

# OKLAHOMA HORSE RACING COMMISSION

## REGULARLY SCHEDULED MEETING OCTOBER 20, 2016

### MINUTES

#### CALL TO ORDER/ROLL CALL

Chairman Leonard called the Regularly Scheduled Meeting of the Commission to order at 9:39 a.m. in the Board Room of the Department of Agriculture, Food and Forestry, Oklahoma City, Oklahoma.

Commission members answering roll call were Commissioners Bollenbach, Goumaz, Harrell, Kirk, Marcum, Sanders and Chairman Leonard. Commissioner Money joined the meeting after roll call. Commissioner Lucas was unable to attend the meeting. The following Commission staff members were in attendance: Mr. Kelly Cathey, Ms. Shonna Gore, Ms. Mandy Hadley, Mr. Pete Markstone, Mr. Mike Corey and Ms. Bonnie Morris. Approximately sixteen people attended and signed the registry which is part of the record.

#### INTRODUCTION OF DIRECTOR OF OPERATIONS

Ms. Shonna Gore was introduced as the Director of Operations effective September 1, 2016.

#### MINUTES

Commissioner Bollenbach made a motion to approve the drafted Minutes of the August 18, 2016 Regularly Scheduled Meeting as presented. Commissioner Kirk seconded the motion. The vote was recorded as follows:

Aye: Mr. Bollenbach, Mr. Kirk, Mr. Harrell, Ms. Money, Mr. Sanders, Mr. Leonard

Abstain: Ms. Goumaz, Mr. Marcum

Absent: Mr. Lucas

The motion passed on an 6-0-2 vote.

**CONTINUED DELIBERATIONS REGARDING CY 2017 RACING AND GAMING LICENSE APPLICATIONS FOR REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS AT TULSA**

**Background**

At the August 18, 2016 meeting, representatives for Remington Park, Will Rogers Downs and Fair Meadows at Tulsa presented their respective applications for CY 2017 racing and gaming licenses. Commissioners, Commission Staff and Commission Counsel asked questions. The Commission then took preliminary action to award CY 2017 racing and gaming licenses to the three racetracks and allot CY 2017 live race dates and then directed Commission Staff to draft License Orders for continued deliberation to the next Commission meeting.

The drafted racing and gaming license Orders were distributed to the Commissioners prior to today's meeting to provide more review time.

**Current Consideration**

The Commission heard from Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association [OQHRA], regarding her concern about the number of races by breed being run at Fair Meadows at Tulsa [FMT]. She noted that, in order to receive Participating Tribal Fund monies, the State-Tribal Gaming Act requires a total of 400 races be held with no fewer than 4 Thoroughbred races per day. During the CY 2016 race meeting, a total of 408 races were run: 161 Thoroughbred, 182 Quarter Horse and 65 Paint and Appaloosa.

The Commission also heard from Ms. Danielle Barber, Executive Director of the Thoroughbred Association of Oklahoma [TRAO] and Mr. Mark Enterline, Assistant Director of Racing for FMT [in the absence of Ms. Amanda Blair, Expo Square Chief Operating Officer and Director of Racing for FMT].

Commissioner Goumaz made a motion to go into Executive Session to discuss the number of races by breed at FMT plus continued deliberations on the CY 2017 racetrack racing and gaming license applications and include Mr. Cathey, Ms. Gore, and Mr. Abbott. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Sanders, Mr. Bollenbach, Mr. Harrell, Mr. Kirk,  
Mr. Marcum, Ms. Money, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

The Executive Session started at 10:06 a.m.

At 10:27 a.m., Commissioner Sanders made a motion to return to Open Session  
Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Sanders, Mr. Marcum, Mr. Bollenbach, Ms. Goumaz, Mr. Harrell,  
Mr. Kirk, Ms. Money, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

Commissioner Goumaz made a motion to take final action to adopt the drafted CY 2017 racing and gaming license Orders for Remington Park, Will Rogers Downs and Fair Meadows at Tulsa as well as the proposed live race dates and encourage the horsemen's organizations and Fair Meadows at Tulsa to work together to resolve the issue of the number of races by breed or the CY 2016 Horsemen's Agreement with FMT and OQHRA would prevail for CY 2017. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Sanders, Mr. Bollenbach, Mr. Harrell, Mr. Kirk,  
Mr. Marcum, Ms. Money, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

## **REQUEST FROM CHEROKEE NATION BUSINESSES, LLC TO RELEASE BOND**

### **Background**

Section 205.2 of Title 3A, Oklahoma Horse Racing Act, requires that a racetrack secure a bond payable to the State of Oklahoma in the amount of at least \$200,000. The conditions of the bond require payment of all taxes and other monies due and payable pursuant to Title 3A, all purses due and payable and distribution of all sums due to patrons of pari-mutuel pools.

The Commission received a request from Mr. Greg Stice, Senior Risk Management Administrator of Cherokee Nation Businesses, LLC, requesting the release of Bond #2164263 issued by North American Specialty [NAS] Surety Group. The bond's original period was for CY 2013 and was continued for CY 2014.

### **Current Consideration**

Mr. Kelly Cathey, Executive Director, advised the Commission that the NAS Surety Group submitted a letter, dated October 18, 2016, that no claims had been presented

against the referenced bond and no were pending. Mr. Cathey also advised the Commission that the current bond was obtained from the Hartford Fire Insurance Company for CY 2015 and CY 2016.

Commissioner Kirk made a motion to release the NAS bond. Commissioner Goumaz seconded the motion. The vote was recorded as follows:

Aye: Mr. Kirk, Ms. Goumaz, Mr. Bollenbach, Mr. Harrell, Mr. Marcum,  
Ms. Money, Mr. Sanders, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

### **REQUEST BY FAIR MEADOWS AT TULSA FOR ITS PATRONS TO USE FASTBET MOBILE™ FOR MOBILE ON-TRACK WAGERING WHILE LOCATED IN THE SIMULCAST FACILITY**

#### **Background**

In October, 2013, the Commission approved Remington Park's request to set up RPBet, an on-track wagering method used on smart phones, through its AmTote contract. This new type of mobile wagering is a traditional "bricks-and-mortar" wagering option in that the patron must be physically located within the designated area of the racetrack in order to place a mobile wager without visiting the pari-mutuel window.

#### **Current Consideration**

Fair Meadows at Tulsa [FMT] requested similar approval for patron use of FastBet Mobile™ through its contract with United Tote. The technology would give patrons the option to place bets on their smart phones while located in the simulcast facility. Ms. Kyla Evans, FMT Mutuels Manager, attended the meeting and answered Commission questions. Ms. Evans advised the Commission that, if FastBet was approved by the Commission, FMT planned to extend it to the grandstand during the race meeting.

Commissioner Marcum made a motion to approve Fair Meadows at Tulsa's request to institute FastBet in its simulcast facility. Commissioner Bollenbach seconded the motion. The vote was recorded as follows:

Aye: Mr. Marcum, Mr. Bollenbach, Ms. Goumaz, Mr. Harrell, Mr. Kirk,  
Ms. Money, Mr. Sanders, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

**REQUEST FROM THE OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES FOR APPROVAL OF ITS INFORMATION TECHNOLOGY HIGH LEVEL PLAN FOR THE COMMISSION**

**Background**

The Office of Management and Enterprise Services [OMES] submitted its Information Technology High Level Plan for the Commission and seeks approval by the Commission for implementation.

OMES partnered with state agencies to consolidate and centralize information technology [IT] functions. The High-Level Plan represented the first step in the IT consolidation process. It sought to organize the Commission's IT environment into standardized services, document its current state and address how that service will be delivered in the future.

**Current Consideration**

Commissioner Sanders made a motion to accept the Plan. Commissioner seconded the motion. The vote was recorded as follows:

Aye: Mr. Sanders, Mr. Kirk, Mr. Bollenbach, Ms. Goumaz, Mr. Harrell,  
Mr. Marcum, Ms. Money, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

**PROPOSED OPENING OF THE PERMANENT RULEMAKING PROCESS TO CONSIDER RULE AMENDMENTS FOR THE OHRC RULES OF RACING AS PROPOSED BY THE AD HOC COMMITTEE ON RULES**

Commissioner Goumaz, as Chair of the Ad Hoc Committee on Rules and Medication, advised the Commission that Mr. Bennett Abbott, Deputy General Counsel at the Department of Agriculture, Food and Forestry, would be coordinating the permanent and emergency rulemaking processes. She noted that Mr. Abbott made the recommendation that the Commission consider opening the permanent rulemaking process to consider amendments by Chapters rather than specific rules.

The Ad Hoc Committee on Rules and Medication subsequently recommended opening the permanent rulemaking process to consider amendments in the following chapters in the *Rules of Racing*:

Chapter 1, Commission Powers and Jurisdiction  
Chapter 45, Medication and Equine Testing Procedures  
Chapter 50, Human Substance Abuse Testing  
Chapter 75, Oklahoma-Bred Program

Commissioner Goumaz made a motion that the Commission open the permanent rulemaking process for the four above-cited chapters. Commissioner Bollenbach seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Bollenbach, Ms. Goumaz, Mr. Harrell, Mr. Kirk,  
Mr. Marcum, Ms. Money, Mr. Sanders, Mr. Leonard

Absent: Mr. Lucas

The motion passed on an 8-0 vote.

## **APPEAL HEARING FOR NATALIE NADINE TURNER, JOCKEY**

### **Background**

Ms. Natalie Nadine Turner, Jockey, appealed Stewards' Order 16-RP-075, dated August 12, 2016, which found her to be in violation of OAC 325:35-1-31, Fighting; 325:35-1-16, Conduct Detrimental to Horse Racing; and OAC 325:60-1-2, Careless Riding, regarding an altercation with Jockey Freddy Manrique during the running of the twelfth (12<sup>th</sup>) race on Saturday, May 21, 2016, at Will Rogers Downs. In the Stewards' Order, the Board of Stewards imposed a thirty (30) day suspension.

On August 15, 2016, Ms. Turner filed her appeal and an Application for Temporary Stay of the sanction in the order. After reviewing the Stewards' Order and Ms. Turner's Application for Temporary Stay of Suspension, and in accordance with provisions of OAC 325:70-1-27, Temporary Stay Order, the Commission issued a Temporary Stay of Suspension in Commission Order 2016-OHRC-004, dated August 18, 2016. It was noted that the Temporary Stay would remain in place pending final determination of the Commission after a full hearing Appeal Hearing before the Commission and issuance of a Commission Order.

### **Current Consideration**

Commissioner Money recused herself and left the meeting.

The Commission conducted the Appeal Hearing. Ms. Turner was represented by Ms. Kim Stevens; the Board of Stewards was represented by Mr. Bennett Abbott, Deputy General Counsel at the Department of Agriculture, Food and Forestry. The

Commission heard arguments by both counsel, viewed the audiotape and asked questions.

Commissioner Kirk made a recommendation that the Commission go into Executive Session to discuss Ms. Turner's appeal and include Ms. Sandra Balzer, Commission Counsel. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Kirk, Mr. Marcum, Mr. Bollenbach, Ms. Goumaz, Mr. Harrell,  
Mr. Sanders, Mr. Leonard

Absent: Mr. Lucas, Ms. Money

The motion passed on a 7-0 vote.

The Executive Session began at 11:16 a.m.

At 11:36 a.m., Commissioner Goumaz made a motion that the Commission return to Open Session. Commissioner Kirk seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Kirk, Mr. Bollenbach, Mr. Harrell, Mr. Marcum,  
Mr. Sanders, Mr. Leonard

Absent: Mr. Lucas, Ms. Money

The motion passed on a 7-0 vote.

Commissioner Harrell made a motion to take preliminary action to affirm the Stewards' Order, modify the length of suspension to 14 days and direct Commission Staff to draft an Order with Findings of Fact and Conclusions of Law for continued deliberations at the November 17, 2016 meeting. Commissioner Goumaz seconded the motion. The vote was recorded as follows:

Aye: Mr. Harrell, Ms. Goumaz, Mr. Bollenbach, Mr. Kirk, Mr. Marcum,  
Mr. Sanders, Mr. Leonard

Absent: Mr. Lucas, Ms. Money

The motion passed on a 7-0 vote.

## **REPORTS**

The Commission heard activity reports for the following Ad Hoc Committees:

- Budget and Finance, Technology and Facilities
- Oklahoma-Bred/Oklahoma Thoroughbred Retirement Program
- Rules and Medication

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

There was no such matter.

**ANNOUNCEMENT**

The Oklahoma Classics, a series of stakes races for Oklahoma-Bred Thoroughbreds, would be held on Friday, October 21, 2016, at Remington Park.

**ADJOURNMENT**

The meeting was adjourned at 11:39 a.m.

Approved this 17<sup>th</sup> day of November, 2016.

Ran Leonard, Chairman

On Behalf of the Commission:

ATTEST:  
Kelly G. Cathey, Executive Director  
KGC/bjm/10/27/16, 11/18/16

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 24, 2015; and public notice of this meeting, together with the agenda, was posted in prominent public view in the lobby of Remington Park, One Remington Place, Oklahoma City on August 12, 2016. The announcement of the CY 2016 Commission meetings was posted on the OHRC website on December 17, 2015. The agenda for this meeting was posted on the OHRC website, [www.ohrc.org](http://www.ohrc.org), on August 12, 2016 and placed in the Commission's mall display case at the Commission's Shepherd Mall home office, 2401 N.W. 23 Street, Suite 78, Oklahoma City, OK 73107.