

# OKLAHOMA HORSE RACING COMMISSION

## RESCHEDULED SPECIAL MEETING DECEMBER 22, 2009

### MINUTES

#### CALL TO ORDER/ROLL CALL

Chairman Grimmert called the December 22, 2009 Rescheduled Special Meeting of the Commission to order at 2:05 p.m. in the Deliberation Room of the Oklahoma Horse Racing Commission, Shepherd Mall, Oklahoma City, Oklahoma.

Mr. Burton, Mr. Carter and Mr. 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. Bonnie Morris. Approximately seventeen persons attended and signed the registry which is part of the record.

#### APPROVAL OF MINUTES

Commissioner Bowers moved to approve the drafted Minutes, as presented, from the November 19, 2009 Regularly Scheduled Commission Meeting. Commissioner Bollenbach seconded the motion. The vote was as follows:

Aye: Mr. Bowers, Mr. Bollenbach, Mrs. Barkett, Mrs. Goumaz, Mr. Smicklas,  
Mr. Grimmert

Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.  
The motion passed with a 6-0 vote.

#### CONTINUED CONSIDERATION OF CY 2010 RACING AND GAMING LICENSE APPLICATIONS BY GLOBAL GAMING RP, LLC

##### Background

Global Gaming RP, LLC submitted CY 2010 racing and gaming license applications and asked to conduct the following two race meetings:

- a **Quarter Horse, Paint and Appaloosa race meeting**, 50 days in length, from March 5 through May 31, 2010 and

- a **Thoroughbred race meeting**, 67 days in length, from August 20 through December 12, 2010.

At the November 19, 2009 meeting, the Commission took preliminary action to award CY 2010 racing and gaming licenses to Global Gaming RP, LLC, allocate live race dates, and direct Commission Staff to draft Orders for consideration in further deliberation at the December 17, 2009 Special Meeting, which was postponed to December 22, 2009.

After Commissioner Smicklas made a motion to deliberate in Executive Session and Commissioner Barkett seconded the motion, Mr. Calvert asked to address the Commission, encouraging the Commission to deliberate in Open Session. The vote was as follows:

Aye: Mr. Smicklas, Mrs. Barkett, Mr. Bowers, Mrs. Goumaz, Mr. Grimmatt

Nay: Mr. Bollenbach

Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.

The motion passed with a 5-1 vote.

Commissioner Goumaz made a motion to reconvene in Open Session. Commissioner Smicklas seconded the motion. The vote was as follows:

Aye: Mrs. Goumaz, Mr. Smicklas, Mrs. Barkett, Mr. Bollenbach, Mr. Bowers,  
Mr. Grimmatt

Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.

The motion passed with a 6-0 vote.

Commissioner Barkett made a motion to take final action granting Global Gaming RP, LLC CY 2010 racing and gaming license Orders with the changes discussed in Executive Session. Commissioner Goumaz seconded the motion. The vote was as follows:

Aye: Mrs. Barkett, Mrs. Goumaz, Mr. Bollenbach, Mr. Bowers, Mr. Smicklas,  
Mr. Grimmatt

Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.

The motion passed with a 6-0 vote.

Commissioner Barkett left the meeting immediately following the vote.

## **CONTINUED CONSIDERATION OF CY 2010 RACING AND GAMING APPLICATIONS FOR WILL ROGERS DOWNS**

### **Background**

At the November 19, 2009 meeting, the Commission took preliminary action to grant CY 2010 racing and gaming licenses to Will Rogers Downs and directed Commission Staff to

prepare drafted Orders for consideration in further deliberation at the Commission Special Meeting in December.

At the December 22, 2009 meeting, Commissioner Smicklas made a motion to take final action to grant Will Rogers Downs, LLC CY 2010 racing and gaming license with modifications discussed in Executive Session. Commissioner Bollenbach seconded the motion. The vote was as follows:

Aye: Mr. Smicklas, Mr. Bollenbach, Mr. Bowers, Mrs. Goumaz, Mr. Grimmett  
Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.  
Mrs. Barkett was absent from the vote.  
The motion passed with a 5-0 vote.

## **PROPOSED OPENING OF THE PERMANENT RULEMAKING PROCESS TO CONSIDER PROPOSED RULE AMENDMENTS TO OHRC RULES OF RACING**

### **1. Rule 325:25-1-30, Jockey Mount Fees**

The Ad Hoc Committee on Jockey Mount Fees met on November 19, 2009 following the conclusion of the Commission meeting, and forwarded the following recommendation for proposed rule amendments to Rule 325:25-1-30, Jockey Mount Fees.

#### **NOTE TO READER:**

**The proposed deletions are shown in bold and double strikethrough fonts. Proposed additions are shown in bold and underline fonts.**

(a) Jockey mount fees in the absence of a contract or special agreement shall be **the greater of the appropriate percentage (%) of the purse as indicated on the chart below or \$75.00:**

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
<del>\$ 599 &amp; Under</del>	<del>\$33.00</del>	<del>\$33.00</del>	<del>\$33.00</del>	<del>\$33.00</del>
<del>600-699</del>	<del>\$33.00</del>	<del>\$33.00</del>	<del>\$33.00</del>	<del>\$33.00</del>
<del>700-1,499</del>	<del>10% Win Purse</del>	<del>\$33.00</del>	<del>\$33.00</del>	<del>\$33.00</del>
<del>1,500-1,999</del>	<del>10% Win Purse</del>	<del>\$35.00</del>	<del>\$33.00</del>	<del>\$33.00</del>
<del>2,000-3,499</del>	<del>10% Win Purse</del>	<del>\$45.00</del>	<del>\$40.00</del>	<del>\$38.00</del>
<del>3,500-4,999</del>	<del>10% Win Purse</del>	<del>\$55.00</del>	<del>\$45.00</del>	<del>\$40.00</del>
<del>5,000-9,999</del>	<del>10% Win Purse</del>	<del>\$65.00</del>	<del>\$50.00</del>	<del>\$45.00</del>
<del>10,000-14,999</del>	<del>10% Win Purse</del>	<del>5% Place Purse</del>	<del>5% Show Purse</del>	<del>\$50.00</del>
<del>15,000-24,999</del>	<del>10% Win Purse</del>	<del>5% Place Purse</del>	<del>5% Show Purse</del>	<del>\$55.00</del>
<del>25,000-49,999</del>	<del>10% Win Purse</del>	<del>5% Place Purse</del>	<del>5% Show Purse</del>	<del>\$65.00</del>
<del>50,000-99,999</del>	<del>10% Win Purse</del>	<del>5% Place Purse</del>	<del>5% Show Purse</del>	<del>\$80.00</del>
<b>\$1,000 to \$39,999</b>	<b>10%-Win Purse</b>	<b>5%-Place Purse</b>	<b>5%-Show Purse</b>	<b>\$75.00</b>
<b>\$40,000 to \$74,999</b>	<b>10%-Win Purse</b>	<b>5%-Place Purse</b>	<b>5%-Show Purse</b>	<b>\$80.00</b>
<b>\$75,000 to \$99,999</b>	<b>10%-Win Purse</b>	<b>5%-Place Purse</b>	<b>5%-Show Purse</b>	<b>\$85.00</b>
<b>\$100,000 &amp; Up</b>	<b>10%-Win Purse</b>	<b>5%-Place Purse</b>	<b>5%-Show Purse</b>	<b>\$105.00</b>

(b) The purpose of this Section is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary. In the event the parties reach an agreement with respect to the fees to be paid the Jockey, a contract or agreement in writing signed by the Jockey or his/her agent and the Owner or his/her Authorized Agent specifying the agreed upon fee in the event of a winning mount, second place mount, third place mount and losing mount, shall be delivered to the Horsemen's Bookkeeper prior to the running of the race in question. The Horsemen's Bookkeeper shall debit the Owner's purse account in accordance with the provision of the contract or written agreement. If no contract or written agreement is submitted to the Horsemen's Bookkeeper prior to the running of the race in question, the Horsemen's Bookkeeper shall debit the Owner's purse account in accordance with the fee scale set forth in this Section, which is to apply in the absence of a contract or written agreement between the parties.

(c) A jockey mount fee is considered earned by a jockey when the jockey is weighed-out by the clerk of scales, except:

- (1) when a jockey elects to take himself or herself off a mount; and
- (2) when the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

(d) If the jockey does not weigh-out because the owner or trainer replaces the jockey with another jockey, the owner or trainer shall pay the same fee to each jockey engaged for the race.

Commissioner Goumaz made a motion to open the permanent rulemaking process for proposed changes to Rule 325:25-1-30, Jockey Mount Fees, by publishing the Notice of

Rulemaking Intent in *The Oklahoma Register* and scheduling a Public Hearing. Commissioner Bollenbach seconded the motion. The vote was as follows:

Aye: Mrs. Goumaz, Mr. Bollenbach, Mr. Bowers, Mr. Smicklas, Mr. Grimmert  
Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.  
Mrs. Barkett was absent from the vote.  
The motion passed with a 5-0 vote.

2. **Rule 325:75-1-16, Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting**

The Oklahoma Quarter Horse Racing Association [OQHRA] advised the Commission in a November 6, 2009 e-mail that it was submitting proposed rule amendments to Rule 325:75-1-16, Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting, with the goal "... for Oklahoma-Bred money accrued for use during a calendar year for each participating breed be distributed as completely as possible to those participating owners, breeders, and stallion owners. No Owner, breeder or stallion owner gets benefits intended by the Act when the money is allowed the [sic] grow in the state coffers and is not distributed to the participants in a timely manner."

The proposed rule amendment is shown as follows:

**NOTE TO READER:**

**The proposed deletions are shown in a double strikethrough font. Proposed additions are shown in bold and underline fonts.**

Breakage and unclaimed ticket revenue generated from wagering by an organization licensee shall be remitted to the Commission for deposit to the Oklahoma Breeding Development Fund Special Account [3A:208.3(A)]. Distribution of these funds is made by the Commission to owners of eligible Oklahoma-Bred horses which qualify through participation at race meetings held by the organization licensee generating the funds. In the event that the total amount of breakage and unclaimed ticket funds generated at a race meeting are not fully distributed to eligible Oklahoma-Bred participants during that race meeting, the unexpended amount(s)

**(a)** shall be carried over for eligible Oklahoma-Bred purse supplements and awards to the next subsequent race meeting conducted for that breed(s) by the same organization licensee;

**or**

**(b)** **upon request by the recognized representative organization for that breed(s), the remaining underpaid funds which were accrued for distribution from designated**

sources of Oklahoma Breeding Development revenue for that breed(s) and which were generated prior to and/or during a live race meeting but remained unexpended at the conclusion of such meeting, may be allotted by the Commission to the credit of the respective breed(s) participation in live race meeting(s) conducted at other Oklahoma licensed racetrack(s) during the same or immediately subsequent calendar year.

(c) In the event an organization licensee does not conduct such subsequent race meeting in the succeeding calendar year for that breed(s) or the Commission does not re-license the organization licensee for the succeeding calendar year, ~~then~~ the recognized representative for that breed(s) shall provide direction to the Commission for the use of any amounts which would have been carried over and the funds shall be allotted by the Commission to the credit of the respective breeds participating in the immediate subsequent calendar year race meeting to provide purse supplements and awards to eligible Oklahoma-Bred participants at levels established by the Commission. Nothing in this Section shall prohibit the Commission from authorizing funds derived from breakage and/or unclaimed ticket proceeds to be used for other purposes established by the Act.

At the meeting, Ms. Debbie Schauf, OQHRA Executive Director, spoke in favor of the changes.

Commissioner Smicklas made a motion to open the permanent rulemaking process for proposed changes to Rule 325:75-1-16, Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting, by publishing the Notice of Rulemaking Intent in *The Oklahoma Register* and scheduling a Public Hearing. Commissioner Bollenbach seconded the motion. The vote was as follows:

Aye: Mr. Smicklas, Mr. Bollenbach, Mr. Bowers, Mrs. Goumaz, Mr. Grimmert  
Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.  
Mrs. Barkett was absent from the vote.  
The motion passed with a 5-0 vote.

**Proposed Opening of the Permanent Rulemaking Process to Consider Proposed Rule Amendments to Three Fee Rules, Chapter 75, of OHRC Rules of Racing**

**Background**

In late November, 2009, Ms. Tara Teel, Oklahoma-Bred Registrar, found that two fees, properly established in substantive Commission rules when the Commission adopted the recommendations of the Ad Hoc Committee on Oklahoma-Bred Rule Revisions, were either omitted or incorrectly stated in rules containing laundry lists of all fees, adopted at the same time.

Mr. Neal Leader, Senior Assistant Attorney General and Commission Legal Counsel, has advised that in his judgment, if there is a conflict between the rule establishing a fee and a rule adopted at the same time which purports to contain a laundry list of all fees, which either misstates the fee established or omits an established fee from the list, the substantive provision establishing the fee controls. Nevertheless, Mr. Leader recommended that action be taken to correct these discrepancies by adoption of amendments to the following three rules which purport to set forth a correct laundry list of fees established in the rules.

**NOTE TO READER:** Proposed deletions are shown in the bold and double strikethrough fonts; proposed additions are shown in the bold and underline fonts.

1. **325:75-1-12, Application Requirements, Categories and Fees for Quarter Horses, Appaloosas or Paints**

(a) Except as provided in 325:75-1-3(3) and 325:75-1-3.1(3), all broodmares must be accredited in the broodmare registry prior to foaling an Oklahoma-Bred eligible foal. All stallions must be accredited in the stallion registry prior to conceiving an Oklahoma-Bred eligible foal. Racing stock may register in the racing stock registry by December 31 of the year of the horse's birth with a fee of \$25.00. Other racing stock applying by June 1 of their yearling year must pay a \$50.00 fee. The application fee is \$500.00 for all other racing stock registered through December 31 of the horse's three-year-old year. On or after January 1 of their four-year-old year, the application fee shall be \$1,000.00. Broodmares may register in the broodmare registry by December 31 of the year prior to foaling with a fee of \$35.00. Broodmares applying under late applications but prior to foaling must pay a \$70.00 fee. Broodmares applying under hardship applications must pay ~~\$235.00~~ **\$200.00 plus the application fee.** Stallions may apply in the stallion registry by February 1 of that breeding season with a fee of \$100.00. Stallions applying after February 1 and by June 30 of that breeding season must pay \$200.00.

(b) The breeder or owner of an Oklahoma-Bred horse shall pay the fee required for application in the following categories:

- (1) Stallion Application by February 1 of Breeding Year - \$100.00
- (2) Stallion Application After February 1 and by June 30 of the Breeding Year - \$200.00
- (3) Stallion Reaccreditation Application by February 1 of Breeding Year - \$100.00
- (4) Stallion Reaccreditation Application After February 1 and by June 30 of the Breeding Year - \$200.00
- (5) Stallion Reaccreditation Hardship Application - \$200.00 plus the application fee**
- ~~(5 6)~~ Broodmare Application by December 31 of Year Prior to Foaling - \$35.00
- ~~(6 7)~~ Broodmare Application under Late Application - \$70.00
- ~~(7 8)~~ Broodmare **Hardship** Application ~~under Hardship Application - \$235.00~~ **\$200.00 plus the application fee**
- ~~(8 9)~~ Broodmare Reaccreditation Application by December 31 prior to foaling - \$35.00
- ~~(9 10)~~ Broodmare Reaccreditation Application after December 31 and prior to foaling - \$70.00
- ~~(10 11)~~ Foal Application by December 31 in Year of Birth - \$25.00
- ~~(11 12)~~ Yearling Application by June 1 of Yearling Year - \$50.00
- ~~(12 13)~~ Racing Stock Application After June 1 of Yearling Year through December 31 of Three- Year-Old Year - \$500.00
- ~~(13 14)~~ Racing Stock Application On or After January 1 of Four-Year-Old Year - \$1,000.00
- ~~(14 15)~~ Transfer Fee - \$25.00

(c) Paragraphs (1), (2), (3), (4), (5), (6), (7), (8) ~~and~~ (9) ~~and~~ (10) of (b) of this Section are registries for breeding purposes only. Paragraphs ~~(10),~~ (11), (12) ~~and~~ (13), **(14) and (15)** of (b) of this Section are for racing purposes only.

2. **325:75-1-12.1, Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010**

(a) Except as provided in 325:75-1-3(5)(C), all broodmares must be accredited in the broodmare registry prior to foaling and Oklahoma-Bred eligible foal. All stallions must be accredited in the stallion registry prior to conceiving an Oklahoma-Bred eligible foal. Racing stock may apply for the racing stock registry by December 31 of the year of the horse's birth with a fee of \$50.00. Other racing stock may apply by December 31 of the horse's yearling year with a fee of

\$150.00. The horse may apply by December 31 of its two-year old year for \$450.00. After that date, a three-year or older foal may apply for a fee of \$1,000.00. Broodmares may apply for the broodmare registry by December 31 of the year prior to foaling for a fee of \$75.00. Broodmares applying under late application but prior to foaling must pay a fee of \$150.00. Broodmares applying under hardship applications must pay a fee of ~~\$350.00 (including penalty)~~ **\$200.00 plus application fee**. Stallions may apply for the stallion registry by February 1 of that breeding season with a fee of \$225.00. Stallions applying after February 1 and by June 30 of that breeding season must pay a fee of \$400.00. Further, the stallion must pay a yearly recertification fee. If paid prior to February 1 the fee is \$25.00; after February 1 but before June 30, the fee is \$50.00. If the yearly fee is paid after June 30, the yearly fee is \$400.00.

(b) The breeder or owner of an Oklahoma-Bred horse shall pay the fee required for applying in the following categories:

(1) Stallion Application by February 1 of breeding year - \$225.00

(2) Stallion Application after February 1 but before June 30 of the breeding year - \$400.00

(3) Stallion Reaccreditation Application by February 1 of breeding year - \$225.00

(4) Stallion Reaccreditation Application after February 1 but before June 30 of breeding year - \$400.00

**(5) Stallion Reaccreditation Hardship Application - \$200.00 plus the application fee**

~~(6)~~ (6) Yearly Recertification of Stallion in Registry by February 1 of breeding year - \$25.00

~~(7)~~ (7) Yearly Recertification of Stallion in Registry after February 1 but before June 30 of breeding year - \$50.00

~~(8)~~ (8) Yearly Recertification of Stallion in Registry after June 30 of breeding year - \$400.00

~~(9)~~ (9) Broodmare Application by December 31 of Year prior to foaling - \$75.00

~~(10)~~ (10) Broodmare Application after December 31 and prior to foaling - \$150.00

~~(11)~~ (11) Broodmare Reaccreditation Application by December 31 prior to foaling - \$75.00

~~(12)~~ (12) Broodmare Reaccreditation Application after December 31 and prior to foaling - \$150.00

~~(13)~~ (13) Broodmare **Hardship Application under Hardship Application - \$200.00 plus application fee**

~~(14)~~ (14) Foal Application in Year of Birth by December 31 - \$50.00

- (~~14~~ 15) Foal Application in Yearling Year by December 31 - \$150.00
- (~~15~~ 16) Foal Application in Two-Year-Old Year by December 31 - \$450.00
- (~~16~~ 17) Foal Application in Three-Year-Old Year by December 31 - \$750.00
- (~~17~~ 18) Foal Application after December 31 of Three-Year-Old Year - \$1,000
- (~~18~~ 19) Transfer fee - \$25.00
- (c) Paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), ~~and~~ (12) and (13) of (b) of this Section are registries for breeding purposes only. Paragraphs (~~13~~), (14), (15), (16), ~~and~~ (17), (18) and (19) of (b) of this Section are for racing purposes only.
- (d) Proceeds from the fees listed above are to be distributed in the following manner:
  - (1) 85% placed into the Oklahoma-Bred Fund for Thoroughbreds. Should the Legislature in the future authorize the Oklahoma Breeding Development Fund Special Account monies to be used for the care of retired and unwanted Oklahoma-Bred accredited horses, then 50% of such fees shall be placed in the Fund to be administered by the Commission for the care of retired and unwanted accredited Oklahoma-Bred Thoroughbred horses, and 35% placed in the Oklahoma-Bred Fund for Thoroughbreds, and
  - (2) 15% to the Oklahoma Horse Racing Commission to:
    - (A) Assist in funding to oversee the Fund in (c) (2), to cover related costs to administering the Oklahoma-Bred Program for Thoroughbreds, and
    - (B) Improve and increase the number of inspections for compliance for Thoroughbred broodmares, stallions and foals to be eligible for the Oklahoma-Bred Program.

3. **325:75-1-13.1, Dual Breed Application Categories and Fees**

The breeder or owner of a dual breed registered Oklahoma-Bred horse shall pay the fee required for accreditation in the following categories:

- (1) Stallion Application by February 1 of Breeding Year - \$150.00
- (2) Amended Stallion Application by February 1 of Breeding Year - \$100.00
- (3) Stallion Application after February 1 and by June 30 of the Breeding Year - \$300.00

- (4) Amended Stallion Application after February 1 and by June 30 of the Breeding Year - \$200.00
- (5) Stallion Reaccreditation Application by February 1 of Breeding Year - \$150.00
- (6) Stallion Reaccreditation Application after February 1 and by June 30 of the Breeding Year - \$300.00
- (7) Stallion Reaccreditation Hardship Application - \$200.00 plus application fee**
- ~~(7 8)~~ Broodmare Application by December 31 of Year Prior to Foaling - \$60.00
- ~~(8 9)~~ Amended Broodmare Application by December 31 of Year Prior to Foaling - \$35.00
- ~~(9 10)~~ Broodmare Application after December 31 and Prior to Foaling - \$120.00
- ~~(10 11)~~ Amended Broodmare Application after December 31 and Prior to Foaling - \$70.00
- ~~(11 12)~~ Broodmare Hardship Application - ~~\$235.00~~ **\$200.00 plus application fee**
- ~~(12 13)~~ Broodmare Reaccreditation Application by December 31 of Year Prior to Foaling - \$60.00
- ~~(13 14)~~ Broodmare Reaccreditation Application after December 31 and Prior to Foaling - \$120.00
- ~~(14 15)~~ Foal Application in Year of Birth by December 31 - \$40.00
- ~~(15 16)~~ Amended Foal Application in Year of Birth by December 31 - \$25.00
- ~~(16 17)~~ Yearling Application by June 1 of Yearling Year - \$80.00
- ~~(17 18)~~ Amended Yearling Application by June 1 of Yearling Year - \$50.00
- ~~(18 19)~~ Racing Stock Application after June 1 of Yearling Year through December 31 of Three-Year-Old Year - \$750.00
- ~~(19 20)~~ Amended Racing Stock Application after June 1 of Yearling Year through December 31 of Three-Year-Old Year - \$500.00
- ~~(20 21)~~ Racing Stock Application on or after January 1 of Four-Year-Old Year - \$1,500.00
- ~~(21 22)~~ Amended Racing Stock Application on or after January 1 of Four-Year-Old Year - \$1,000.00

Commissioner Smicklas made a motion to open the permanent rulemaking process for Rules 325:75-1-12, Application Requirements, Categories and Fees for Quarter Horses, Appaloosas or Paints; 325:75-1-12.1, Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010; and 325:75-1-13.1, Dual Breed Application Categories and Fees, by publishing Notice of Rulemaking Intent in

the *Oklahoma Register* and scheduling a Public Hearing. Commissioner Goumaz seconded the motion. The vote was as follows:

Aye: Mr. Smicklas, Mrs. Goumaz, Mr. Bollenbach, Mr. Bowers, Mr. Grimmett  
Mr. Burton, Mr. Carter, and Mr. Savage were absent from the meeting.  
Mrs. Barkett was absent from the vote.  
The motion passed with a 5-0 vote.

## **ANNOUNCEMENTS**

Remington Park, Inc. accepted its CY 2010 racing and gaming license Orders on November 25, 2009.

Fair Meadows at Tulsa accepted its CY 2010 racing and gaming license Orders on December 1, 2009.

On November 9, 2009, Governor Henry approved the proposed rule amendment to Rule 325:75-1-15, Distribution of Funds for Oklahoma-Bred Pari-Mutuel Races, regarding distribution of breakage and unclaimed tickets. Since the proposed rule amendment was submitted to the Legislature on October 21, 2009 when it was not in session, the proposed rule amendment is currently being held over for the next Legislative Session and may be considered approved after the expiration of the first 30 Legislative days of that Session or around March 24, 2010. This would make April 25, 2010 the effective date.

The Oklahoma Quarter Horse Racing Association's [OQHRA] Appeal from the Commission's Order 2007-OHRC-006 establishing the simulcast-in split at Fair Meadows at Tulsa for CY 2007 has been dismissed based on the OQHRA's failure to prosecute its appeal. The Order of Dismissal was issued on November 30, 2009.

The Commission's Shepherd Mall Office will close on Thursday, December 24, 2009 at 2:00 p.m.

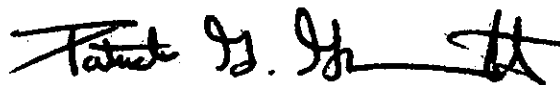
## **ANY MATTER NOT KNOWN ABOUT OR WHICH COULD NOT HAVE BEEN REASONABLY FORESEEN PRIOR TO POSTING THE AGENDA**

There were no items not known in advance of posting the agenda.

## **ADJOURNMENT**

By acclamation, the Commission meeting was adjourned at 4:24 p.m.

Approved this 28<sup>th</sup> day of January, 2010.

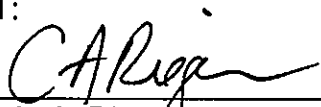


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Mr. Patrick Grimmett, Chairman

On Behalf of the Commission:

ATTEST:



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Constantin A. Rieger, Executive Director

CAR/ejb/01/08/2010, 1/15/10, 1/21/10, 2/2/10