

OKLAHOMA HORSE RACING COMMISSION

JOE LUCAS, CHAIR

BECKY GOUMAZ, VICE-CHAIR

KEITH SANDERS, SECRETARY

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, May 17, 2018, 9:30 a.m.

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

OKLAHOMA HORSE RACING COMMISSION
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OKLAHOMA CITY, OKLAHOMA 73105
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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 March 29, 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. CONTINUED DELIBERATIONS IN APPEAL OF J. ROSCOE CALDWELL, JR., REGARDING STEWARDS' ORDER 17-RP-095

Background

Mr. J. Roscoe Caldwell, Jr. appealed Stewards' Order 17-RP-095 which found him to be in violation of OAC 325:35-1-5, Trainer Responsibility, and OAC 325:45-1-4, Drugs or Medication, for his horses, CAJUN DON and AWESOME TALE, testing positive for Carbazochrome, a prohibited substance. The Board of Stewards fined Mr. Caldwell \$2,000. The horses were disqualified from the respective race and the purses were redistributed.

At its March 29, 2018 meeting, the Commission conducted an Appeal Hearing. Mr. Caldwell was represented by Mr. John Mac Hayes; the Board of Stewards was represented by Mr. Bennett Abbott, Deputy General Counsel, Department of Agriculture, Food and Forestry. After hearing arguments from both attorneys, the Commission deliberated in Executive Session and, upon returning to Open Session, took preliminary action to affirm the Stewards' Order and direct the Commission Legal Advisor to draft an Order with Findings of Fact and Conclusions of Law for continued deliberations at the May 17, 2018 meeting.

Current Consideration

The Commission will consider the Proposed Final Order with Findings of Fact and Conclusions of Law.

Possible Executive Session

Pursuant to 75 O.S. § 312, 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of continued deliberations in an individual proceeding regarding Mr. Caldwell's appeal of Stewards' Order 17-RP-075.

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, adopting the Final Order as proposed, adopting the Final Order as modified, the matter to the June 14, 2018 Commission meeting.

C. CONTINUED DELIBERATIONS IN APPEAL OF MIGUEL C. BANUELOS REGARDING STEWARDS' ORDER 17-FMT-002

Background

Mr. Banuelos appealed Stewards' Order 17-FMT-002 which found him to be in violation of OAC 325:35-1-5, Trainer Responsibility, and OAC 325:45-1-4, Drugs or Medication, for his horse, KUHL WAVE, testing positive for Levamisole, a prohibited substance. The Board of Stewards fined Mr. Banuelos \$1,500. The horse was disqualified from the race and the purse was redistributed.

At its March 29, 2018 meeting, the Commission conducted an Appeal Hearing. Mr. Banuelos was represented by Mr. John Mac Hayes; the Board of Stewards was represented by Mr. Bennett Abbott, Deputy General Counsel, Department of Agriculture, Food and Forestry. After hearing arguments from both attorneys, the Commission deliberated in Executive Session and, upon returning to Open Session, took preliminary action to affirm the Stewards' Order and direct the Commission Legal Advisor to draft an

Order with Findings of Fact and Conclusions of Law for continued deliberations at the May 17, 2018 meeting.

Current Consideration

The Commission will consider the Proposed Final Order with Findings of Fact and Conclusions of Law.

Possible Executive Session

Pursuant to 75 O.S. § 312, 25 O.S. § 307 (B)(8) and 311 (B)(1), an Executive Session may be proposed for the purpose of continued deliberations in an individual proceeding regarding Mr. Banuelos's appeal of Stewards' Order 17-FMT-002.

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, adopting the Final Order as proposed, adopting the Final Order as modified, the matter to the June 14, 2018 Commission meeting.

D. RECOMMENDATIONS FROM THE OKLAHOMA-BRED ADVISORY COUNCIL

The Oklahoma-Bred Advisory Council met on May 2, 2018 and forwarded the following recommendations for Commission consideration:

1. Renewal of Veterinary Medical Diagnostic Program [Necropsy Study]

Dr. Keith Bailey, Director of the Oklahoma Animal Disease Diagnostic Laboratory at Oklahoma State University (OSU), submitted a May 24, 2018 request [Item D.1] for continued funding of the Veterinary Medical Diagnostic Program (Necropsy Study).

The current financial commitment to the Necropsy Study is \$50,000. OSU proposes the following charges as compared to the current contract, including a \$5.00 increase for the necropsy service and a \$25.00 increase for the emergency/after-hours fee on horses submitted outside routine business hours:

Service	Current Contract	Proposed Contract
Necropsy with evaluation of any limb injuries [including histopathology, if indicated]	\$225.00 ¹	\$225.00 ¹
Disposal of horse remains Based on weight of horse: < 1,000 lbs. / > 1,000 lbs.	\$135.00-\$150.00	\$135.00-\$155.00
Transportation of horse to OSU based on location of racetrack		
Remington Park	\$190.00-\$250.00 ²	\$190.00-\$250.00 ²
Fair Meadows at Tulsa	\$350.00 ³	\$350.00 ³
Will Rogers Downs	\$350.00 ³	\$350.00 ³
Emergency/after-hours fee on horses submitted outside routine business hours	\$100.00	\$125.00

¹Fees are based on OADDL Fee Schedule [exception: fee for transporting horses to OADDL are established by courier services utilized]. The Fee Schedule is generally revised annually.

²\$190.00 on Monday-Friday; \$250.00 on weekend or holiday. Additional \$100 applied to each additional horse if more than 1 horse is transported at a time.

³Additional \$50 applied to each additional horse if more than 1 horse is transported at the same time.

With the current balance of \$41,242.76, it would require a funding of \$8,757.24 to return the balance to \$50,000.

The Oklahoma-Bred Advisory Council recommends continuation of the Necropsy Study for a \$50,000 financial commitment.

Possible Action:

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

2. **Thoroughbred Racing Association of Oklahoma and Fair Meadow at Tulsa's Funding Request for CY 2018 Thoroughbred Stakes Races to be Conducted at Fair Meadows at Tulsa**

In an April 13, 2018 letter [Item D.2], Ms. Danielle Barber, Executive Director of the Thoroughbred Racing Association of Oklahoma, requests a total of \$20,000 in added Oklahoma-Bred funding for two stakes races to be conducted during Fair Meadows at Tulsa's CY 2018 race meeting with the payout percentages at 60/20/11/6/3 subject to availability of funds at the time the races are conducted as follows:

	Purse Supplements	Broodmare Awards	Stallion Awards	Total
Muscogee [Creek] Nation Stakes	\$ 5,000	\$3,400	\$1,600	\$10,000
Route 66 Stakes	\$ 5,000	\$3,400	\$1,600	\$10,000
	\$10,000	\$6,800	\$3,200	\$20,000

**All race conditions subject to approval of OHRC Executive Director*

The Oklahoma-Bred Advisory Council unanimously recommends \$20,000 in funding from the Oklahoma Breeding Development Fund Special Account for the two stakes races. The funding amounts are the same as CY 2017.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving, in whole or in part, the recommendation, amending the funding amount, denying the funding request, or continuing the matter.

3. **Thoroughbred Racing Association of Oklahoma’s Funding Request for CY 2018 Thoroughbred Stakes Races at Remington Park**

In an April 13, 2018 letter [Item D.3], Ms. Danielle Barber, Executive Director of the Thoroughbred Racing Association of Oklahoma, requests Oklahoma-Bred funding of \$685,600 for twenty [20] stakes races to be run during Remington Park’s CY 2018 Thoroughbred race meeting with the payout percentages at 60/20/11/6/3 subject to availability of funds at the time the races are conducted as follows:

	Purse Supplements	Broodmare Awards	Stallion Awards	Total
Red Earth Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Remington Park Turf Sprint Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Stallion Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Stallion Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Bob Barry Memorial Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Oklahoma Classics Sprint Stakes	\$ 15,200	\$ 10,336	\$ 4,864	\$ 30,400
Oklahoma Classics Distaff Sprint Stakes	\$ 15,200	\$ 10,336	\$ 4,864	\$ 30,400
Oklahoma Classics Distaff Turf Stakes	\$ 15,200	\$ 10,336	\$ 4,864	\$ 30,400
OKC Turf Classics Stakes	\$ 15,200	\$ 10,336	\$ 4,864	\$ 30,400
Oklahoma Classics Juvenile Stakes	\$ 12,000	\$ 8,160	\$ 3,840	\$ 24,000
Oklahoma Classics Lassie Stakes	\$ 12,000	\$ 8,160	\$ 3,840	\$ 24,000
Oklahoma Classics Distaff Stakes	\$ 17,000	\$ 11,560	\$ 5,400	\$ 34,000
Oklahoma Classics Cup Stakes	\$ 22,000	\$ 14,960	\$ 7,040	\$ 44,000
Oklahoma Classics Starter Stakes*	\$ 4,500	\$ 3,060	\$ 1,440	\$ 9,000
Oklahoma Classics Starter Stakes*	\$ 4,500	\$ 3,060	\$ 1,440	\$ 9,000
Silver Goblin Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Jim Thorpe Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Useeit Stakes	\$ 20,000	\$ 13,600	\$ 6,400	\$ 40,000
Don C. McNeil Stakes	\$ 25,000	\$ 17,000	\$ 8,000	\$ 50,000
Slide Show Stakes	\$ 25,000	\$ 17,000	\$ 8,000	\$ 50,000
	\$342,800	\$233,104	\$109,696	\$685,600

*These stakes races are new for CY 2018

Last year, TRAO requested Oklahoma-Bred funding for eighteen stakes races. This year, two additional stakes races have been added, both named the Oklahoma Classics Starter Stakes. The funding request for the eighteen stakes races reflect the same amounts as CY 2017. This recommendation is for approval for the Oklahoma-Bred funding only.

***All race conditions subject to approval of OHRC Executive Director*

The Oklahoma-Bred Advisory Council unanimously recommends \$685,600 in funding from the Oklahoma Breeding Development Fund Special Account for the twenty listed stakes races subject to fund availability at the time the races are conducted.

4. In an April 18, 2018 memo **[Item D.4]**, Ms. Linda Earley and Ms. Krista Patton-Smith, the two Co-Chairs of the Advisory Council, request funding for the CY 2018 year-end Oklahoma-Bred champion trophies by breeds with the cost to be allocated by breed. The Co-Chairs suggested a continuation of funding of up to \$12,500 combined for all breeds.

The Advisory Council unanimously recommends Commission approval of up to \$15,000 in funding for the CY 2018 year-end Oklahoma-Bred champion trophies by breeds to be presented at the CY 2019 award banquets with the cost to be allocated by breed. This is a proposed \$2,500 increase from the amount as approved by the Commission for CY 2017 year-end awards due to increased costs of the trophies.

Possible Action:

Possible action may include but is not limited to: taking no action, approving the funding amount as requested, approving alternate funding, rejecting the funding, or continuing the matter.

5. In an April 18, 2018 memo **[Item D.5]**, Ms. Linda Earley and Ms. Krista Patton-Smith, the two Co-Chairs of the Advisory Council, request funding for the FY 2019 promotional advertising of the Program in industry publications.

The Advisory Council unanimously recommends Commission approval of funding for the annual promotional advertising of the Program in industry publications with up to \$25,000 for the Quarter Horse, Paint and Appaloosa breeds and up to \$25,000 for the Thoroughbred breed during FY 2019 as requested. This is the same amount as approved by the Commission for FY 2018 promotional advertising of the Program.

Possible Action:

Possible action may include but is not limited to: taking no action, approving the funding amounts as requested, approving alternate funding, rejecting the funding, or continuing the matter.

E. PROPOSED FY-2019 AGENCY BUDGET

Commissioner Sanders, as Chair of the Ad Hoc Committee on Budget, Finance, Technology and Facilities, will present the proposed FY-2019 agency budget.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the budget proposal, amending the budget proposal, or continuing the matter.

F. APPOINTMENT OF NOMINATING COMMITTEE TO PRESENT A PROPOSED SLATE OF NOMINEES FOR COMMISSION OFFICERS FOR FY-2019

The Chair will appoint a Nominating Committee of three Commissioners to develop a slate of nominees for Commission Officers (Chair, Vice Chair and Secretary) to serve in FY-2019 (July 1, 2018 through June 30, 2019). At the June 14, 2018 Commission meeting, the Nominating Committee will present a proposed slate of nominees for the three positions for Commission consideration.

Possible Action:

Possible action may include, but is not limited to: appointing the Nominating Committee or continuing the matter.

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

H. ANNOUNCEMENTS

1. The Thoroughbred Racing Association of Oklahoma will hold its annual awards program on Friday, May 18, 2018 at the River Spirit Casino in Tulsa. The Commission will present the CY 2017 Thoroughbred Year-End Oklahoma-Bred Champion Awards. The cocktail hour is scheduled for 6:30 p.m. to 7:30 p.m. with dinner, auction and award presentations to follow.
2. The current race meetings are drawing to a close:
 - Will Rogers Downs concludes on Saturday, May 19
 - Remington Park ends on Saturday, June 2
3. Fair Meadows at Tulsa's CY 2018 race meeting begins on June 7, 2018.
4. The Commission's next meeting is scheduled for June 14, 2018.

ADJOURNMENT.....Mr. Lucas, Chair

PLEASE SEE CALENDAR ON NEXT PAGE

MID-MAY to JUNE, 2018 CALENDAR

5/18/18 – Thoroughbred Racing Association of Oklahoma's annual awards program, River Spirit Casino, Tulsa

5/19/18 – Will Rogers Downs's Thoroughbred race meeting is scheduled to end

5/28/18 – HOLIDAY [Memorial Day]

5/31/18 – Deadline for requesting agenda topics for the June 14, 2018 Commission meeting

6/1/18 – Deadline for submitting CY 2019 racetrack racing and gaming renewal license applications

6/2/18 – Remington Park's Quarter Horse, Paint and Appaloosa race meeting is scheduled to end

6/7/18 – Fair Meadows at Tulsa's Mixed Breed race meeting is scheduled to begin

6/14/18 – Commission's Regularly Scheduled Meeting, starting at 9:30 a.m., in Board Room, Oklahoma Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK 73105