

OKLAHOMA HORSE RACING COMMISSION

REGULARLY SCHEDULED MEETING
FEBRUARY 19, 2009

MINUTES

CALL TO ORDER/ROLL CALL

Chairman Bledsoe called the February 19, 2009 Regularly Scheduled Meeting of the Commission to order at 9:35 a.m. in the Activity Center of Shepherd Mall, Oklahoma City, Oklahoma.

Commission members answering roll call were Commissioner Bledsoe, Commissioner Bollenbach, Commissioner Bowers, Commissioner Calvert, Commissioner Carter, Commissioner Grimmett, and Commissioner Smicklas. Commissioners Barkett and Savage were absent from the meeting. Mr. Leader, Commission Counsel, was present as well as the following Commission staff members: Mr. Constantin A. Rieger, Ms. Mary Ann Roberts, Ms. Sue Chappell, Mr. Mike Corey, Ms. Bonnie Morris and Ms. E J Brees. Approximately twenty-five other persons attended and signed the registry which is part of the record.

APPROVAL OF MINUTES

Commissioner Bowers moved to approve the drafted Minutes from the January 22, 2009 Regularly Scheduled Commission Meeting. Commissioner Carter seconded the motion. The vote was as follows:

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

CONTINUED DELIBERATIONS IN INDIVIDUAL PROCEEDINGS ON CY 2009
INDEPENDENT TESTING LABORATORY LICENSES FOR GAMING LABORATORIES
INTERNATIONAL, INC., NICK FARLEY AND ASSOCIATES D/B/A ECLIPSE
COMPLIANCE TESTING, AND BMMTESTLABS

Commissioner Calvert made a motion to take final action to adopt the CY 2009 Independent Testing Laboratory License Orders as drafted, respectively, for Gaming Laboratories International (GLI), Nick Farley and Associates d/b/a Eclipse Compliance

Testing, and BMMTESTLABS. Commissioner Bollenbach seconded the motion. The vote was as follows:

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

CONTINUED DELIBERATION IN AN INDIVIDUAL PROCEEDING REGARDING A PETITION FOR DECLARATORY RULING BY THE OKLAHOMA QUARTER HORSE RACING ASSOCIATION REGARDING THE POWER OF AN OFFICIAL HORSEMEN'S REPRESENTATIVE ORGANIZATION TO NEGOTIATE A SPECIAL JOCKEY MOUNT FEE AGREEMENT ON BEHALF OF ITS OWNER MEMBERS

At the January 22, 2009 meeting, the Commission held a Hearing on the Oklahoma Quarter Horse Racing Association (OQHRA)'s request for a Declaratory Ruling regarding the power of an official horsemen's representative organization to negotiate a special jockey mount fee agreement on behalf of its owner members. At the conclusion of the Hearing, the Commission took preliminary action to issue a Declaratory Ruling that an official horsemen's representative organization is not empowered to negotiate a special jockey mount fee agreement on behalf of its members. As directed, Commission Staff drafted a proposed Order with Findings of Facts and Conclusions of Law for consideration in continued deliberation at the February 19, 2009 meeting.

Commission Action

Commissioner Calvert made a motion to take final action to adopt the Order as drafted, which found that the OQHRA was not empowered to negotiate Special Jockey Mount Fee Agreement on behalf of its owner members. Commissioner Grimmatt seconded the motion. The vote was as follows:

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

AUTHORIZING THE CHAIR TO APPOINT AN AD HOC COMMITTEE ON JOCKEY MOUNT FEES

At the January 22, 2009 Commission meeting, an agenda topic was the Commission's consideration of the Oklahoma Quarter Horse Racing Association's request for a Declaratory Ruling regarding the power of an official horsemen's representative

organization to negotiate a special jockey mount fee agreement on behalf of its owner members [as noted in the above-mentioned Item]. During that discussion, it was suggested that the Commission consider at the next meeting the appointment of an Ad Hoc Committee on Jockey Mount Fees, including possible rule amendment(s) to Rule 325:25-1-30, Jockey Mount Fees.

Commission Action

Commissioner Bowers made a motion to authorize the Chair to appoint an Ad Hoc Committee on Jockey Mount Fees. Commissioner Smicklas seconded the motion. The vote was as follows:

Aye: Mr. Bowers, Mr. Smicklas, Mr. Bollenbach, Mr. Calvert, Mr. Carter,
Mr. Grimmitt, Dr. Bledsoe

Mrs. Barkett and Mr. Savage were absent from the meeting.

The motion passed on a 7-0 vote.

Chairman Bledsoe appointed the Ad Hoc Committee on Jockey Mount Fees to be chaired by Commissioner Barkett with Commissioner Smicklas and Commissioner Bowers also serving as well as John Beach, Regional Representative for the Jockey's Guild, and one representative from each of the official horsemen's representative organizations: the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma.

CONTINUED DELIBERATION IN AN INDIVIDUAL PROCEEDING TO DETERMINE THE METHOD TO BE USED IN DISTRIBUTING BREAKAGE AND UNCLAIMED TICKET PROCEEDS, GENERATED OUTSIDE OF A RACE MEETING, AND DESIGNATED FOR USE AS PURSE SUPPLEMENTS OR AWARDS AT FAIR MEADOWS AT TULSA

At the January 22, 2009 meeting, the Commission held a Hearing regarding the request of Fair Meadows at Tulsa (FMT) that the Commission determine the method for distributing breakage and unclaimed tickets among the breeds at FMT's 2009 race meeting. The Commission heard from FMT and the two official horsemen's representative organizations: the Oklahoma Quarter Horse Racing Association (OQHRA) and the Thoroughbred Racing Association of Oklahoma (TRAO). The Commission then took preliminary action to enter an Order authorizing the distribution of breakage and unclaimed ticket proceeds, generated outside a race meeting and designated for use as purse supplements or awards, on the basis of a ratio per breed based on the number of races per breed designated in FMT's organization license. As directed, Commission Staff drafted a proposed Order with Findings of Facts and Conclusions of Law for consideration in continued deliberation at the February 19, 2009 meeting.

Commission Action

Commissioner Calvert made a motion to take final action to adopt the Order as drafted, which ordered that the distribution of breakage and unclaimed ticket proceeds, generated outside of the race meeting, and designated for use as purse supplements or awards at Fair Meadows at Tulsa, be made on the basis of a ratio per breed based on the number of races per breed designated in FMT's organization license. Mr. Bollenbach seconded the motion. The vote was as follows:

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

LEGISLATIVE REVIEW OF LEGISLATIVE BILLS AFFECTING THE HORSE RACING INDUSTRY

Mr. Constantin Rieger, Commission Executive Director, reported that SB 694 addresses excluding the offspring of cloned horses from racing in Oklahoma and SB 820 proposes new language to Section 208.3, Oklahoma Breeding Development Fund Special Account, of Title 3A, Oklahoma Horse Racing Act. The bill would add a new purpose for use of the funds through which funding would be provided to any non-profit entity exempt from taxation for the purpose of providing care of retired and unwanted Oklahoma-Bred racing stock as well as direct the Commission to establish eligibility criteria for a non-profit entity. The bill also proposes to increase the Commission's percentage of the prior year's receipts earmarked for its administration of the program from 10% to 15%.

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

Chairman Bledsoe announced that since Commissioner Calvert cannot participate in the Ad Hoc Committee on Finance as previously reported, he had appointed Commissioner Savage to act as chair.

Will Rogers Downs begins its Thoroughbred, Quarter Horse, Paint and Appaloosa mixed race meeting on February 28, 2009.

ANNOUNCEMENTS [continued]

Remington Park will begin its Quarter Horse, Paint and Appaloosa race meeting on March 6, 2009.

The Oklahoma Quarter Horse Racing Association will host its Annual Awards Banquet on February 28, 2009 at Heritage Place. The Commission will present Oklahoma-Bred awards.

The meeting time for the Oklahoma-Bred Advisory Meetings changed from 11:00 a.m. to 1:00 p.m. beginning with the next meeting scheduled for March 4, 2009.

ADJOURNMENT

By acclamation, the Commission meeting was adjourned at 9:50 a.m.

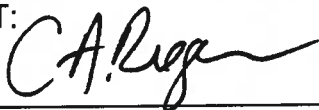
Approved this 26th day of March, 2009.



Dr. Gene Bledsoe, Chairman

On Behalf of the Commission:

ATTEST:



Constantin A. Rieger, Executive Director
CAR/ejb/2/26/09, 3/2/09, 3/18/09, 3/26/09