

OKLAHOMA HORSE RACING COMMISSION

REGULARLY SCHEDULED MEETING NOVEMBER 15, 2018

MINUTES

CALL TO ORDER

Chairman Lucas called the Regularly Scheduled Meeting of the Commission to order at 9:30 a.m. in the Board Room of the Department of Agriculture, Food and Forestry, Oklahoma City, Oklahoma.

ROLL CALL

Commission members answering roll call were Commissioners Kirk, Marcum, Von Hemel, Wiens, Wright and Chairman Lucas. Commissioners Goumaz, Keener and Sanders were unable to attend. The following Commission staff members were in attendance: Mr. Kelly Cathey, Mr. Pete Markstone, Ms. Shonna Gore, Ms. Sonja Braxton and Ms. Bonnie Morris. Approximately eight people attended and signed the registry which is part of the record.

INTRODUCTION OF NEW COMMISSION STAFF

Ms. Julie Kagno was introduced as the new Safety Steward.

MINUTES

Commissioner Wiens made a motion to approve the drafted minutes of the October 18, 2018 Commission meeting as presented. Commissioner Kirk seconded the motion. The vote was recorded as follows:

Aye: Mr. Wiens, Mr. Kirk, Mr. Marcum, Mr. Von Hemel, Mr. Wright, Mr. Lucas

Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders

The motion passed on a 6-0 vote.

CONTINUED DELIBERATIONS IN APPEAL OF GARY WALKER REGARDING STEWARDS' ORDER 18-WRD-069

Background

At the October 18, 2018 meeting, the Commission conducted an Appeal Hearing for Mr. Gary Walker of Stewards' Order 18-WRD-069 regarding his horse, MOORES ROCK FLASH, testing positive for Flunixin following the 6th race at Fair Meadows at Tulsa on Saturday, June 16, 2018. The Board of Stewards fined Mr. Walker \$1,000. Mr. Walker did not appeal the positive substance violation; he appealed the amount of the fine.

The Commission took preliminary action to affirm the Stewards' Order but reduced the fine to \$750 due to no aggravating circumstances set out in the Stewards' Order. The Commission directed Ms. Sandra Balzer, Assistant Attorney General and Commission Legal Advisor, to prepare an order with Findings of Fact and Conclusions of Law for continued deliberations at the November 15, 2018 Commission meeting.

Current Consideration

The drafted Order was distributed to the Commissioners ahead of the November 15, 2018 meeting.

Commissioner Marcum made a motion to adopt the drafted Order on Mr. Walker's Appeal of Stewards' Order 18-WRD-069. Commissioner Wiens seconded the motion. The vote was recorded as follows:

Aye: Mr. Marcum, Mr. Wiens, Mr. Kirk, Mr. Von Hemel, Mr. Wright, Mr. Lucas
Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders
The motion passed on a 6-0 vote.

REPORT: STATUS OF CY 2019 HORSEMEN'S AGREEMENTS

Mr. Kelly Cathey, Commission Executive Director, advised the Commission that all CY 2019 Horsemen's Agreements between each racetrack and each of the two horsemen's representative organizations were received in the Commission office.

CONTINUED DELIBERATIONS ON CY 2019 RACETRACK RACING AND GAMING LICENSE ORDERS

Background

At the October 18, 2018 meeting, the Commission took preliminary action to approve the CY 2019 racetrack racing and gaming license Orders for Remington Park, Will Rogers Downs and Fair Meadows at Tulsa contingent upon receipt of the CY 2019 Horsemen's Agreements. As noted above, all CY 2019 Horsemen's Agreements between each racetrack and each of the two horsemen's representative organizations were received in the Commission office.

Current Consideration

Commissioner Kirk made a motion to take final action to adopt the drafted racetrack CY 2019 racing and gaming license Orders, including proposed amendments regarding the CY 2019 Horsemen's Agreements. Commissioner Wright seconded the motion. The vote was recorded as follows:

Aye: Mr. Kirk, Mr. Wright, Mr. Marcum, Mr. Von Hemel, Mr. Wiens, Mr. Lucas

Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders

The motion passed on a 6-0 vote.

REQUEST BY REMINGTON PARK AND THE OKLAHOMA QUARTER HORSE RACING ASSOCIATION TO ADD 60 ADDITIONAL RACES TO THE CY 2019 QUARTER HORSE, PAINT AND APPALOOSA RACE MEETING

Background

The CY 2019 Horsemen's Agreement between Remington Park and the Oklahoma Quarter Horse Racing Association [OQHRA] includes a provision that allows an option for the parties to request Commission approval of 60 additional overnight races to be run during the CY 2019 Quarter Horse, Paint and Appaloosa Race Meeting.

Current Consideration

Mr. Matt Vance, Vice President of Operations at Remington Park, sent an October 26, 2018 letter, making the request. This would set the total projected number of races at:

<u>BREEDS</u>	<u>RACES BY BREED IN LICENSE ORDER</u>	<u>PROPOSED INCREASE IN RACES BY BREED</u>
Quarter Horse	422	480
Paint & Appaloosa	<u>78</u>	<u>80</u>
TOTAL	500	560

In Remington Park's CY 2019 racing license Order, the number of races per day for the Quarter Horse, Paint and Appaloosa meeting was set at a range of 8-12. Specifically, Remington Park proposed to schedule the 60 additional races by running 11 races on Thursdays, 12 races on both Fridays and Saturdays and 10 races on Sundays.

Commissioner Von Hemel made a motion to approve the request to add 60 overnight races to be run during Remington Park's CY 2019 Quarter Horse, Paint and Appaloosa race meeting. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Von Hemel, Mr. Marcum, Mr. Kirk, Mr. Wiens, Mr. Wright, Mr. Lucas
Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders
The motion passed on a 6-0 vote.

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

Mr. Kelly Cathey, Commission Executive Director, proposed opening the permanent rulemaking process to consider amendments in the *Rules of Racing* to Chapter 20, Racing Officials and Racing Personnel.

Commissioner Von Hemel made a motion to open the permanent rulemaking process to consider amendments in Chapter 20 of the Rules of Racing to be proposed by the Ad Hoc Committee on Rules and Medication. Commissioner Marcum seconded the motion. The vote was recorded as follows:

Aye: Mr. Von Hemel, Mr. Marcum, Mr. Kirk, Mr. Wiens, Mr. Wright, Mr. Lucas
Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders
The motion passed on a 6-0 vote.

RECOMMENDATIONS FROM THE OKLAHOMA-BRED ADVISORY COUNCIL

The Oklahoma-Bred Advisory Council met on November 7, 2018 and forwarded the following recommendations for Commission consideration.

Allocation of FY-2018 Oklahoma-Bred Registration Fees

The Oklahoma-Bred Advisory Council recommended that the FY-2018 [July 1, 2017 through June 30, 2018] Oklahoma-Bred registration fees totaling \$142,588.50 be allocated for use as Oklahoma-Bred purse money in CY 2019 as follows:

<u>RACETRACK</u>	<u>BREEDS</u>			<u>TOTAL</u>
	<u>Thoroughbred</u>	<u>Quarter Horse</u>	<u>Paint/ Appaloosa</u>	
Remington Park	\$19,037.38	\$47,285.36	\$ 4,562.95	\$ 70,885.69
Will Rogers Downs	\$ 9,518.69	\$30,253.66	\$ 3,509.96	\$ 43,282.32
Fair Meadows at Tulsa	\$ 5,393.93	\$19,048.60	\$ 3,977.96	\$ 28,420.49
	\$33,950.00	\$96,587.63	\$12,050.88	\$142,588.50

The Oklahoma-Bred Advisory Council unanimously recommended the allocation from the Oklahoma Breeding Development Fund Special Account.

Commissioner Kirk made a motion to approve the proposed allocation of FY-2018 Oklahoma-Bred registration fees totaling \$142,588.50 to be used for Oklahoma-Bred purse money in CY 2019 as recommended by the Oklahoma-Bred Advisory Council. Commissioner Von Hemel seconded the motion. The vote was recorded as follows:

Aye: Mr. Kirk, Mr. Von Hemel, Mr. Marcum, Mr. Wiens, Mr. Wright, Mr. Lucas
Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders
The motion passed on a 6-0 vote.

Remington Park's Proposed Oklahoma-Bred Funding of CY 2019 Thoroughbred Stakes Races

Mr. Michael Shamburg, Director of Racing at Remington Park, requested a total of \$685,600 in Oklahoma-Bred funding for the following stake races to be conducted during Remington Park's CY 2019 Thoroughbred race meeting with the payout percentages of 60/20/11/6/3 subject to availability of funds at the time the races are conducted:

<u>Stakes Races</u>	<u>Purse Supplements</u>	<u>Broodmare Awards</u>	<u>Stallion Awards</u>	<u>Total</u>
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
Oklahoma 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	\$ 5,440	\$ 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

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

Oklahoma Quarter Horse Racing Association's Proposed Oklahoma-Bred Funding of CY 2019 Quarter Horse, Paint and Appaloosa Stakes Races at Remington Park

Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association, requested \$830,000 in Oklahoma-Bred funding for the following stakes races to be conducted during Remington Park's CY 2019 Quarter Horse, Paint and Appaloosa race meeting subject to fund availability at the time the races are conducted:

<u>Stakes Races</u>	<u>Purse Supplements</u>	<u>Broodmare Awards</u>	<u>Stallion Awards</u>	<u>Total</u>
<u>Quarter Horse Stakes Races</u>				
Sooner State	\$ 50,000	\$ 34,000	\$ 16,000	\$100,000
Jack Brooks	\$ 25,000	\$ 17,000	\$ 8,000	\$ 50,000
Easy Jet	\$ 25,000	\$ 17,000	\$ 8,000	\$ 50,000
Mighty Deck Three	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
Mr. Jet Moore	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
Mr. Master Bug	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
Boyd Morris	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
Laico Bird	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
Easy Date	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
FL Lady Bug	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
Remington Park OKB Futurity Trials	\$100,000	\$ 68,000	\$ 32,000	\$200,000
Remington Park OKB Derby Trials	\$ 35,000	\$ 23,800	\$ 11,200	\$ 70,000

<u>Stakes Races</u>	<u>Purse Supplements</u>	<u>Broodmare Awards</u>	<u>Stallion Awards</u>	<u>Total</u>
<u>Quarter Horse Stakes Races</u> [continued]				
Remington Park OKB Futurity Final	\$ 70,000	\$ 47,600	\$ 22,400	\$140,000
Remington Park OKB Derby Final	\$ 30,000	\$ 20,400	\$ 9,600	\$ 60,000
	\$405,000	\$275,400	\$129,600	\$810,000
<u>Paint and Appaloosa Stakes Races</u>				
National Cowboy and Western Heritage Museum*	\$ 5,000	\$ 3,400	\$ 1,600	\$ 10,000
OK Paint & Appaloosa Futurity*	\$ 5,000	\$ 3,400	\$ 1,600	\$ 10,000
	\$ 10,000	\$ 6,800	\$ 3,200	\$ 20,000
*If eligible				
GRAND TOTAL	\$415,000	\$282,200	\$132,800	\$830,000

In addition, the Oklahoma Quarter Horse Racing Association requested Oklahoma-Bred funding for the following allowance races at the allowance level subject to availability of funds at the time the races are conducted:

Quarter Horse Allowance Races

Eastex Stakes
SLM Big Daddy
Decketta
Leo Stakes
Pauls Valley
Bob Moore Memorial
Junos Request
RP Invitational
RP Distance Championship

Paint and Appaloosa Allowance Races

Paul Harbor Memorial
Victoria Ennis Memorial
Mr. Lewie Memorial

The proposed funding breakdown was 50% for purse supplements, 34% for broodmare awards and 16% for stallion awards with 5 places to be paid. The percentage payouts for all races, except the Oklahoma-Bred Futurity and Derby Finals, will be 60/20/11/6/3. For the Oklahoma-Bred Futurity and Derby Finals, the payout percentages will be 40/17/11/9/7/5/4/3/2/2.

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

Oklahoma Quarter Horse Racing Association’s Proposed Oklahoma-Bred Funding of CY 2019 Quarter Horse, Paint and Appaloosa Stakes Races at Will Rogers Downs

Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association, requested \$50,000 in Oklahoma-Bred funding for the following stakes races to be conducted during Will Rogers Downs’s CY 2019 Quarter Horse, Paint and Appaloosa race meeting subject to fund availability at the time the races are conducted:

Stakes Races	Purse Supplements	Broodmare Awards	Stallion Awards	Total
<u>Quarter Horse Stakes Race</u>				
OHA OKB Mystery Futurity	\$10,000	\$ 6,800	\$ 3,200	\$20,000
OHA OKB Mystery Derby	\$10,000	\$ 6,800	\$ 3,200	\$20,000
	\$20,000	\$13,600	\$ 6,400	\$40,000
<u>Paint and Appaloosa Stakes Race</u>				
Cricket Bar*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
Pot O Gold*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
	\$ 5,000	\$ 3,400	\$ 1,600	\$10,000
*If eligible				
GRAND TOTAL	\$25,000	\$17,000	\$ 8,000	\$50,000

In addition, the Oklahoma Quarter Horse Racing Association requested Oklahoma-Bred funding for the following Quarter Horse and Paint and/or Appaloosa stakes races with the dollar amounts to be determined, not to exceed the allowance level, with a proposed breakdown of 50% for purse supplements, 34% for broodmare awards and 16% for stallion awards subject to availability of funds at the time the races are conducted:

Quarter Horse Stakes Races

OQHRA Fall Classic
Miss Ellen

Paint and/or Appaloosa Stakes Races

Sequoyah*
Green Country*
Don Drake*

*If eligible

The payout percentages for the OHA Mystery Futurity and Derby would be 45/25/15/10/5 pursuant to the conditions of those races. For the other races, the payout percentages would be 60/20/11/6/3 for distribution to “if eligible” horses.

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

Oklahoma Quarter Horse Racing Association’s Proposed Oklahoma-Bred Funding of CY 2019 Quarter Horse, Paint and Appaloosa Stakes Races at Fair Meadows at Tulsa

Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association, requested \$49,600 in Oklahoma-Bred funding for the following stakes races to be conducted during Fair Meadows at Tulsa’s CY 2019 Quarter Horse, Paint and Appaloosa race meeting subject to fund availability at the time the races are conducted:

Stakes Races	Purse Supplements	Broodmare Awards	Stallion Awards	Total
<u>Quarter Horse Stakes Races</u>				
Golden Driller*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
FMT Juvenile*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
Expo Square Stake*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
Belles Stake*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
FMT Maturity*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
Rocky Henzig*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
Walter Merrick**	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
Cherokee Nation*	\$ 2,500	\$ 1,700	\$ 800	\$ 5,000
	\$20,000	\$13,600	\$6,400	\$40,000
*If eligible				
**Restricted Oklahoma-Bred race				
<u>Paint and Appaloosa Stakes Races</u>				
Lewis Wartchow*	\$ 1,600	\$ 1,088	\$ 512	\$ 3,200
Spots and Dots*	\$ 1,600	\$ 1,088	\$ 512	\$ 3,200
Tulsa State Fair*	\$ 1,600	\$ 1,088	\$ 512	\$ 3,200
	\$ 4,800	\$ 3,264	\$1,536	\$ 9,600
*If eligible				
GRAND TOTAL	\$24,800	\$16,864	\$7,936	\$49,600

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

Commissioner Wiens made a motion to approve the proposed Oklahoma-Bred funding for CY 2019 stakes races at Remington Park for the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma, and for the Quarter Horse, Paint and Appaloosa stakes races at Will Rogers Downs and Fair Meadows at Tulsa as recommended by the Oklahoma-Bred Advisory Council subject to availability of funds at the time the races are conducted. Commissioner Von Hemel seconded the motion. The vote was recorded as follows:

Aye: Mr. Wiens, Mr. Von Hemel, Mr. Kirk, Mr. Marcum, Mr. Wright, Mr. Lucas
Absent: Ms. Goumaz, Ms. Keener, Mr. Sanders
The motion passed on a 6-0 vote.

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

There was no such matter.

ADJOURNMENT

Chairman Lucas adjourned the meeting by acclamation at 9:44 a.m.

Approved this 24th day of January, 2019.

Joe Lucas, Chairman

On Behalf of the Commission:

ATTEST:

Kelly G. Cathey, Executive Director
KGC/bjm/11/26/18, 12/6/18, 1/25/19

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 17, 2017; and public notice of this meeting, together with the agenda, was posted in prominent public view in the lobby of the Department of Agriculture, Food and Forestry, Oklahoma City on November 13, 2018. The announcement of the CY 2018 Commission meetings was posted on the OHRC website on August 17, 2017. The agenda for this meeting was posted on the OHRC website, www.ohrc.org, on November 9, 2018.