

OKLAHOMA HORSE RACING COMMISSION

REGULARLY SCHEDULED MEETING MARCH 25, 2010

MINUTES

CALL TO ORDER/ROLL CALL

Chairman Grimmert called the Regularly Scheduled Meeting of the Commission to order at 9:33 a.m. at Heritage Place [Cafeteria], Oklahoma City, Oklahoma.

All Commissioners, except Mr. Savage and Mr. Smicklas, were present at the meeting. The following Commission staff members were present: Mr. Constantin A. Rieger, Ms. Mary Ann Roberts, Mr. Mike Corey, Ms. Sue Chappell, Ms. Bonnie Morris and Ms. E J Brees. Approximately eleven persons attended and signed the registry which is part of the record.

APPROVAL OF MINUTES

Commissioner Bollenbach moved to approve the drafted Minutes, as presented, from the February 18, 2010 Regularly Scheduled meeting. Commissioner Bowers seconded the motion. The vote was as follows:

Aye: Mr. Bollenbach, Mr. Bowers, Mr. Burton, Mr. Carter, Mr. Grimmert
Abstain: Mrs. Barkett, Mrs. Goumaz
Mr. Savage and Mr. Smicklas were absent from the meeting.
The motion passed with 5 ayes and 2 abstentions.

CONTINUED DELIBERATION REGARDING CY 2010 INDEPENDENT TESTING LABORATORY LICENSE FOR BMM NORTH AMERICA, INC. D/B/A BMM COMPLIANCE

At the February 18, 2010 meeting, the Commission held a Hearing for the renewal application received from BMM North America, Inc. d/b/a BMM Compliance. After the Hearing was conducted, the Commission took preliminary action to approve a CY 2010 Independent Testing Laboratory License with the same conditions as the CY 2009 License and further contingent upon receipt of the CY 2007 and 2008 federal income tax returns

and directed Commission Staff to draft an Order for consideration in further deliberation at the March 25, 2010 Commission meeting.

At the March 25, 2010 meeting, Ms. Mary Ann Roberts, OHRC Staff Attorney, stated that the required tax returns had been received by the Commission from BMM North America since the last Commission meeting.

Commissioner Goumaz made a motion to take final action to adopt the CY 2010 Independent Testing Laboratory License Order for BMM North America, Inc. d/b/a BMM Compliance. Commissioner Bollenbach seconded the motion. The vote was as follows:

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

REMINGTON PARK'S REQUEST TO AMEND ITS CY 2010 RACING APPLICATION BY INCREASING TWO FEES [DORMITORY ROOM DEPOSIT FEE AND STALL DEPOSIT FEE]

In a February 25, 2010 letter, Mr. Fred Hutton, Director of Racing/Racing Secretary at Remington Park, requested Commission approval to amend Exhibit C.11 in its CY 2010 racing application to increase its dormitory room deposit fee from \$75 to \$150 and its stall deposit fee from \$7.50 to \$10. Specifically, Mr. Hutton stated that the increased fees would assist Remington Park "to help defray our losses" since "Remington Park's financial outlay to clean the barn area last year after both race meets amounted to a total of \$66,656." The deposit fees would continue to be refundable if the horseman cleans the stall upon the removal of the horse(s) from the stable area and if the dormitory is not damaged and the dormitory room key returned.

At the March 25, 2010 meeting, Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association, said that she had not been notified of the proposed changes. Mr. Justin Cassity, Executive Director of the Thoroughbred Racing Association of Oklahoma, said that he had heard of the changes and that his association did not have an issue with raising the deposit of the dormitory rooms.

Mr. Constantin Rieger, Commission Executive Director, stated that, if approved by the Commission, the policy of increasing dormitory deposits would begin with the Thoroughbred Race Meeting [scheduled to begin August 19, 2010]. Mr. Rieger also said that he had requested substantiating figures from Mr. Hutton but had not received them as of the date of this Commission meeting.

Mr. Scott Wells, General Manager of Remington Park, stated that a great deal of money is expended trying to maintain the cleanliness and repairs to the barn area. He said that it

was Remington Park's preference that the dormitory and/or stall would be left in the condition in which it was found with the expectation that raising the deposits might encourage that behavior. Mr. Wells added that the racetrack management noticed that, in many instances, the trainers seemed to prefer to forfeit the deposit, either by their own choice or because of a lack of discipline on the part of their employees.

Commissioner Bowers made a motion to approve Remington Park's request to amend its CY 2010 racing application to increase two fees [dormitory room deposit fee and stall deposit fee]. Commissioner Goumaz seconded the motion. The vote was as follows:

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

REMINGTON PARK'S REQUEST TO DISPOSE OF GAMING MACHINES

In a March 9, 2010 e-mail from Mr. Bruce Houseman, Director of Casino Operations at Remington Park, a request for Commission approval was made to dispose of gaming machines. Mr. Houseman advised the Commission that all workable parts were removed with the software forwarded to the Commission Gaming Agents. Mr. Houseman further stated that the remaining gaming parts included the cabinet and minor wiring.

After hearing from Mr. Houseman, Commissioner Carter made a motion to approve Remington Park's request to dispose of 112 Bally gaming machines. Commissioner Bowers seconded the motion. The vote was as follows:

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

POSSIBLE FINAL ACTION ON PROPOSED RULE AMENDMENTS THAT HAVE BEEN SUBJECT TO BOTH PUBLIC HEARING AND PUBLIC COMMENT

Background

At the December 22, 2009 meeting, the Commission authorized publication in *The Oklahoma Register* and scheduling of a Public Hearing on the following proposed rule amendments.

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.

(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
\$ 500 & Under	\$33.00	\$33.00	\$33.00	\$33.00
600-699	\$33.00	\$33.00	\$33.00	\$33.00
700-1,499	10% Win Purse	\$33.00	\$33.00	\$33.00
1,500-1,999	10% Win Purse	\$35.00	\$33.00	\$33.00
2,000-2,499	10% Win Purse	\$45.00	\$40.00	\$38.00
3,500-4,999	10% Win Purse	\$55.00	\$45.00	\$40.00
5,000-9,999	10% Win Purse	\$65.00	\$50.00	\$45.00
10,000-14,999	10% Win Purse	5% Place Purse	5% Show Purse	\$50.00
15,000-24,999	10% Win Purse	5% Place Purse	5% Show Purse	\$55.00
25,000-49,999	10% Win Purse	5% Place Purse	5% Show Purse	\$65.00
50,000-99,999	10% Win Purse	5% Place Purse	5% Show Purse	\$80.00
\$1,000 to \$39,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$75.00
\$40,000 to \$74,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$80.00
\$75,000 to \$99,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$85.00
\$100,000 & Up	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$105.00

(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.

2. Three Oklahoma-Bred Fee Rules

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 on the Ad Hoc Committee on Oklahoma-Bred Rules, 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.

a. 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.

b. 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 re-certification 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**
- ~~(5 6)~~ Yearly Recertification of Stallion in Registry by February 1 of breeding year - \$25.00
- ~~(6 7)~~ Yearly Recertification of Stallion in Registry after February 1 but before June 30 of breeding year - \$50.00
- ~~(7 8)~~ Yearly Recertification of Stallion in Registry after June 30 of breeding year - \$400.00

- (~~8~~ 9) Broodmare Application by December 31 of Year prior to foaling – \$75.00
 - (~~9~~ 10) Broodmare Application after December 31 and prior to foaling - \$150.00
 - (~~10~~ 11) Broodmare Reaccreditation Application by December 31 prior to foaling - \$75.00
 - (~~11~~ 12) Broodmare Reaccreditation Application after December 31 and prior to foaling - \$150.00
 - (~~12~~ 13) Broodmare Hardship Application ~~under Hardship Application - \$350.00 (including penalty)~~ \$200.00 plus application fee
 - (~~13~~ 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.

c. **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

3. **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."

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) participating 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.

Mr. Rieger stated that there were no positive or negative comments at the Public Hearings concerning the proposed rule amendments. He said that the three Oklahoma-Bred Fee Rules pertain to the fees in the breeder program. The fees were already provided for in another section of the rules but this section was inadvertently omitted and the fees were included in this section so that the rules would concur.

Mr. Rieger said that Rule 325:75-1-16, Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting, allows for direction of the Oklahoma-Bred Funds that has not been there in the past. With this rule, the horsemen's groups may be more involved in certain direction of the funding.

Commissioner Barkett made a motion to adopt the proposed rule amendments to the five racing rules. Commissioner Burton seconded the motion. The vote was as follows:

Aye: Mrs. Barkett, Mr. Burton, Mr. Bollenbach, Mr. Bowers, Mr. Carter,
Mrs. Goumaz, Mr. Grimmatt

Mr. Savage and Mr. Smicklas were absent from the meeting.

The motion passed on a 7-0 vote.

PROPOSED AMENDMENT TO COMMISSION-SANCTIONED MEDICATION THRESHOLD DIRECTIVE BY MEDICATIONS AD HOC COMMITTEE

The Commission's Medications Ad Hoc Committee, chaired by Commissioner Barkett, met two times to discuss therapeutic threshold levels of Dexamethasone, an RCI Category IV corticosteroid commonly used as an anti-inflammatory agent. Dexamethasone is listed on the Commission-Sanctioned Medication Threshold Directive as one of the therapeutic medications permitted not less than twenty-four (24) hours before post time for the race in which the horse is entered, provided the concentration in the horse's plasma/serum sample or specimen does not exceed a specified level when tested post race. The most recent update to the Directive, approved on June 18, 2009, shows that the specified plasma/serum level for Dexamethasone should not exceed a negative/LOD which means the plasma/serum level should be less than the limit of detection of the method.

At this time, due to technological advances in measuring plasma/serum levels for Dexamethasone, the Medications Ad Hoc Committee proposed an amendment to the Directive, changing Dexamethasone's concentration in the horse's plasma/serum sample or specimen not less than twenty-four (24) hours before post time for a race in which the horse is entered from negative/LOD [less than the limit of detection of the method] to a level of **1.5 ng/ml in the plasma/serum**.

Commissioner Barkett made a motion to approve the proposed amendment to the Commission-Sanctioned Medication Threshold Directive. Commissioner Goumaz seconded the motion. The vote was as follows:

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

LEGISLATIVE REVIEW OF LEGISLATIVE BILLS AFFECTING THE HORSE RACING INDUSTRY

Mr. Rieger reported that the tracked legislation is proceeding through the Legislation Session, including the two bills for a change in the Veterinary Practice Act for teeth floaters. He added that SB 820, the bill that would add an additional purpose for use of the Oklahoma-Bred funds to provide funding for the care of retired and unwanted Oklahoma-Bred racing stock, is on the March 29, 2010 agenda of the House Appropriations and Budget Natural Resources and Regulatory Services Committee.

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.

ANNOUNCEMENTS

Nick Farley and Associates d/b/a Eclipse Compliance Testing accepted its CY 2010 Independent Testing Laboratory License on February 23, 2010.

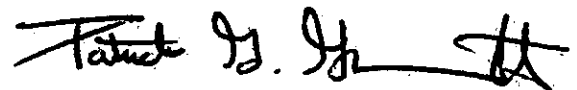
Gaming Laboratories International, LLC accepted its CY 2010 Independent Testing Laboratory License on March 10, 2010. Mr. Andy Comer, GLI Senior Director, Corporate Compliance and General Manager, advised the Commission that he looked forward to continuing to work with the Commission and racetracks.

Legislative approval of proposed rule amendments to Rule 325:75-1-15, Distribution of Funds for Oklahoma-Bred Pari-Mutuel Races, regarding breakage and unclaimed ticket proceed distribution outside of a race meeting, is scheduled for March 25, 2010. The amendments can take effect on April 25, 2010.

ADJOURNMENT

By acclamation, the Commission meeting was adjourned at 9:58 a.m.


Approved this 20th day of May, 2010.



Mr. Patrick Grimm, Chairman

On Behalf of the Commission:

ATTEST:


Constantin A. Rieger, Executive Director

CAR/ejb/3/29/10