

OKLAHOMA HORSE RACING COMMISSION

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BRANDON BURTON, ESQ., VICE-CHAIR

MEL BOLLENBACH, SECRETARY

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MALCOLM SAVAGE, ESQ., MEMBER

JIM BOWERS, MEMBER

PHILLIP KIRK, MEMBER

RAN LEONARD, MEMBER

JOE LUCAS, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, January 26, 2012, 9:30 a.m.

Meeting Location:

Track North at Remington Park Racetrack and Casino
[PLEASE ENTER AT GAMING ENTRANCE]
One Remington Place
Oklahoma City, OK 73111

Address of the:
OKLAHOMA HORSE RACING COMMISSION
2401 NW 23rd Street, SUITE 78
OKLAHOMA CITY, OKLAHOMA 73107
(Located In SHEPHERD MALL, N.W. 23rd Street & Villa Avenue)
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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.....Ms. Goumaz, Chair

ROLL CALL.....Ms. Goumaz, Chair

RECOGNITION OF RETIRING STEWARD.....Ms. Goumaz, Chair

Ms. Norma Calhoun is retiring as a Steward after 28 years with the Commission.

BUSINESS.....Ms. Goumaz, Chair

A. MINUTES

The drafted Minutes of the November 17, 2011 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. Report of Ad Hoc Committee on Medications

Chair Goumaz, in her role as Chair of the Ad Hoc Committee on Medications, will report on the December 14, 2011 Ad Hoc Committee meeting.

The membership of the Ad Hoc Committee on Medications include three Commissioners [Chair Goumaz, Commissioner Burton and Commissioner Lucas], Dr. Rudy Garrison, Official Veterinarian; horsemen's organization representatives [Debbie Schauf and Justin Cassity]; and Commission Executive Director Rieger. Mr. Neal Leader, Senior Assistant Attorney General and Commission Counsel, and Ms. Mary Ann Roberts, Commission Staff Attorney, are advisory, non-voting members.

C. Proposed Elimination of Commission Directive on Equine Piroplasmosis

Background

At the May 20, 2010 meeting, the Commission adopted a Directive on Equine Piroplasmosis, a bloodborne disease transmitted by ticks, to be effective August 1, 2010. The Directive was amended at the June 17, 2010 meeting in order to address the responsibilities of the racetrack's stable gate employees and the Commission's Board of Stewards and actions to be taken about a horse's presence on the racetrack when the negative Equine Piroplasmosis laboratory test report has expired. The effective date of the Directive was August 1, 2010. **Item C.1** is the Directive. **Item C.2** is the January 18, 2012 letter and attachment from Dr. Michael Herrin, Assistant State Veterinarian and Director of Equine Programs for the State Department of Agriculture, Food and Forestry.

Current Status

The Ad Hoc Committee on Medications recommends that the Directive be eliminated.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the recommendation to eliminate the Directive, in whole or in part, adopting a modified version of the Directive, or continuing the matter.

D. Proposed Amendments to Commission-Sanctioned Threshold Directive

The Ad Hoc Committee on Medications met December 14, 2011 to discuss the following proposed amendments to the Directive on Commission-Sanctioned Thresholds. **Item D.1** contains the current version, including the following proposed amendments:

- Clarifying the 19 drugs therapeutic medications by placing them in three categories [non-steroidal anti-inflammatory drugs, corticosteroid drugs, and other drugs] on Pages 1-2

- Addressing the issue of “stacking” drugs by adding two conditions for the use of the 19 listed therapeutic medications and Phenylbutazone on Page 2
- Identifying Phenylbutazone as a non-steroidal anti-inflammatory drug on Page 3

Possible Action:

Possible action may include, but is not limited to: taking no action, adopting the proposed amendments to the Directive, in whole or in part, deciding not to adopt the proposed amendments to the Directive, adopting a modified version of the Directive, or continuing the matter.

E. Individual Proceedings to Consider Renewal Applications for CY 2012 Independent Testing Laboratory Licenses

The Commission received CY 2012 renewal applications from the following Independent Testing Laboratories: **Gaming Laboratories International, LLC** and **Nick Farley and Associates d/b/a Eclipse Compliance Testing**. In compliance with OHRC *Rules for Racetrack Gaming* Rule 325:80-19-1, Procedures for Consideration of Applications for Racetrack Gaming Operator and Independent Testing Laboratory Licenses, such applications are heard and licenses issued by the Commission.

The applications, excluding proprietary information, have been made available to Commissioners, Commission Counsel and Commission Staff for review prior to this meeting.

The Hearings regarding each of the applications will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, Section 301 et seq.; the Oklahoma Horse Racing Act, Title 3A O.S. Section 200 et seq.; the State-Tribal Gaming Act, Title 3A O.S. Section 261 et seq.; the Commission *Rules of Racing*, OAC 325; and the Commission *Rules for Racetrack Gaming*, OAC 325.

The Hearings' procedure is as follows:

1. The Applicant will have 10 minutes to present its renewal application for an Independent Testing Laboratory License.
2. Commission Staff will report on any significant changes in the Applicant's status or condition since the issuance of its CY 2011 license.

3. All parties of the Applicant will be subject to questioning by Commissioners, Commission Counsel, Commission Staff and others as may be allowed by the Commission Chair.

Possible Executive Sessions

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session is proposed **for the purpose of deliberation in each of the individual proceedings regarding a renewal application for a CY 2012 Independent Testing Laboratory License.**

1. **Motion and Vote to Go Into Executive Sessions 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, deferring consideration of the renewal application, or taking preliminary action to grant or deny the renewal Independent Testing Laboratory license and instructing Commission Staff to draft an Order for consideration in continued deliberation at the February 16, 2012 Commission meeting.

F. Remington Park's Request to Amend CY 2012 Live Races Dates for Both Race Meetings

In November 30, 2011 and December 2, 2011 letters [**Items F.1 and F.2**], Mr. Dan Fick, Director of Racing/Racing Secretary at Remington Park, requests approval to amend the allotted live race dates for the CY 2012 race meetings. The total number of race days for each race meeting [50 for the Mixed Breed race meeting and 67 for the Thoroughbred race meeting] would not change. The proposed changes are shown below.

Quarter Horse, Appaloosa and Paint [Mixed Breed] Race Meeting

- Add Sunday, 4/1/12
- Drop Thursday, 5/24/12

Thoroughbred Race Meeting

- Change the opening day from Wednesday, 8/15/12, to Friday, 8/10/12
- Add Saturday, 8/11/12
- Drop Wednesday, 8/15/12; Thursday, 8/16/12; and Wednesday, 10/10/12
- Change the final day by adding Sunday, 12/9/12

Item F.3 contains the approved live race days allotted at the November 17, 2011 Commission meeting.

Items F.4 and F.5 contain documents of support for the proposed changes from the two respective horsemen's organizations, the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma

Possible Action:

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

G. Consideration of Adding HFL Sport Science, Inc. to the List of Approved Referee [Split] Sample Laboratories

Background

Rule 325:45-1-19, Laboratories Approved and Designated by the Commission, provides that:

- A) Only laboratories approved by the Commission may be used in obtaining analysis reports on urine, blood, or other specimens, taken from the winners or other designated horses of each race meeting. The Commission and the Board of Stewards shall receive reports directly from the laboratory. [3A:204(A)(14)]
- B) The Commission shall publish a list of approved Referee Laboratories which must be able to demonstrate competency for that drug or substance reported by the Primary Laboratory, at the limit of detection (LOD) applied by the Primary Laboratory, from which an Owner/Trainer shall select one.

Item G.1 contains the current list of approved referee [split] laboratories, including:

- Louisiana State University, Equine Medication Surveillance Laboratory
- Pennsylvania Department of Agriculture, Equine Toxicology and Research Laboratory, West Chester University

- Texas Veterinary Medical Diagnostic Lab System, Texas A&M University
- University of Florida Racing Laboratory

Current Consideration

Item G.2 is a January 11, 2012 letter from Dr. Richard Sams, Laboratory Director of HFL Sport Science (HFL) in Lexington, KY, requesting that HFL be considered as a referee [split] sample laboratory by the Commission. HFL is an analytical toxicology laboratory accredited by the American Association for Laboratory Accreditation (A2L2) according to ISO-17025 standards. Its Director, Dr. Richard Sams, is a professional member of the Association of Racing Chemists. HFL has the ability to confirm samples using LC/MS and LC/MS/MS and can quantitate samples to the Commission-Sanctioned Threshold Levels. Its pricing would typically be \$400-\$600 per sample, depending on the analysis. The price could be higher depending on the drug being tested. HFL is the official testing laboratory for the Kentucky Horse Racing Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, amending the proposed list, or continuing the matter.

H. Proposed Opening of the Permanent Rulemaking Process to Consider Proposed Rule Amendments to Three Racing Rules in OHRC Rules of Racing As Proposed by Commission Executive Director

In order to specify the approved actions of the Racing Veterinarian in the case of a horse who suffers a catastrophic injury, Mr. Constantin Rieger, Commission Executive Director, proposes rule amendments to the following race rules:

- Rule 325:20-1-21, Duties of the Official Veterinarian
- Rule 325:20-1-22, Duties of the Racing Veterinarian
- Rule 325:45-1-18, Taking of Samples

The proposed amendments are shown below.

NOTE TO READER:

Proposed deletion is shown in bold and double strikethrough fonts
Proposed addition is shown in bold and underline fonts

1. **325:20-1-21, Duties of the Official Veterinarian**

The Official Veterinarian must be a graduate veterinarian and licensed to practice in the State of Oklahoma. He or she shall recommend to the Stewards any horse that is deemed unsafe to be raced, or a horse that it would be inhumane to allow to race. He or she shall supervise the taking of all specimens for testing according to procedures approved by the Commission **except in those cases provided for in Rule 325:20-1-22 and Rule 325:45-1-18.** He or she shall provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination. All specimens collected shall be sent in locked and sealed cases to the laboratory. He or she shall have the authority and jurisdiction to supervise the practicing licensed veterinarians within the enclosure. He or she shall report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore. No Official Veterinarian shall directly treat or prescribe for any horse scheduled to participate during his/her term of appointment at any recognized meeting except in an emergency or for the administration of a diuretic to facilitate the collection of a urine sample, either case of which shall be immediately reported to the Stewards. The Official Veterinarian shall place horses on the Veterinarian's List and may remove from the List those horses which, in his/her opinion, can satisfactorily compete in a race.

2. **325:20-1-22, Duties of the Racing Veterinarian**

The Racing Veterinarian must be a graduate veterinarian and licensed to practice in the State of Oklahoma. The Racing Veterinarian shall be present in the paddock on the racing course, and at the starting gate during the saddling, the parade, and until the horses are dispatched from the gate for the race; and shall examine any horse when there is a question as to the physical condition of such a horse. He or she shall report any horse, which in their opinion is incapable of physically exerting its best effort to win, to the Stewards, who may scratch such horse from the race. The Racing Veterinarian shall examine any horse which

appears in physical distress during the race, at the finish of the race; and s/he shall report such horse together with their opinion as to the cause of the distress to the Stewards and to the Official Veterinarian. No Racing Veterinarian shall directly treat or prescribe for any horse scheduled to participate during their term of appointment at any recognized meeting except in an emergency. The Racing Veterinarian has the authority to treat any horse in the event of an emergency, accident or injury; and s/he is authorized to humanely destroy any horse which in their opinion is so seriously injured that it is in the best interests of racing to so act; and every horse owner and Trainer participating in Commission-licensed racing does consent to the humane destruction of such animal. **In the case of a horse which has suffered a catastrophic injury, the Racing Veterinarian may obtain a blood sample from the injured horse prior to taking any humane actions necessary. If the trainer is immediately available, he or she may witness the collection process. If the trainer is not immediately available to witness the collection process, any other licensed individual shall act as the witness to the collection process. It is the duty of the trainer to make himself/herself available to witness the collection process.**

3. **325:45-1-18, Taking of Samples**

Pursuant to the provisions of 3A:204(A)(14):

(1) Blood shall be taken only by the Official Veterinarian **except as otherwise provided in the Rules of Racing.**

(2) In the case of a horse which has suffered a catastrophic injury, the Racing Veterinarian may obtain a blood sample from the injured horse prior to taking any humane actions necessary. If the trainer is immediately available, he or she may witness the collection process. If the trainer is not immediately available to witness the collection process, any other licensed individual shall act as the witness to the collection process. It is the duty of the trainer to make himself/herself available to witness the collection process.

(~~2~~ **3**) Urine, other samples or specimens shall be taken under the direction of the Official Veterinarian or persons appointed or assigned by the Official Veterinarian for such purposes. All samples shall be taken in a detention area approved by the Commission, unless the Official Veterinarian approves otherwise. Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a urine sample is to be taken. The taking of any test samples shall be witnessed, confirmed or acknowledged by the Trainer of the horse being tested or his/her

authorized representative or employee, and may be witnessed by the Owner, Trainer, or other licensed person designated by them. Such samples shall be sent to racing laboratories approved and designated by the Commission, in such manner as the Commission or its designee may direct. All required samples shall be in the custody of the Official Veterinarian, his/her assistants, or other persons approved by the Official Veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory. Except for 1) the decanting of the sample by the Official Veterinarian or other person authorized by the Official Veterinarian to do so, 2) for the addition of preservatives or substances necessarily added by the Commission-approved laboratory for preservation of the sample, and 3) or in the process of analysis, no person shall break the seal of, remove, or otherwise attempt to alter any sample required to be collected by this Chapter.

~~(3~~ **4**) The Commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(4 5) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this Chapter to the horse earning such purse money.

~~(5 6)~~ **(5 6)** The decanting of a blood sample -- at the Trainer's/Owner's option -- may be witnessed by the Trainer/Owner of the horse being tested or by his/her authorized representative or employee or other licensed person designated by the Trainer/Owner. The Trainer/Owner exercises his/her option to witness the decanting of a blood sample by making himself/herself or authorized representative or employee or other licensed person designated by the Trainer/Owner present at the time of the decanting of the blood sample. If not present at the time of decanting, the Trainer/Owner or authorized representative or employee or other licensed person designated by the Trainer/Owner waives the right to witness the decanting process.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the beginning of the permanent rulemaking procedure on the rules as proposed, or as modified at the meeting, by authorizing publication in *The Oklahoma Register* and scheduling of a Public Hearing, or continuing the matter.

I. **Proposed Opening of the Permanent Rulemaking Process to Consider Proposed Rule Amendment to a Racing Rule in OHRC Rules of Racing As Proposed by the Commission Executive Director**

Mr. Constantin Rieger, Commission Executive Director, proposes rule amendments to Rule 325:40-1-9, Labeling of Medication, to toughen the rule for possessing illegal substances. The proposed amendments are shown below.

NOTE TO READER:

Proposed deletion is shown in bold and double strikethrough fonts
Proposed addition is shown in bold and underline fonts

325:40-1-9, Labeling Of Medication

No Veterinarian, Vendor, or other person shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, medication, or any substance ~~containing a prohibited drug which contains either a controlled dangerous substance, as defined by state or federal law, or a veterinary prescription drug as defined by the Oklahoma Veterinary Practice Act~~ to any person within the enclosure unless ~~there is a label specifying the such substance is properly labeled. A substance shall be considered properly labeled only if the label specifies the~~ name of the dispensing Veterinarian, the name of the horse, ~~or the purpose for which the said preparation or medication is dispensed~~ the name and quantity of the substance prescribed, the purpose for which the substance is dispensed, the directions for use and the name of the person to which the substance is dispensed, or is otherwise labeled as required by Law. ~~Any substance containing a prohibited drug shall be labeled, "Caution. Contains Prohibited Drug."~~

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the beginning of the permanent rulemaking procedure on the rules as proposed, or as modified at the meeting, by authorizing publication in *The Oklahoma Register* and scheduling of a Public Hearing, or continuing the matter.

J. Proposed Opening of the Permanent Rulemaking Process to Consider Proposed Rule Amendments to a Racing Rule in OHRC Rules of Racing As Proposed by the Oklahoma-Bred Advisory Council

Background

One of the eight statutory purposes for use of the Oklahoma Breeding Development Fund Special Account is to provide monies for equine research through state institutions accredited for the same [Title 3A, Oklahoma Horse Racing Act, § 208.3(A)(5)]. The Commission has an annual contract with the Oklahoma Animal Disease Diagnostic Laboratory at Oklahoma State University (OSU) to provide funding for the Veterinary Medical Diagnostic Program (Necropsy Study). The annual \$50,000 contract provides funding for the Necropsy Study to study and evaluate the cause of the catastrophic injury and provide written findings and an annual report.

Current Consideration

The funding for the Necropsy Study is derived from a percentage of the unclaimed ticket proceeds deposited into the Oklahoma Breeding Development Fund Special Account. With the diminishing revenues of unclaimed ticket proceeds in the past two years, the Oklahoma-Bred Advisory Council recommends that the current share of funding to Equine Research be increased from 5% to 15%. This would require a rule amendment to Rule 325:75-1-15, Distribution of Funds for Oklahoma-Bred Pari-Mutuel Races, as follows.

NOTE TO READER:

Proposed deletion is shown in bold and double strikethrough fonts
Proposed addition is shown in bold and underline fonts

Rule 325:75-1-15, Distribution of Funds for Oklahoma-Bred Pari-Mutuel Races

(a) The distribution of monies from the Oklahoma Breeding Development Fund Special Account for any race meeting except as provided in (b) and (c) of this Section shall be as follows:

(1) Fifty percent (50%) to purse supplements for owners of winning accredited Oklahoma-Bred horses in certain races, as established in 325:75-1-14;

(2) Thirty-four percent (34%) to the Breeders of winning accredited Oklahoma-Bred horses for Broodmare Awards, except for an accredited Thoroughbred classified as Oklahoma-foaled, will receive one-half (1/2) of this designated award. The remaining or undistributed monies will be held in trust for Stallion Owners to be

awarded in the following manner: At the conclusion of the calendar year the top ten accredited Thoroughbred stallions will be determined and ranked by the amount of the Oklahoma-Bred money earned, and those stallions will receive a Stallion Bonus Award from the undistributed trust based on the stallion's percentage of earnings of the top ten accredited Thoroughbred stallions' total earnings.

(3) Sixteen percent (16%) to the owners of the sires of winning accredited Oklahoma-Bred horses for Stallion Awards.

(b) At any mixed breed race meeting, no less than ten percent (10%) of the Oklahoma Breeding Development Fund Special Account generated at said race meeting shall be available for distribution as authorized in (a) or (b) of this Section for stakes races and/or feature races as authorized by the Commission in 325:75-1-14 at the track where such funds were generated. Any distribution contemplated herein shall be made available on a pro rata basis using a per breed ratio based upon the number of races per breed specified in the current Organization License for the race track. The distribution of breakage and unclaimed ticket proceeds generated outside of race meetings and designated for use as purse supplements or awards at a race track each year shall be divided between race meetings and among participants in any Mixed Breed Race Meeting on the same basis, by using a per breed ratio based upon the number of races per breed specified in the race track's current Organization License Order.

(c) At any straight Thoroughbred race meeting, no less than ten percent (10%) of the Oklahoma Breeding Development Fund Special Account generated at said race meeting shall be made available for distribution as authorized in (c) of this Section for stakes races and/or feature races as authorized by the Commission in 325:75-1-14 at the track where such funds were generated.

(d) Excepting feature races as authorized by the Commission in 325:75-1-14, the official order-of-finish distribution amounts authorized in (a), (b), and (c) of this Section shall be as follows:

(1) Fifty percent (50%) total to the winning accredited Oklahoma-Bred horse and the accredited Oklahoma-Bred broodmare and sire of such horse, if any as prescribed in subsections (a), (b), and (c) of this section;

(2) Thirty percent (30%) total to the place accredited Oklahoma-Bred horse and the accredited Oklahoma-Bred broodmare and sire of such horse, if any as prescribed in subsections (a), (b), and (c) of this section; and

(3) Twenty percent (20%) total to the show accredited Oklahoma-Bred horse and the accredited Oklahoma-Bred broodmare and sire of such horse, if any as prescribed in subsections (a), (b), and (c) of this section.

(e) The official order of finish distribution amounts authorized by the Commission for feature races, if any, as established in 325:75-1-14, shall be determined by the Commission.

(f) As approved by the Commission, ~~five percent (5%)~~ **fifteen percent (15%)** of the unclaimed ticket proceeds shall be available to the Commission for distribution for equine research.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the beginning of the permanent rulemaking process on the rule as proposed, or as modified at the meeting, by authorizing publication in *The Oklahoma Register* and scheduling of a Public Hearing, or continuing the matter.

K. Proposed Changes for Two CY 2012 Commission Meetings

At the August 11, 2011 meeting, the Commission approved the scheduling of eight monthly meetings in CY 2012 for January 26, February 16, March 22, May 17, June 21, August 23, October 18 and November 15. **Item K.1** is the CY 2012 color-coded calendar.

Following the November 17, 2011 allotment of live race days, Commission Staff proposes the following changes to two of the meetings to provide Commissioners and others the opportunity to visit the Claremore and Tulsa racetracks on live race days:

March, 2012

- Change the meeting date from Thursday, 3/22/12 to Tuesday, 3/20/12
- Change the meeting location from Remington Park in Oklahoma City to Will Rogers Downs in Claremore
- Change the starting time from 9:30 a.m. to 10:30 a.m.

June, 2012

- Keep the meeting date as Thursday, June 21, 2012
- Change the meeting location from Remington Park in Oklahoma City to Fair Meadows at Tulsa
- Change the starting time from 9:30 a.m. to 4:00 p.m.

Possible Action:

Possible action may include, but is not limited to: rescheduling the March, 2012 and June, 2012 meetings as proposed; scheduling the March, 2012 and June, 2012 meetings to other dates or locations; continuing the matter to the February 16, 2012 meeting; or making no changes to the CY 2012 meeting dates and locations.

L. Continued Deliberation on Appeal of Scott Clothier, Owner/Trainer

At the October 20, 2011 meeting, the Commission conducted an Appeal Hearing regarding the Board of Stewards at Remington Park's decision to find Mr. Scott Clothier, Owner/Trainer, in violation of OHRC Pari-Mutuel *Rules of Racing* Rule 325:45-1-4, Drugs or Medication, and Rule 325:35-1-5, Trainer Responsibility, for KAYLA DO, a horse under his care and custody, testing positive for Triamcinolone Acetonide following the seventh race at Remington Park on September 17, 2010. In the Stewards' Order 11-RP-003, Mr. Clothier was fined \$1,500; the horse was disqualified from first place to unplaced, and the purse was redistributed. Mr. Clothier appealed the Stewards' Order to the Commission.

After hearing arguments from Ms. Rachel Bussett, Counsel for Mr. Clothier, and Ms. Mary Ann Roberts, Counsel for the Board of Stewards, and questioning of both parties by Commissioners and Commission Staff, the Commission took preliminary action to uphold the Stewards' decision and direct Mr. Neal Leader, Senior Assistant Attorney General and Commission Counsel, to draft an Order with Findings of Facts and Conclusions of Law to be considered in continued deliberation at the January, 2012 meeting.

The drafted Order has been distributed to the Commissioners.

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 deliberation in an individual proceeding regarding Mr. Clothier's appeal of a Stewards' Order.**

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, taking final action to affirm the decisions of the Board of Stewards, or continuing the matter.

M. Hearing on Claim from Mr. Randy Morse, Claimant, for Payment of a Pari-Mutuel Wager by Remington Park

In accordance with Rule 325:65-1-37, Claims for Payment from Pari-Mutuel Pool, Mr. Randy Morse filed a written, verified claim to be paid the winnings from Remington Park Pari-Mutuel Ticket 124-83410-075, dated September 29, 2011, for a Superfecta wager placed on Race 9.

Item M.1 is Mr. Morse's claim form which sets forth the basis of his claim. In pertinent part, Mr. Morse claims:

“On September 29, 2011, during Remington Park's “Thoroughbred Race Meeting” (67 racing days, running from August 17th through December 10, 2011), I placed a *Superfecta* wager in the 9th race at Remington Park that produced a winning ticket with a pari-mutuel payment \$6,230.92 (A copy of the ticket and the Equibase payout sheet are enclosed). I presented this winning ticket for payment to a teller at Remington Park on December 3, 2011. The teller declines to pay the ticket because it was not presented for payment within 60 days of the wager date. After the teller's denial of payments, I spoke with the track's President, Scott Wells, who also declined to order the ticket to be paid. I presented the ticket on December 3rd, on what turns out to have been the 65th day after the race day. However, the date the ticket was presented was well before the end of the race meeting, which ran from August 17th through December 10th. By rule, the ticket was “presented for payment during the course of the meeting where [the ticket] was sold,” and should be paid.”

Item M.2 contains the related statute [Section 208.1.A. of Title 3A] and two administrative rules [Rules 325:65-1-34 and 325:65-1-37].

Item M.3 is the January 17, 2012 letter from Mr. Morse's attorney, addressing the issue of timely presentation of the ticket for payment.

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, Section 301 et seq.; the Oklahoma Horse Racing Act, Title 3A O.S. Section 200 et seq., including but

not limited to Section 208.1.A., Failure to Receive Money Due-Claims-Unclaimed Proceeds; and OAC 325 (OHRC *Rules of Racing*), including Chapter 65, Pari-Mutuel Wagering, which includes Rules 325:65-1-34, Pari-Mutuel Tickets; Validity, and 325:65-1-37 [Amended], Claims for Payment from Pari-Mutuel Pool.

The procedure for hearing the claim is as follows:

1. The Claimant, Mr. Randy Morse, is entitled to be present and to present evidence, witnesses and arguments in support of his claim and may do so through counsel, if desired.
2. The Respondent, Global Gaming RP, LLC, is entitled to be present and to present evidence, witnesses and arguments in support of Global Gaming RP, LLC's position and may do so through counsel, if desired.
3. The Claimant and the Respondent will be allowed fifteen (15) minutes each to present their case.
4. The Claimant, the Respondent and any other persons giving testimony are subject to questioning by Commissioners, Commission Counsel and Commission Staff.

Possible Executive Session

Pursuant to 75 O.S. § 312, 25 O.S. § 307(B)(8) and 311 (B)(1), an Executive Session is proposed **for the purpose of deliberation in an individual proceeding regarding Mr. Randy Morse's Claim for Payment of a Pari-Mutuel Wager by Remington Park.**

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, taking preliminary or final action to grant or deny the request, in whole or in part, or continuing the matter.

N. REPORTS

1. All racetracks accepted their respective CY 2012 racing and gaming License Orders.
2. The Second Regular Session of the 53rd Oklahoma Legislature will convene on Monday, February 6, 2012. **Item N.1** is the list of CY 2012 Legislative Session deadline dates for the progression of legislation. Since January 19, 2012 is the deadline for introduction of measures, a preliminary report will be distributed before the Commission's January 26, 2012 meeting.
3. Mr. Constantin Rieger, Commission Executive Director, will make a brief presentation on gaming revenue.
4. Mr. Rieger will report on the Commission's Operational Agency Audit conducted by the Office of State Auditor and Inspector, including observations and the Commission's written responses.

O. Any Matter Not Known About or Which Could Not Have Been Reasonably Foreseen Prior to Posting the Agenda

P. ANNOUNCEMENTS

1. The Oklahoma Quarter Horse Racing Association will host its annual awards program on Friday, February 24, at Heritage Place. The Commission will present CY 2011 Oklahoma-Bred champion awards for Quarter Horses, Paints and Appaloosas at the OQHRA program.

ADJOURNMENT..... Ms. Goumaz, Chair

FEBRUARY, 2012 CALENDAR

2/1/12 – Oklahoma-Bred Advisory Council Meeting, 1:00 p.m., Commission Shepherd Mall Office, 2401 N.W. 23, Suite 78, Oklahoma City, OK

2/2/12 – Deadline for submitting agenda topics for 2/16/12 Commission meeting

2/16/12 – Commission Regularly Scheduled Meeting, 9:30 a.m., Remington Park, Track North, One Remington Place, Oklahoma City, OK

2/20/12 – HOLIDAY [Presidents' Day]

2/24/12 – Oklahoma Quarter Horse Racing Association's Annual Awards Program, Heritage Place, 2829 S. MacArthur, Oklahoma City, OK