The Oklahoma Register* and scheduling a Public Hearing; or continuing the matter.

F. PROPOSED DELEGATION OF AUTHORITY TO CHAIR TO NAME AD HOC COMMITTEES

Under Title 3A, Oklahoma Horse Racing Act, Section 203.2, the Commission is authorized to appoint advisory councils and task forces as it deems necessary for counsel and advice concerning the formulation and administration of the rules of racing and the administration of the programs authorized by the provisions of the Oklahoma Horse Racing Act.

Commission Staff recommends that the Commission consider delegating its authority to the Chair to name the Ad Hoc Committees. **Item F.1** is the current list of delegated responsibilities by the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action; delegating the authority to the Chair; not delegating the authority to the Chair; or continuing the matter.

G. CY 2019 COMMISSION MEETING DATES

Commission Staff recommends that the Commission consider scheduling eight monthly meetings in CY 2019 for the months of January, February, March, May, June, August, October and November. The proposed CY 2019 meeting dates include January 10, February 21, March 28, May 16, June 13, August 22, October 17 and November 21. **Item G.1** is a CY 2019 calendar with the proposed meeting dates highlighted.

Possible Action:

Possible action may include, but is not limited to: scheduling eight meetings on the suggested dates, scheduling meetings on different dates, or continuing the matter to the October 18, 2018 Commission meeting.

H. REPORTS

1. Current Status of Proposed Rule Amendments to Racing Rules

The final adoption of the rule amendments approved by the Commission at the February 15, 2018 meeting will be published in the September 4, 2018 issue of *The Oklahoma Register*. Therefore, the effective date will be September 14, 2018.

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

J. **ANNOUNCEMENTS**

1. This is the last meeting for Commissioner Harrell who has resigned his appointment as of September 1, 2018. His term began July 1, 2013.
2. The Fall race meetings are scheduled to begin as follows:
 - Remington Park's Thoroughbred Race Meeting: August 24, 2018
 - Will Rogers Downs' Mixed Breed Race Meeting: September 8, 2018

ADJOURNMENT.....Mr. Lucas, Chair

PLEASE SEE CALENDAR ON NEXT PAGE

SEPTEMBER-DECEMBER, 2018 CALENDAR

9/3/18 – HOLIDAY [Labor Day]

9/8/18 – Will Rogers Downs's Quarter Horse, Paint and Appaloosa race meeting is scheduled to begin

There is no September, 2018 Regularly Scheduled Meeting

10/4/18 – Deadline for submitting agenda topic requests for October 18, 2018 Regularly Scheduled Commission Meeting

10/18/18 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

11/1/18 – Deadline for submitting agenda topic requests for November 15, 2018 Regularly Scheduled Commission Meeting

11/7/18 – Oklahoma-Bred Advisory Council Meeting, 1:30 p.m., Commission Conference Room, Department of Agriculture, Food and Forestry, Oklahoma City

11/10/18 – Will Rogers Downs' Quarter Horse, Paint and Appaloosa race meeting is scheduled to conclude

11/12/18 – HOLIDAY [Veterans' Day]

11/15/18 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

11/22-23/18 – HOLIDAY [Thanksgiving]

12/16/18 – Remington Park's Thoroughbred race meeting is scheduled to conclude

12/24-25/18 – HOLIDAY [Christmas]

12/27/18 – Deadline for submitting agenda topic requests for January 10, 2019 Regularly Scheduled Commission Meeting [if the Commission sets the January meeting on that date as part of Agenda Topic G at this meeting]

There is no December, 2018 Regularly Scheduled Meeting