

# OKLAHOMA HORSE RACING COMMISSION

RAN LEONARD, CHAIR

KEITH SANDERS, VICE-CHAIR

BECKY GOUMAZ, SECRETARY

STANTON HARRELL, ESQ., MEMBER

PHILLIP KIRK, MEMBER

JOE LUCAS, MEMBER

MONTY MARCUM, MEMBER

DOUGLAS WRIGHT, MEMBER

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## AGENDA

### Regularly Scheduled Meeting

**Thursday, June 15, 2017, 9:30 a.m.**

#### Meeting Location:

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

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#### New Address of the:

OKLAHOMA HORSE RACING COMMISSION  
2800 N. LINCOLN BLVD., SUITE 220  
OKLAHOMA CITY, OKLAHOMA 73105

(Located in Department of Agriculture, Food and Forestry Building)

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AGENDA POSTED IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING ACT

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**CALL TO ORDER .....Mr. Leonard, Chair**

**INTRODUCTION OF NEW COMMISSIONER .....Mr. Leonard, Chair**

Mr. Douglas Wright of Oklahoma City has joined the Commission following his Senate confirmation on May 22, 2017. Mr. Wright replaces Ms. Kinsey Money who resigned December 31, 2017. Mr. Wright will serve the unexpired term through June 30, 2021.

**ROLL CALL .....Mr. Leonard, Chair**

**BUSINESS .....Mr. Leonard, Chair**

**A. MINUTES**

The drafted Minutes of the May 18, 2017 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. PRESENTATION ON MONITORING PROJECT OF COMPULSIVE GAMING ASSISTANCE PLANS BY RACETRACK GAMING OPERATOR LICENSEES AND PROPOSED BUDGET FOR FY-2018 MONITORING PROJECT**

Since FY-2008, Dr. Curtis Barrett has monitored the respective Compulsive Gambling Assistance Plans of the Racetrack Gaming Operators.

Dr. Barrett will make a 10-minute presentation about FY-2017 activities of the Compulsive Gambling Assistance Plans for each of the racetracks in relation to compliance with requirements established in the *Rules for Racetrack Gaming*.

Historically, the budget has been calculated on the number of gaming devices at each racetrack so that Remington Park pays half and Will Rogers Downs pays one-fourth [with the other one-fourth paid by Blue Ribbon Downs].

From FY-2008, the second year of the monitoring project, through FY-2014, Remington Park has paid \$11,000 with Will Rogers Downs paying \$5,500 for a total of \$16,500. For FY-2015, the Commission approved a 10% increase due to rising travel expenses, asking Remington Park to pay \$12,100 and Will Rogers Downs to pay \$6,050 for a total of \$18,150 for the FY-2016 monitoring project. Dr. Barrett advised that he is requesting the same \$18,150 budget for FY-2018 due to the ongoing economic constraints in Oklahoma.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, requiring continuation of the monitoring project with Dr. Barrett and budgeting for the project at the current \$18,150 budget, requiring continuation of the monitoring project with Dr. Barrett with a modified budget, or continuing the matter.

**C. PROPOSED CLARIFYING LANGUAGE TO DIRECTIVE ON COMMISSION-SANCTIONED THRESHOLDS**

**Background**

At the May 18, 2017 meeting, the Commission approved proposed amendments to the Directive on Commission-Sanctioned Thresholds to take effect August 15, 2017.

**Current Consideration**

The Ad Hoc Committee on Rules and Medication proposes the following amendments to clarify language in the Directive:

**Page 1, Paragraphs 1 and 2**

- Expand “prohibited substance or chemical” to read “prohibited medication, foreign substance, metabolic derivative or chemical”
- Expand “test specimen” to read “saliva, urine, blood or other test sample or specimen”

**Page 1, Paragraph 2**

- Add the underlined phrase to the following sentence: “The use of the following therapeutic medications shall be permitted when administered not less than 24 hours prior to post time of the race in which the horse is entered, provided the concentration in the horse’s plasma/serum sample or specimen does not exceed the following level when tested post-race:”

**Page 2, (c) Other Medications**

- Add the following statement: “The detection of Albuterol or Clenbuterol at any level in any saliva, urine, blood or other sample or specimen taken from a Quarter Horse, Paint or Appaloosa will be deemed a positive.”

**Page 4, (4) Cobalt**

- Add the following statement: “The presence of Cobalt in a race horse in a sample or specimen shall not exceed the following level when tested post-race:”
- Delete the phrase “effective June 4, 2015”

**Page 4, (6) Salix and Bute**

- Delete the three paragraphs listing the two rules and the established threshold levels.
- Replace with the following statement: “The acceptable levels of Salix [Furosemide] and Bute [Phenylbutazone], a non-steroidal anti-inflammatory medication, are set forth, respectively, at Rule 325:45-1-9 and Rule 325:45-1-22.”

**Page 5, (7) Other Acceptable Therapeutic Medications**

- Delete this section in its entirety

**Page 5, (8) Owner’s and Trainer’s Assumption of the Risk**

- Renumber it from (8) to (7)
- Under the two conditions, change the first condition to read: “Except for Furosemide [Salix], ~~The~~ medication must be administered not less than 24 hours prior to post time of the race in which the horse is entered, and”
- Add the underlined phrase to the following sentence in the third paragraph: “While the Commission established thresholds are based on scientific studies and industry established standards, there is no guarantee that administration of an allowed therapeutic medication twenty-four (24) hours prior to post time will result in a concentration level of the medication that complies with Commission-Sanctioned Thresholds, as the condition of the horse, the horse’s metabolism, the route of medication administration, the dosage of the medication administered, and other factors may affect the post-race levels of the medication in the horse’s plasma or serum.”

**Item C.1** contains the Directive on Commission-Sanctioned Thresholds with the proposed changes.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; adopting the recommendations, in whole or in part; deciding not to adopt the recommendations; or continuing the matter.

**D. FY-2018 MEMBERSHIP ON THE OKLAHOMA-BRED ADVISORY COUNCIL**

Each year, the Commission appoints organizations and individuals to the Oklahoma-Bred Advisory Council for the next fiscal year (July 1 through June 30). The following organizations and individuals were appointed as members of the Advisory Council for FY-2018 (July 1, 2017-June 30, 2018):

Remington Park  
Will Rogers Downs  
Office of State Auditor & Inspector  
Oklahoma-Bred Registrar  
OQHRA Representative  
TRAO Representative  
At-Large Representative on request of OQHRA  
At-Large Representative on request of TRAO  
At-Large Representative on request for the Commission – Mr. Ed Melzer

**Possible Action:**

Possible action may include, but is not limited to: taking no action, making some or all the FY-2018 appointments, or continuing the matter.

E. **PROPOSED SLATE OF COMMISSION OFFICERS PRESENTED BY THE NOMINATING COMMITTEE**

**AND**

**ELECTION OF OFFICERS FOR FY-2018**

The Nominating Committee [comprised of Commissioners Leonard, Harrell and Marcum, with Commissioner Marcum serving as Chair] was named at the May 18, 2017 meeting to develop a proposed slate of Commission Officers [Chair, Vice-Chair and Secretary] for consideration for election for FY-2018 (July 1, 2017 through June 30, 2018).

Commissioner Marcum, as Chair of the Nominating Committee, will announce the proposed slate of Commission Officers. The Commission will then be asked if there are any nominations.

From the proposed slate of Commission Officers and any nominations from the Commissioners, the Commission will elect the Officers for FY-2018.

F. **REPORTS**

1. **Current Status of Proposed Rule Amendments to Racing Rules**

The Legislature adjourned without passing House Joint Resolution 1029 that would have approved state agencies' proposed new rules or rule amendments. Consequently, the rules cannot be promulgated unless the Governor issues a Declaration approving and finally adopting the rules. The Governor must issue the Declaration and file it with the Office of Administrative Rules by June 23, 2017 for publication in the *Oklahoma Register* on July 17, 2017.

The Commission will have 30 calendar days from the date the Governor issues the Declaration to submit the finally adopted rules to the Office of Administrative Rules for publication in the *Oklahoma Register*. The rules can take effect ten days after publication in the *Oklahoma Register*. **The earliest effective date is estimated to be August 25, 2017.**

There is no Commission rule that has been flagged for non-approval.

**Item F.1** includes the list of proposed rule amendments to the racing rules.

2. **Receipt of Renewal Applications for CY 2018 Racetrack Organization License for Racing**

By the annual deadline of June 1, the Commission received renewal applications for organization [racing] licenses from Remington Park, Will Rogers Downs and Fair Meadows at Tulsa to conduct racing activities in CY 2018. **Item F.2** reflects the requested CY 2018 live race dates. An overview chart is shown on the next page of the agenda.

Commission Staff is in the process of reviewing the applications and writing the Staff Narratives. At the same time, the Commission's Law Enforcement Division is currently conducting its background investigations. Hearings to consider these racing license applications will be conducted at the August 17, 2017 Commission meeting.

3. **Receipt of Renewal Applications for CY 2018 Racetrack Gaming Operator Licenses and Recipient Racetrack Gaming License**

By the annual deadline of June 1, the Commission received renewal CY 2018 applications for Racetrack Gaming Operator License applications from Remington Park and Will Rogers Downs and a renewal CY 2018 Recipient Racetrack Gaming License application from Fair Meadows at Tulsa.

Commission Staff is in the process of reviewing the applications and writing the Staff Narratives. The Commission's Law Enforcement Division is currently conducting its background investigations. Hearings to consider these gaming license applications will be conducted at the August 17, 2017 Commission meeting.

Applicants for Renewal Racing Licenses	Race Meetings	Number of Live Race Days Requested and Number of Races Per Breed Requested	Number of Required Races By Breed To Conduct Gaming <sup>1</sup>	Race Meeting Time Frame (2018)
<b>REMINGTON PARK</b> Global Gaming RP, L.L.C. Oklahoma City	Quarter Horse  Paint and  Appaloosa	<u>50 race days</u>  422 QH races  78 PT/Mixed races	No fewer than 500 races within a period of 12 consecutive weeks	3/9/18 – 6/2/18
	Thoroughbred	<u>67 race days</u>  600 TB races	No fewer than 600 races	8/24/18 – 12/16/18
<b>WILL ROGERS DOWNS</b> Will Rogers Downs, L.L.C. Claremore	Thoroughbred	<u>30 race days</u>  284 TB races	No fewer than 270 races	3/12/18 – 5/19/18
	Quarter Horse  Paint and  Appaloosa	<u>28 race days</u>  270 QH races  60 PT & AP races	No fewer than 270 QH races  No fewer than 60 PT and AP races	9/8/18 – 11/10/18
<b>TULSA STATE FAIR</b> (Tulsa County Public Facilities Authority) Fair Meadows at Tulsa	Quarter Horse  Thoroughbred  Paint and  Appaloosa	<u>34 race days</u>  170 QH races [EST.]  170 TB races [EST.]  34 PT races [EST.]  34 AP races [EST.]	No fewer than 400 total races with no fewer than an average of 4 races per day for TB horses	6/8/18 – 7/28/18

<sup>1</sup>For Remington Park and Will Rogers Downs, the number of races by breed meet the requirements of Section 264, Race Meetings-Number Required, of the State-Tribal Gaming Act, in order to conduct gaming at the racetrack. For Tulsa State Fair, the number of races meets the requirement in Section 264 for Fair Meadows at Tulsa to be an eligible Recipient Racetrack Gaming Licensee.

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

**H. ANNOUNCEMENTS**

1. This is the last meeting for Chairman Leonard who completes his six-year term on June 30, 2017. Chairman Leonard served two terms as Chair, 2013-2014 and 2015-2017, for a total of three years as well as serving as Vice-Chair 2014-2015.

Commissioners Kirk and Lucas have been reappointed for their second six-year term. The new Commissioners, Wendy Ingersoll Keener and Donnie Von Hemel, will start their 6-year terms on July 1, 2017 with their first Commission meeting scheduled for August 17, 2017.

2. The Thoroughbred Racing Association of Oklahoma will hold its annual awards program on Friday, August 4, 2017 at the Riverwind Casino and Hotel in Norman, 1544 State Highway 9. The cocktail hour will start at 6:30 p.m. with the dinner, auction and awards banquet to follow. The Commission will present CY 2016 Oklahoma-Bred Year-End Champion Awards for Thoroughbreds.

**ADJOURNMENT.....Mr. Leonard, Chair**

**PLEASE SEE CALENDAR ON NEXT PAGE**

**JULY-SEPTEMBER, 2017 CALENDAR**

**There is no July, 2017 Regularly Scheduled Commission Meeting**

**7/4/17** – HOLIDAY [Independence Day]

**7/29/17**– Fair Meadows at Tulsa’s Mixed Breed race meeting is scheduled to end

**8/2/17** – Oklahoma-Bred Advisory Council Meeting, 1:30 p.m., Commission’s Conference Room 201, 2800 N. Lincoln Boulevard, Oklahoma City

**8/3/17** – Deadline for submitting agenda topic requests for August 17, 2017 Regularly Scheduled Commission Meeting

**8/4/17** – Thoroughbred Racing Association of Oklahoma’s annual awards program, Riverwind Casino and Hotel, 1544 State Highway 9, Norman

**8/17/17** – Commission Regularly Scheduled Meeting, 9:30 a.m., Remington Park, Track North, Oklahoma City

**8/25/17** – Remington Park’s Thoroughbred race meeting is scheduled to begin

**9/4/17** – HOLIDAY [Labor Day]

**9/9/17** – Will Rogers Downs’ Quarter Horse, Paint and Appaloosa race meeting is scheduled to begin

**There is no September, 2017 Regularly Scheduled Meeting**