

OKLAHOMA HORSE RACING COMMISSION

REGULARLY SCHEDULED MEETING FEBRUARY 18, 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 Track North at Remington Park Racetrack and Casino, Oklahoma City, Oklahoma.

Commission members answering roll call were Commissioners Bollenbach, Goumaz, Harrell, Kirk, Lucas, Marcum, Money, Sanders and Chairman Leonard. Mr. Neal Leader, Commission Counsel, and Ms. Sandra Balzer, Commission Counsel as of March 1, 2016, were present as well as the following Commission staff members: Mr. Kelly Cathey, Ms. Mary Ann Roberts, Ms. Mandy Hadley and Ms. Bonnie Morris. Approximately twelve persons attended and signed the registry which is part of the record.

MINUTES

Commissioner Sanders made a motion to approve the drafted Minutes of the January 14, 2016 Regularly Scheduled Meeting as presented. Commissioner Kirk seconded the motion. The vote was recorded as follows:

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

Abstain: Ms. Goumaz

The motion passed on a 8-0-1 vote.

POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS TO THREE RACING RULES

Background

At the November 19, 2015 meeting, the Ad Hoc Committee on Rules recommended amendments to the following 3 racing rules to update information and/or delete obsolete language in the regulatory language:

OAC 325:25-1-10, Horses Ineligible to Start in a Race
OAC 325:30-1-8, Form and Deposit of Claim
OAC 325:30-1-9, Errors Which Invalidate Claim

At the November meeting, the Commission approved opening the permanent rulemaking process. The Notice of Rulemaking Intent was published in the December 15, 2015 issue of *The Oklahoma Register*.

Because the administrative rules require a minimum of thirty (30) days between the publication of the Notice of Rulemaking Intent and the date for the Public Hearing, the Public Hearing was scheduled for January 15, 2016. No comments were received.

Current Consideration

Commissioner Goumaz made a motion to adopt the proposed amendments to the three racing rules. Commissioner Sanders seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Sanders, Mr. Bollenbach, Mr. Harrell, Mr. Kirk,
Mr. Lucas, Mr. Marcum, Ms. Money, Mr. Leonard
The motion passed on a 9-0-0 vote.

PROPOSED AMENDMENTS TO DIRECTIVE ON COMMISSION-SANCTIONED THRESHOLDS

Background

The Ad Hoc Committee on Medications met on February 1, 2016, and proposed amendments on Pages 2 and 3 of the Directive on Commission-Sanctioned Thresholds, including:

1. Page 2, Other Drugs

Changing the levels from “negative/LOD” [Less than the limit of detection of the method] to:

Acepromazine: 100 pg/ml in plasma/serum
Detomidine: 100 pg/ml in plasma/serum
Mepivacaine: 50 pg/ml in plasma/serum

2. Page 2, Other Drugs

Adding Xylazine as # 21 at a level of 0.02 ng/ml in plasma/serum

3. Page 3, Environmental Contaminants

Adding Methamphetamine as (g) at a level of 100 ng/ml urine

Current Consideration

Commissioner Goumaz made a motion to adopt changes to the Directive as recommended by the Ad Hoc Committee on Medications. Commissioner Lucas seconded the motion. The vote was recorded as follows:

Aye: Ms. Goumaz, Mr. Lucas, Mr. Bollenbach, Mr. Harrell, Mr. Kirk,
Mr. Marcum, Ms. Money, Mr. Sanders, Mr. Leonard
The motion passed on a 9-0 vote.

**COMMISSION’S AUTHORIZATION OF CHAIR’S APPOINTMENT OF A
NEW AD HOC COMMITTEE**

The Commission considered authorizing the Chair to appoint a new Ad Hoc Committee on Thoroughbred Horse Retirement Program funded by the Oklahoma Breeding Development Fund Special Account.

Commissioner Harrell made a motion to authorize the Chair to appoint a new Ad Hoc Committee. Commissioner Money seconded the motion. The vote was recorded as follows:

Aye: Mr. Harrell, Ms. Money, Mr. Bollenbach, Ms. Goumaz, Mr. Kirk,
Mr. Lucas, Mr. Marcum, Mr. Sanders, Mr. Leonard
The motion passed on a 9-0 vote.

Chairman Leonard then created the Ad Hoc Committee on the Thoroughbred Oklahoma-Bred Retirement Program, appointing Commissioner Lucas [as Chair] and Mr. Kelly Cathey, Ms. Danielle Barber, Ms. Sandra Balzer [new Commission Counsel effective March 1, 2016] and himself as members.

CHAIRMAN'S COMMENTS ON AD HOC COMMITTEES

Chairman Leonard discussed his review of the current Ad Hoc Committees with possible changes such as consolidation, size of membership, and ex-officio memberships.

PROPOSED RESCHEDULING OF MARCH, 2016 COMMISSION MEETING

Background

The Commission originally set the March, 2016 Regularly Scheduled Commission Meeting for Thursday, March 24, 2016.

Since then, the Racing Commissioners International [RCI] announced its Annual Conference and Continuing Education Program for March 22-25, 2016. Commissioners Leonard and Lucas, as well as Mr. Kelly Cathey, Commission Executive Director, plan to attend the RCI Conference.

Agenda topics for the RCI Conference include emerging research and threats affecting the integrity of racing, issues pertaining to equine welfare, implementation of new technologies, and regulatory strategies to avoid costly redundancies among jurisdictions.

Therefore, Commission Staff asked that the Commission consider rescheduling the March 24, 2016 meeting to March 31, 2016.

Current Consideration

Commissioner Lucas made a motion that the March, 2016 meeting be changed from March 24, 2016 to March 31, 2016. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Lucas, Mr. Marcum, Mr. Bollenbach, Ms. Goumaz, Mr. Harrell,
Mr. Kirk, Ms. Money, Mr. Sanders, Mr. Leonard
The motion passed on a 9-0 vote.

REPORTS

Chairman Leonard, as Chair of the Ad Hoc Committee on Rules, advised the Commission that the *Rules of Racing* document was still being reviewed for possible proposed amendments. He said that such an amendment had been fully vetted [with discussion at three Ad Hoc Committee meetings] before being forwarded to the Commission.

Commissioner Sanders, as Chair of the Ad Hoc Committee on Budget and Finance, expressed his appreciation for Commission Staff response to requests for information, particularly Ms. Robin Helt. He reported that the recent budget reduction, amounting to \$60,000, had been handled. Commissioner Sanders said that the Commission was facing another reduction, possibly 1-3%. He said that any further reduction would require the Commission to reduce live racing dates. Commissioner Sanders said that the Legislature needed to be reminded that the Commission was one of only a few state agencies that generated funds [which go to the General Revenue Fund].

At the request of Commissioner Sanders, Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association [OQHRA], explained an annual event, Legislative Steak Feed, hosted by the OQHRA. Ms. Schauf said that the event started in 1998 to bring together current Oklahoma legislators to meet horsemen and then discuss legislation affecting the Oklahoma horse racing industry. She added that this year, 45 legislators attended.

Commissioner Goumaz, as Chair of the Ad Hoc Committee on Medications, reported on the Committee's ongoing work to review the science behind the current therapeutic medications proposed by the Association of Racing Commissioners International [RCI]. She thanked Mr. Leader for his recent correspondence with the RCI President, seeking copies of the peer-reviewed journal articles.

The Second Regular Session of the 55th Legislature began its work on Monday, February 1, 2016. Commissioner Lucas, as Chair of the Ad Hoc Committee on Legislative Issues, noted he was tracking some legislation that may in time during this Legislative Session affect the horse racing industry. He advised that he provided weekly reports on the proposed legislation to Commission Staff.

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

Secretary Reese and Commissioner of the Department of Agriculture, Food and Forestry, commended the Commissioners for their service and diligence to the Commission. He noted that the Ad Hoc Committees were very active. Secretary Reese advised the Commission that he would help with the current credit card for licensing issue plus call a meeting with OSBI to discuss digital fingerprinting. He said

that the cost to be in compliance with the recent Executive Order calling for all Commissioners to have state e-mail addresses had been reduced from \$50 per e-mail address to \$5, adding that he was trying to get the agencies not to be charged anything.

RECOGNITION OF NEAL LEADER, COMMISSION COUNSEL

The Commission presented a horse sculpture to Mr. Neal Leader, Senior Assistant Attorney General and Commission Counsel, who was retiring from state government effective March 1, 2016. Mr. Leader served as the Commission's Counsel for over 30 years. He also received letters of appreciation from several former and current Commissioners and a standing ovation from Commissioners and others in attendance.

ANNOUNCEMENTS

Chairman Leonard made the following announcements:

1. Commissioner Goumaz was reappointed to the Commission for the period of July 1, 2015 through June 30, 2021.
2. Live racing will be returning next month to two of the Commission-licensed racetracks:
 - Remington Park's Quarter Horse, Paint and Appaloosa race meeting, scheduled to begin Friday, March 11, 2016.
 - Will Rogers Downs's Thoroughbred race meeting. scheduled to begin Monday, March 14, 2016.
3. The Oklahoma Quarter Horse Racing Association will hold its annual awards program on Saturday, February 27, 2016, starting at 6:00 p.m. at the Grand Casino in Shawnee. The Commission will be presenting CY 2015 Oklahoma-Bred Year-End Champion Awards for Quarter Horses, Paints and Appaloosas.
4. CY 2016 renewal licenses for the following three independent testing laboratories for gaming devices had been executed:
 - BMM North America DBA BMM Tests
 - Gaming Laboratories International, LLC
 - Nick Farley and Associates DBA Eclipse Compliance Testing

ADJOURNMENT

The meeting was adjourned at 10:12 a.m. by acclamation.

Approved this 31st day of March, 2016.

Ran Leonard, Chairman

On Behalf of the Commission:

ATTEST:

Kelly G. Cathey, Executive Director
KGC/bjm/3/2/16, 3/7/16, 3/31/16

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 February 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, on February 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.