

OKLAHOMA HORSE RACING COMMISSION

Rescheduled Regular Meeting

June 19, 2008

MINUTES

CALL TO ORDER/ROLL CALL

Chairman Gene Bledsoe called the June 19, 2008 Rescheduled Regular Meeting of the Commission to order at 4:07 p.m. at Fair Meadows at Tulsa in Central Park Hall, Tulsa, Oklahoma. Commission members answering roll call were Commissioner Barkett, Chairman Bledsoe, Commissioner Bowers, Commissioner Carter, Commissioner Grimmert, Commissioner Savage and Commission Smicklas. Commissioner Bollenbach and Commissioner Calvert were absent from the meeting. Mr. Neal Leader, Commission Counsel, was present as well as the following Commission staff members: Mr. Constantin A. Rieger, Ms. Mary Ann Roberts, Ms. Norma Calhoun, Mr. Mike Corey, Ms. Bonnie Morris and Ms. E J Brees. Approximately thirty other persons attended and signed the registry which is part of the record.

The Executive Director, Mr. Constantin Rieger, introduced Ms. Mary Ann Roberts, Staff Attorney for the Commission.

APPROVAL OF MINUTES

Commissioner Bowers moved to approve the drafted Minutes from the May 15, 2008 Regularly Scheduled Commission Meeting. Commissioner Savage seconded the motion. The vote was as follows:

Aye: Mr. Bowers, Mr. Savage, Mr. Carter, Mr. Grimmert, Dr. Bledsoe
Abstain: Mrs. Barkett, Mr. Smicklas
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 5-0-2 vote.

FAIR MEADOWS AT TULSA'S REQUEST TO CHANGE A CY 2008 LIVE RACE DAY

In a May 15, 2008 letter, Mr. Ron Shotts, Director of Racing at Fair Meadows at Tulsa [FMT], requested Commission approval to change a CY 2008 live race day by deleting Wednesday, July 23, 2008, and adding Sunday, July 27, 2008. This would make the race meeting end on July 27 rather than July 26. Mr. Shotts noted that FMT plans to run all of the Speedhorse finals on Sunday, July 27, which might provide FMT increased simulcasting revenue since Los Alamitos is scheduled to take these races.

Commissioner Barkett made a motion to approve Fair Meadows at Tulsa's request to change a live race date in its 2008 race meeting. Commissioner Bowers seconded the motion. The vote was as follows:

Aye: Mrs. Barkett, Mr. Bowers, Mr. Carter, Mr. Grimmert, Mr. Savage, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

REMINGTON PARK'S ONGOING CONSTRUCTION OF TWO BARNES

Mr. Scott Wells, Vice President and General Manager of Remington Park [RP], provided a status report on the construction of two barns. Mr. Wells stated that the project is still on schedule, despite several days when the weather did not allow for construction as planned. Mr. Wells said that he believed the barns will be finished in time to accommodate the horses as they come to the racetrack and that July 13, 2008 is the projected target date for completion.

No action was taken by the Commission.

PROPOSED CHANGES TO COMMISSION-SANCTIONED THRESHOLD DIRECTIVE

At the March 23, 2006 meeting, the Commission adopted a Directive on Commission-Sanctioned Thresholds that had been proposed by the Ad Hoc Committee on Drug Testing Rules to be in compliance with the rule amendments adopted at the same meeting in Chapter 45, Medication and Equine Drug Testing Procedures. Since then, revisions were adopted by the Commission on May 18, 2006 [to delete the erroneous inclusion of Furosemide and Phenylbutazone]; January 25, 2007 [to add Detomidine; change the level of Flunixin; and correct the spelling of Naproxen]; and February 21, 2008 [to reduce the level of Flunixin].

Two changes to the document were proposed at the June 19, 2008 meeting as follows:

1. Correct a scrivener error on the Salicylic Acid [aspirin] dosage to read: 6.5 ug/ml serum/plasma [rather than the incorrect level of 65 ug/ml serum/plasma].
2. Add Methylprednisolone for a threshold level of 2 ng/ml.

At its first meeting, the Commission Ad Hoc Committee on Medication discussed Methylprednisolone. As a follow-up, Mr. Rieger provided Committee members with recent study reports and attending veterinarian reports, indicating that a certain level of Methylprednisolone is detectable at 24 hours.

As the result of follow-up discussions, the Ad Hoc Committee now recommends the inclusion of Methylprednisolone for a threshold level of 2 ng/ml.

Commissioner Barkett made a motion to approve two proposed changes to the Directive on Commission-Sanctioned Thresholds. Commissioner Savage seconded the motion. The vote was as follows:

Aye: Mrs. Barkett, Mr. Savage, Mr. Bowers, Mr. Carter, Mr. Grimmert, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

With the passage of this motion, press releases will announce the changes. In addition, copies of the new Directive will be provided to each licensed racetrack for posting on the backside, to each horsemen's organization representative, and to all licensed practicing veterinarians. A copy of the revised Directive will be posted on the Commission's website, and copies of the Directive will be available, upon request, at the License Offices.

DIRECTIVE ON OKLAHOMA-BRED ACCREDITATION STAMP ON REISSUED FOAL CERTIFICATE PAPERS

At the May 15, 2008 meeting, the Commission considered a request from Mr. Dee Raper, Owner/Trainer, for an emergency rule amendment to Rule 325: 75-1-7, Registration Required for Oklahoma-Bred Eligibility, to address a problem that had arisen with a procedural change at the American Quarter Horse Association [AQHA] with the reissuance of foal certificates for Oklahoma-Bred horses. The AQHA now reissues papers for every ownership transfer but does not always stamp the papers to indicate that the horse is accredited Oklahoma-Bred.

Currently, language in Rule 325:75-1-7, Registration Required for Oklahoma-Bred Eligibility, requires that the papers in the racing office must bear the Oklahoma-Bred stamp for the horse to be eligible to start in races for Oklahoma-Bred horses and to be eligible for Oklahoma-Bred purse supplements.

Mr. Neal Leader, Commission Counsel, advised that the conditions necessary for the adoption of an emergency rule were not present, but advised that the matter could be remedied by adopting a Directive. The Commission instructed Commission Staff to develop a new Directive that accredited Oklahoma-Bred horses, for whom their foal certificates that are being reissued by AQHA due to an ownership transfer, will be eligible to start in races for Oklahoma-Bred horses and be eligible for Oklahoma-Bred purse supplements even though the reissued papers do not contain the Oklahoma-Bred stamp. The Commission also stated that the Directive will remain in place until the effective date of a future amendment to this Oklahoma-Bred rule through the permanent rulemaking process.

Subsequent to the May 15, 2008 meeting, Commission Staff drafted a Directive. In reviewing it, Ms. Tara Teel, Oklahoma-Bred Registrar, suggested that the Directive be extended to all breeds. That suggestion was returned to the Commission for consideration at this meeting.

Commissioner Barkett made a motion to expand the Directive to include all breeds. Commissioner Carter seconded the motion. The vote was as follows:

Aye: Mrs. Barkett, Mr. Carter, Mr. Bowers, Mr. Grimmett, Mr. Savage, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

PRESENTATION ON COMPULSIVE GAMING ASSISTANCE PLANS BY RACETRACK GAMING OPERATOR LICENSEES

For FY-2008, Dr. Curtis Barrett has monitored the respective Compulsive Gambling Assistance Plans of Remington Park, Blue Ribbon Downs and Will Rogers Downs. Of the \$19,380 annual monitoring budget, Remington Park paid 50% [or \$9,690], and Blue Ribbon Downs and Will Rogers Downs paid 25% each [or \$4,845].

An Interim Report was supplied by Dr. Barrett dated April 14, 2008, in which he advised the Commission that the Plan for each of the three racetracks is fully compliant with requirements established in the *Rules for Racetrack Gaming*. Dr. Barrett also offered to continue his services to the monitoring project into FY-2009, noting the need for an incremental budgetary increase of 10% to assist in covering airfare, hotel and rental car/gasoline costs.

After consulting with each racetrack representative regarding their willingness to fund the 10% increase, Commissioner Bowers made a motion to continue the Compulsive Assistance Plans for FY-2009 with the requested increase. Commissioner Carter seconded the motion. The vote was as follows:

Aye: Mr. Bowers, Mr. Carter, Mrs. Barkett, Mr. Grimmett, Mr. Savage, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

BLUE RIBBON DOWNS' REQUEST TO EXTEND APPLICATION DEADLINE FOR CY 2009 LICENSE

OHRC *Rules of Racing* Rule 325:15-3-2, Application for License and Days to Conduct a Horse Racing Meeting, sets the application deadline of June 1 of the calendar year preceding the calendar year for which the requested race meeting is to be conducted. That rule was amended in 2004 to address the issue of the sale of a racetrack which reads:

“... when an existing racing facility licensed by the Commission is sold or transferred to a new owner within sixty days of the June 1 application deadline, or after the June 1 application deadline, the new owner must file its application within ninety (90) days after ownership is transferred to it. Additionally, if ownership of a racetrack licensed by the Commission is transferred during a year in which the new owner wishes to operate for a portion of the remaining year, the new owner may file an application to do so no later than forty-five (45) days after ownership is transferred to it. **Further, for good cause shown, the Commission may, in the exercise of its discretion, grant any applicant an extension of time in which to file its application.**”

[Emphasis Added]

In a May 29, 2008 letter, Mr. Blaine Story, General Manger of Operations at Blue Ribbon Downs [BRD], requested an extension of the application deadline, stating that the Choctaw Nation of Oklahoma, the current owner, is negotiating the sale of the racetrack with an executed agreement between the parties expected in the near future. Mr. Story added that submitting an application by the June 1, 2008 deadline would have mislead the general public, horsemen, sister Oklahoma racetracks and the Commission and also been costly for BRD to produce.

Commissioner Grimmett made a motion to approve the extension of the application deadline to August 14, 2008, the date of the next Commission meeting. Commissioner Barkett seconded the motion. The vote was as follows:

Aye: Mr. Grimmett, Mrs. Barkett, Mr. Bowers, Mr. Carter, Mr. Savage, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

DISCUSSION ON PROPER WHIP USAGE

OHRC *Rules of Racing* Rule 325:60-1-9, Prohibited Use of Equipment, states that:

Jockeys are prohibited from whipping a horse excessively, brutally, or upon the head, except when necessary to control the horse in an emergency. No mechanical or electrical devices or appliances other than the ordinary whip or approved twitch shall be possessed by any person or used on any horse at any time, whether in a race or otherwise.

A copy of the British Racing Authority rule on whip usage was provided in the agenda packet, which is more punitive than the racing rule. In light of recent occurrences in races of national prominence, Commissioner Smicklas asked that the Commission discuss whether changes are needed in Rule 325:60-1-9.

Mr. Constantin Rieger, Executive Director of the Commission, stated that he would begin gathering data from all jurisdictions regarding the usage of whips. Mr. Rieger also said that the Jockey Club had recently formed a Safety Committee which made recommendations on the use of Anabolic Steroids, Riding Crops and Toe Grabs.

Commissioner Barkett made a motion to form an Ad Hoc Committee on Industry Safety Issues. Commissioner Savage seconded the motion. The vote was as follows:

Aye: Mrs. Barkett, Mr. Savage, Mr. Bowers, Mr. Carter, Mr. Grimmert, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

Chairman Bledsoe appointed Commissioner Smicklas to chair the Ad Hoc Committee with Commissioners Carter and Grimmert also serving. Further, he included representatives from the two horsemen's representative organizations, the Oklahoma Quarter Horse Racing Association and Thoroughbred Racing Association of Oklahoma.

OKLAHOMA THOROUGHBRED ASSOCIATION'S FUNDING REQUEST

In a June 9, 2008 letter, Mr. R.D. Logan, Executive Director of the Oklahoma Thoroughbred Association (OTA), requested funding from the Oklahoma Breeding Development Fund Special Account [OBDFSA] for the CY 2009 Stallion Register and Directory to offset advertising costs for owners of up to a maximum of 68 accredited Oklahoma-Bred stallions to advertise their stallions. The opportunity to pay a reduced amount would be available on a first-come, first served basis. The first 68 stallion owners of accredited Oklahoma-Bred Thoroughbreds would each pay a reduced amount for the advertisement {\$320 rather than \$335} with \$150 of the \$320 being paid from the Oklahoma Breeding Development Fund Special Account (OBDFSA) for a total of up to \$10,000 (68 Stallions at \$150/statistical page).

In the past three years, the Commission authorized funding for:

<u>Directory Year</u>	<u>Stallions</u>
2006	60
2007	65
2008	70

In his letter, Mr. Logan asked that the funding request be placed on the June 19, 2008 agenda since there will not be a Commission meeting in July, 2008 and the need to advertise the Register and dates for stallions to be included.

Mr. Dan Case, OTA President, attended the Commission Meeting and represented Mr. Logan who was unavailable for the meeting. Mr. Case stated that the benefit is to the Stallion owners and not the OTA.

Commissioner Smicklas stated that the first time the Commission authorized subsidizing the Stallion Register and Directory was before State Question 712, which, has subsequently directed a substantial amount of money to the OTA. Commissioner Smicklas said that the most recent legislative action has also directed more money from the Tulsa Tribal Gaming Funds to the horsemen's groups. Based on this revenue stream, Commissioner Smicklas suggested that the request for funding from the Oklahoma Breeding Development Fund Special Account to subsidize the Stallion Register and Directory should no longer be necessary.

Commissioner Smicklas made a motion to reject the request. Commissioner Bowers seconded the motion. The vote was as follows:

Aye: Mr. Smicklas, Mr. Bowers, Mrs. Barkett, Mr. Carter, Mr. Grimmnett, Mr. Savage, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

PROPOSED SLATE OF COMMISSION OFFICERS PRESENTED BY THE NOMINATING COMMITTEE AND ELECTION OF OFFICERS FOR FY 2009

The Nominating Committee [comprised of Commissioners Bowers, Calvert and Smicklas] presented the following proposed slate of Commission Officers for consideration for election for FY 2009 (July 1, 2008 through June 30, 2009):

Chair	Commissioner Bledsoe
Vice-Chair	Commissioner Grimmnett
Secretary	Commissioner Barkett

Commissioner Bowers made a motion to approve the slate of FY 2009 officers. Commissioner Carter seconded the motion. The vote was as follows:

Aye: Mr. Bowers, Mr. Carter, Mrs. Barkett, Mr. Grimmnett, Mr. Savage, Mr. Smicklas, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

Commissioner Mr. Smicklas made a motion to elect officers for FY-2009 as on the recommended slate. Commissioner Savage seconded the motion. The vote was as follows:

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Aye: Mr. Smicklas, Mr. Savage, Mrs. Barkett, Mr. Bowers, Mr. Carter, Mr. Grimmnett, Dr. Bledsoe
Mr. Bollenbach and Mr. Calvert were absent from the meeting.
The motion passed on 7-0 vote.

HEARING ON APPEAL OF BLAINE RUSSEL HADLEY

The record in the matter reflects that the Board of Stewards at Remington Park [RP] held a Stewards' Hearing on May 28, 2008, to consider the alleged violation that Mr. Hadley had willfully ignored or refused to comply with a direct order of Remington Park Security Officers during the performance of their duties.

Following the Hearing, the Board of Stewards at RP, in Order No. 08-RP-097, dated May 30, 2008, found Mr. Hadley in violation of OHRC Pari-Mutuel *Rules of Racing* Rule 325:55-1-8, Compliance with Orders of Security Officers and Public Safety Officers. The Board of Stewards suspended Mr. Hadley for a period of thirty days, June 2, 2008 through July 1, 2008, and fined Mr. Hadley the sum of five hundred dollars (\$500.00) which has not been paid.

On June 2, 2008, the Commission received a Petition for Appeal and Request for Stay from Mr. Hadley. A Temporary Stay was issued on June 3, 2008 pending an Appeal Hearing before the Commission scheduled for this meeting.

Ms. Roberts, Commission Staff Attorney, reported that an agreement had been reached with Mr. Hadley. She said that Mr. Hadley had withdrawn his petition for appeal and has accepted a suspension and a fine waiving any further appellate rights in the matter.

No further action was taken.

REPORTS

Joint Application for Transfer of Purse Funds

The Commission Executive Director, through the Commission's delegation of authority to handle such a request, reviewed the joint application from Will Rogers Downs, Fair Meadows at Tulsa and the Oklahoma Quarter Horse Racing Association to transfer \$1,060,000 in Quarter Horse purse money and \$80,000 in Paint and Appaloosa purse money from Will Rogers Downs, LLC to Fair Meadows at Tulsa to be used to supplement Quarter Horse, Appaloosa and Paint purses at the CY 2008 Tulsa State Fair race meeting. The application was approved on June 5, 2008.

Post-Session Legislative Tracking Report

The Regular Session of the CY 2008 Legislative Session adjourned on Friday, May 23. The Post-Session Legislative Tracking Report was provided in the Agenda Packet.

Receipt of Renewal Applications for CY 2009 Racetrack Gaming Operator Licenses and Recipient Racetrack Gaming License

By the June 1, 2008 deadline, the Commission received renewal CY 2009 Racetrack Gaming Operator License applications from Remington Park and Will Rogers Downs and a renewal CY 2009 Recipient Racetrack Gaming License application from Fair Meadows at Tulsa.

The Commission's Law Enforcement Division is currently conducting its background investigations. The current plan is for the Commission to consider these applications at the August 14, 2008 Commission meeting.

Receipt of Renewal Applications for Organization Licenses for CY 2008 Racing Activities

By the annual deadline of June 1, the Commission received the following renewal applications for organization licenses to conduct racing activities in CY 2009.

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. The current plan is for the Commission to also consider these racing applications at the August 14, 2008 Commission meeting.

Applicant	Type of Application	Number of Live Race Days Requested	Time Frame (2008)
Remington Park, Inc. Oklahoma City	Renewal	50 race days for QH, A, PT	3/6/09 - 5/31/09
		67 race days for TB	8/21/09 – 12/13/09
Will Rogers Downs, L.L.C. Claremore	Renewal	42 race days for TB, QH, PT, A	1/31/09 – 5/2/09
Tulsa State Fair (Tulsa County Public Facilities Auth.) ¹ Fair Meadows at Tulsa	Fair Meet Renewal	34 race days for TB, QH, PT, A	5/19/09 – 7/26/09

¹The full name is the Tulsa County Public Facilities Authority.

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

There was no new business that could not have been foreseen prior to the posting of the agenda.

ANNOUNCEMENTS

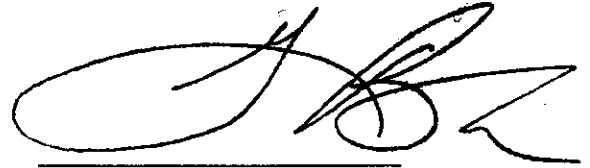
The following announcements were made:

- OTA's annual awards program is scheduled for Saturday, August 2, at Remington Park in the Eclipse Room [cocktails starting at 6:00 p.m. with dinner at 7:00 p.m.]. The Commission will be presenting Oklahoma-Bred Thoroughbred awards.
- Saturday, July 19, 2008 has been set for the sale of 27 horses confiscated in the July 29, 2007 raid on the illegal racetrack at Thackerville. The sale will be conducted at Heritage Place. Fifteen other horses may be included as well.
- OQHRA will be hosting two public meetings on the Oklahoma-Bred Program and the current Oklahoma-Bred rules. The first meeting will be held Thursday, July 10, at Fair Meadows at Tulsa. OQHRA will host a free Horsemen's Cookout following that meeting. The date for the second public meeting was not announced.

ADJOURNMENT

By acclamation, the Commission meeting was adjourned at 5:12 p.m.

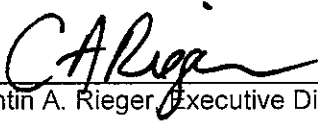
Approved this 14th day of August, 2008.



Dr. Gene Bledsoe, Chairman

On Behalf of the Commission:

ATTEST:



Constantin A. Rieger, Executive Director

CAR/ejb, 6/24/08, 7/24/08, 7/25/08, 8/14/08