

# **OKLAHOMA HORSE RACING COMMISSION**

**RAY BAYLIFF, CHAIR**

**ROGER COLE, VICE-CHAIR**

**TERRY SIMONSON, ESQ., SECRETARY**

**GENE BLEDSOE, DC, MEMBER**

**RANDY CALVERT, ESQ., MEMBER**

**DEAN SPENCER, DDS, MEMBER**

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## **AGENDA**

**Rescheduled Regular Meeting  
Thursday, July 15, 2004, 2:00 p.m.**

### **Meeting Location:**

Fair Meadows at Tulsa  
Cafeteria Building  
4801 E. 21  
Tulsa, OK 74112  
(918) 743-7223

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Address of the:

OKLAHOMA HORSE RACING COMMISSION  
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OKLAHOMA CITY, OKLAHOMA 73107  
(Located In SHEPHERD MALL, N.W. 23<sup>rd</sup> & Villa Avenue)  
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AGENDA POSTED IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING ACT.

All customers who attend public meetings of the Commission who need special accommodations, i.e., Sign Language Interpreter, amplification device, large print materials, Braille materials, audio cassette materials, readers or other special accommodations must notify the Commission by the deadline date and time for acceptance of agenda requests.

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

**ROLL CALL** .....

**BUSINESS** .....

**A. MINUTES**

The Minutes of the May 6, 2004 Rescheduled Regular Commission Meeting will be considered for approval (**Item A.1**).

**B. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Report on Slate of Commission Officers and Nomination and Election of Officers for FY 2005**

The Nominating Committee (Commissioners Simonson, Bledsoe and Spencer) presents a proposed slate of Commission Officers for consideration for election for FY 2005 as reflected in a May 18, 2004 letter (**Item B.1**) from Commissioner Simonson, Committee Chair, to the Commission.

From the proposed slate of Commission Officers presented and any nominations from the floor, the Commission will elect the following Officers: Chair, Vice-Chair and Secretary for FY 2005 (July 1, 2004 through June 30, 2005).

**C. Preliminary Consideration of Organization License Applications Including Public Hearing to Consider Will Rogers Downs, L.L.C.'s Original Application for Organization License to Conduct Calendar Year 2005 Live Racing and Simulcasting**

Following the Commission's receipt of the applications for organization license by the June 1, 2004 filing deadline, individual copies of the applications were mailed or delivered to Commissioners and Commission Counsel for review.

A formal full Public Hearing – including presentations in support and opposition of an application – is conducted only on original applications for organization license and not on renewal applications. A Public Hearing regarding the original application from Will Rogers Downs, L.L.C. is scheduled for this meeting. Hearings on renewal applications before the Commission are shorter and do not include public statements in support or in opposition.

Information received regarding any particular application for organization license shall be considered as part of the record regarding all of the applications for organization license.

The following applications for organization licenses were submitted to the Commission by the June 1, 2004 filing deadline.

Applicant	Type of Application	Number of Live Race Days Requested	Time Frame (2005)
Remington Park, Inc. Oklahoma City	Renewal	32 (QH, AP, PT)	March 19 - June 5, 2005
		66 (TB)	July 29 - November 27, 2005
Backstretch, L.L.C. d/b/a Blue Ribbon Downs, Sallisaw	Renewal	30 (TB, QH, AP, PT)	March 12 - May 21, 2005
		30 (TB, QH, AP, PT)	August 26 - October 30, 2005
Tulsa County Fair (Tulsa County Public Facilities Auth.) <sup>1</sup> Fair Meadows at Tulsa	Fair Meet Renewal	13 (TB, QH, PT, AP)	May 26 - June 19, 2005
Tulsa State Fair (Tulsa County Public Facilities Auth.) <sup>1</sup> Fair Meadows at Tulsa	Fair Meet Renewal	15 (TB, QH, PT, AP)	June 23 - July 16, 2005
Will Rogers Downs, L.L.C. Claremore	Original	12 (TB, QH, AP, PT)	November 5 - December 11, 2005

<sup>1</sup>The full name is the Tulsa County Public Facilities Authority.

**1. Will Rogers Downs, L.L.C.**

In an original application, Will Rogers Downs, L.L.C. requests to conduct a 12-day live Thoroughbred, Quarter Horse, Appaloosa and Paint race meeting from November 5 through December 11, 2005. **Item C.1** is the Commission Staff Report regarding the application.

**THE FOLLOWING PROCEDURES PERTAIN TO THE PUBLIC HEARING REGARDING APPLICATION FOR ORIGINAL ORGANIZATION LICENSE:**

1. All persons attending the Rescheduled Regular Meeting/Public Hearing are requested to sign the Commission Meeting general attendance sheet and provide their name, address and organization they represent, if any.
2. Persons wishing to present **oral comments** regarding the application submitted by Will Rogers Downs, L.L.C. scheduled for Public Hearing must sign an additional Speakers' Register sheet. Persons signing in must indicate whether they will be presenting testimony in support of or in opposition to the application.

Prior to testimony being taken, if necessary as determined by the Commission Chair, a Commission staff member will meet with each group (support/opposition) to divide the time allotted among those wishing to speak and to obtain a list of names of the order in which each speaker will appear, noting the time allotted to each speaker.

3. All **written comments** in support of or in opposition to the application for original organization license to conduct live racing and simulcasting in Calendar Year 2005 were requested by notice to be received at the Commission Office no later than 5:00 p.m., Tuesday, July 6, 2004.

4. The Applicant's representative(s) will be introduced by the Commission Chair.
5. All parties testifying will be sworn by the Commission Chair. During the presentations, the Applicant and those speaking in support or in opposition may be questioned by Commissioners, Commission Counsel and Commission staff. The period taken with questions and answers will not be charged against the time allotted the parties.
6. The Applicant will make the application presentation subject to any necessary recess authorized by the Commission.  
**Total Time Limit: 30 minutes.**
7. Testimony from persons supporting the application.  
**Total Time Limit: 30 minutes.**
8. Testimony from persons opposing the application.  
**Total Time Limit: 30 minutes.**
9. Commission staff will present its report(s).  
**No Time Limit.**
10. Applicant may summarize and, in summarizing, may respond to opposition comments, the Commission staff report(s), or both.  
**Total Time Limit: 30 minutes unless,  
at the discretion of the Commission Chair, the time limit is extended.**
11. Members of the Commission, Commission Counsel, the Executive Director, Director of Law Enforcement and/or their designees may question the Applicant and question persons speaking in support of or opposition to the application or question other persons.  
**No Time Limit.**

**THE FOLLOWING PROCEDURES PERTAIN TO THE HEARING REGARDING  
RENEWAL APPLICATIONS FOR ORGANIZATION LICENSES.**

The racetrack will be given up to twenty (20) minutes to make its presentation on its renewal application for organization license. During the presentation, the Applicant, and those speaking in support or in opposition, Commissioners, Commission Counsel and Commission staff may ask questions. The period taken with questions and answers will not be charged against the time allotted the parties. **Item C.2** is the Commission's Staff Report regarding the renewal applications.

**2. Remington Park**

In a renewal application, Remington Park, Inc. requests to conduct a 32-day live Quarter Horse, Appaloosa and Paint race meeting from March 19 through June 5, 2005 and a 66-day live Thoroughbred race meeting from July 29 through November 17, 2005.

**3. Backstretch, L.L.C. d/b/a Blue Ribbon Downs**

In a renewal application, Backstretch, L.L.C. d/b/a Blue Ribbon Downs (BRD), requests to conduct two 30-day live Thoroughbred, Quarter Horse, Appaloosa and Paint race meetings from March 12 through May 21, 2005 and August 26 through October 30, 2005.

**4. Tulsa County Fair (Tulsa County Public Facilities Authority)**

In a renewal application, the Tulsa County Fair (the Tulsa Public Facilities Authority) requests to conduct a 13-day live Thoroughbred, Quarter Horse, Paint and Appaloosa fair race meeting at Fair Meadows at Tulsa from May 26 through June 19, 2005.

**5. Tulsa State Fair (Tulsa County Public Facilities Authority)**

In a renewal application, the Tulsa State Fair (the Tulsa County Public Facilities Authority) requests to conduct a 15-day live Thoroughbred, Quarter Horse, Paint and Appaloosa fair race meeting at Fair Meadows at Tulsa from June 23 through July 16, 2005.

**Because the issuance of organization licenses includes the allocation of live race dates, and because the Commission in allocating race dates attempts to avoid unnecessary overlap and simultaneous competition among racetracks, the Commission deliberates on all applications together.**

**Possible Executive Session For Purpose of Deliberation in Individual Proceeding, Commission Deliberation on Organization License Applications and the Issuance of Conditional Organization Licenses and Allocation of Race Days for Calendar Year 2005 Race Meetings and/or Other Action Regarding the Applications**

Pursuant to 75 O.S. §312, 25 O.S. §307(B)(8) and 311 (B)(1), an Executive Session is proposed for deliberation on organization license applications of Remington Park, Inc., Blue Ribbon Downs, Will Rogers Downs and Tulsa County Fair and Tulsa State Fair (Tulsa County Public Facilities Authority) for Calendar Year 2005 race meetings and simulcasting. [A motion and the recorded vote of each Commissioner is required to go into and return from an Executive Session if the Commission opts to so deliberate in order to reach a final or intermediate Order in an individual proceeding.]

**1. Purpose of Executive Session**

This Executive Session is proposed for the purpose of deliberation regarding issuance/non-issuance of conditional organization licenses and allocation of race days for Calendar 2005 race meetings.

**2. Proposal for Executive Session**

**[Requires motion and vote by the Commission, which motion must include the naming of persons requested to attend the Executive Session to assist Commissioners.]**

**3. Vote to Reconvene in Open Session**

**4. Preliminary Commission Consideration of and Possible Action on Commission Deliberation on Organization License Applications and the Issuance of Conditional Organization Licenses and Allocation of Race Days for Calendar Year 2005 Race Meetings**

Possible actions may include: no action taken, grant or denial of the application, entrance of either preliminary Findings of Fact and Conclusions of Law, and the issuance of a preliminary Order.

**D. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding a Request From Blue Ribbon Downs for a Partial Exemption to OHRC Rules of Racing 325:10-1-25**

Item D.1 is a June 17, 2004 letter from Mr. Frank Deal, General Manager at Blue Ribbon Downs (BRD), requesting a partial exemption to OHRC *Rules of Racing* Rule 325:10-1-25, Ambulance Service. Item D.2 contains the current contract for ambulance service between Blue Ribbon Downs and Life Star E.M.S. of Sallisaw for CY 2004.

**E. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Approval of Contract for Horsemen's Representation Between Remington Park and the Thoroughbred Racing Association of Oklahoma**

The Commission will consider for approval the contract for horsemen's representation between Remington Park and the Thoroughbred Racing Association of Oklahoma (TRAO). The contract is for the CY 2004 straight Thoroughbred race meeting which is scheduled to begin August 6. At the time of the printing and distribution of this agenda, the contract had not been received from Remington Park or the TRAO.

**F. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Passage of HB 2416**

With the passage of HB 2416, the statutory restriction in the Horse Racing Act was deleted regarding the minimum and maximum dosages and time of administration of Furosemide (Salix) to a horse prior to a race. HB 2416 also authorized any such determinations to be made by rules of the Commission.

Item F.1 is a June 17, 2004 Commission letter to the horse racing industry regarding HB 2416. The letter advised the parties that the Commission will review OHRC *Rules of Racing* Rule 325:45-1-25, Use, Administration and Regulation of Furosemide (Salix); Commission Directive 91-D-1, Information and Procedures for Licensed Practicing Veterinarians, Horsemen, Racing Officials, and Organization Licensees Concerning Horse Health Procedures and the Administration and Authorized Use of Furosemide (Salix) and Phenylbutazone (Bute) (last revised June 20, 2002); and six other rules of the OHRC *Rules of Racing* to address the future use of Furosemide in racing. The specific rules involved are:

- Rule 325:45-1-6, Authorized Medication
- Rule 325:45-1-9, Furosemide (Salix) Use Without Detention Barn
- Rule 325:45-1-10, Conditional Furosemide (Salix) Use
- Rule 325:45-1-11, Trainer Responsibility - Furosemide (Salix)
- Rule 325:45-1-12, Bleeder List
- Rule 325:45-1-13, Racing After Bleeding

Item F.2 contains information for consideration by interested parties regarding the recommendation of the Racing Medication and Testing Consortium, a national panel of experts formed by the National Thoroughbred Racing Association committed to developing a uniform national medication policy for horse racing. The Consortium is made up of a cross-section of 26 stakeholder groups, including representatives of racetracks, the American Association of Equine Practitioners, practicing veterinarians, racing chemists, horsemen and regulators. Item F.3 is the model rule regarding the use of Furosemide (Salix) in Pari-Mutuel Rules of Racing developed jointly by the North American Pari-Mutuel Regulators Association and the Association of Racing Commissioners International.

The matter of the parameters established by the Commission for the use of Furosemide (Salix) in racing has been placed on this meeting agenda for preliminary consideration by the Commission. The Commission may wish to authorize publication of notice to conduct a Public Hearing regarding all related OHRC *Rules of Racing*.

**G. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Recommendations from the Oklahoma-Bred Advisory Council**

The Oklahoma-Bred Advisory Council met on May 19, 2004 at Shepherd Mall in Oklahoma City. **Item G.1** contains recommendations from the Advisory Council for consideration for action by the Commission. The Advisory Council recommends that funding be authorized from the Oklahoma Breeding Development Fund Special Account (OBDFSA) for the following activities:

**1. Request from Oklahoma Thoroughbred Association**

In an April 13, 2004 request (**Item G.2**), the Oklahoma Thoroughbred Association (OTA) requests OBDFSA funding in the amount of \$100,000 for the Oklahoma Classics, a series of seven stakes races for accredited Oklahoma-Bred horses to be run at Remington Park on September 25, 2004. Of the \$100,000, \$50,000 would be made available as Oklahoma-Bred purse supplements with the other \$50,000 designated for Oklahoma-Bred stallion and broodmare awards.

**2. Requests from Oklahoma State University**

- a. **Item G.3** contains a request from Oklahoma State University (OSU) for \$200,000 in OBDFSA funding to aid in the purchase of a new air handler costing a total of \$450,000. This request replaces OSU's CY 2003 request for funds to assist in the purchase of an alkaline tissue digester, which was previously approved by the Commission (September 25, 2003) in the amount of \$100,000 as a seed grant for a period of twenty-four months with the subsequent transfer of funds conditioned upon OSU generating the full \$1.5 million through other revenue sources. Since (1) OSU has not generated the \$1.5 million to date and (2) OSU has submitted the replacement request for funds for the air handler, it may be appropriate for the Commission to first withdraw approval of the conditional seed grant before consideration of authorization of funding for the air handler.

The Oklahoma-Bred Advisory Council reviewed the current OBDFSA balance available for equine research as well as the annual Veterinary Medical Diagnostic Program, also known as the Necropsy Study, and voted to recommend that the Commission provide \$150,000 in OBDFSA funding, rather than the \$200,000 requested by OSU, to assist OSU in the purchase of the new air handler.

- b. Also contained in **Item G.3** is OSU's request that the Veterinary Medical Diagnostic Program (Necropsy Study) be extended for another year with the approved funding ceiling for the Study returned to \$45,000. The current balance for the Study is \$31,862. An additional \$13,138 would be needed to return the balance to the \$45,000 ceiling level.

**H. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding FY 2005 Membership on the Oklahoma-Bred Advisory Council**

Normally, at its June meeting, the Commission makes appointments to the Oklahoma-Bred Advisory Council for the next fiscal year (July 1 through June 30). At last year's June meeting,

the Commission appointed the following organizations and individuals as members of the Advisory Council for FY 2004 (July 1, 2003-June 30, 2004).

Remington Park	Oklahoma Quarter Horse Racing Association
Blue Ribbon Downs	Oklahoma Thoroughbred Association
Fair Meadows at Tulsa	Oklahoma Office of State Auditor and Inspector
Oklahoma Appaloosa Racing, Inc.	Thoroughbred Racing Association of Oklahoma
Oklahoma Horsemen's Association	David Croley
Oklahoma Paint Horse Club	Fred Rule, DVM
Oklahoma Quarter Horse Association	

The Commission will consider appointments for FY 2005 (July 1, 2004 through June 30, 2005).

**I. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Possible Rescheduling of August, 2004 Commission Meeting**

Due to notice from Commission Counsel that he will be unable to attend the August 20, 2004 Commission meeting, the Commission will consider rescheduling the meeting. **Item I.1** is a CY 2004 calendar reflecting currently-approved Commission meeting dates.

**J. Any Matter Not Known About or Which Could Not Have Been Reasonably Foreseen Prior to Posting the Agenda**

**K. REPORTS.....Mr. Bayliff, Chair**

**1. Status Report by Parties Regarding the Petition From Mr. John Lowder Requesting a Declaratory Ruling Concerning the Purse Distribution at Fair Meadows at Tulsa**

Mr. Lowder presents a Declaratory Ruling Petition regarding a complaint about purse distribution at Fair Meadows at Tulsa (FMT) for the Years of 1997, 1998, 1999 and 2000.

At the September 25, 2003 Commission meeting, the current status of the complaint was discussed by respective counsel for Mr. Lowder (Mr. Larry Brawner), Fair Meadows at Tulsa (Mr. Michael Keester) and the Oklahoma Horsemen's Benevolent and Protective Association (Mr. Daniel Hoehner), the latter of which is in the process of approving a Voluntary Dismissal to end its participation in the complaint. By a 5-0 vote, the Commission tabled consideration of the Request for sixty days to allow discussion time among the attorneys. A number of deferrals have ensued since the Commission's September, 2003 meeting. At the May 6, 2004 Commission meeting, on request of the parties, the matter was deferred to the June meeting. The June meeting was cancelled. The parties, or their Counsel, will be asked for a status report regarding the matter at this meeting.

**2. Racing Activities at Fair Meadows at Tulsa**

The Chair may call on Mr. Ron Shotts, Director of Racing at Fair Meadows at Tulsa (FMT); Ms. Debbie Schauf, Executive Director, Oklahoma Quarter Horse Racing Association, the elected horsemen's representative organization at FMT; Mr. Mike Corey, Chief Steward at FMT; and Mr. Mel Webb, OHRC Director of Law Enforcement to report on racing activities at FMT.

**L. ANNOUNCEMENTS ..... Mr. Bayliff, Chair**

1. Fair Meadows at Tulsa concluded its Tulsa County Fair Mixed Breed race meeting on June 19 with the Tulsa State Fair race meeting starting June 20 and scheduled to conclude July 24.
2. The Public Hearing for the proposed revocation or amendment of the two financial responsibility rules is scheduled for Monday, July 19, 9:00 a.m. to 4:00 p.m. at the Commission's Shepherd Mall Office. Written or oral comments will be accepted.
3. Remington Park is scheduled to begin its live Thoroughbred race meeting on August 6.
4. Blue Ribbon Downs is scheduled to start its second CY 2004 Mixed Breed race meeting on August 6.
5. **UNLESS RESCHEDULED UNDER AGENDA TOPIC I**, the next Commission Meeting is scheduled to be held at Blue Ribbon Downs on Friday, August 20, 2004, with the beginning time to be determined and announced after receipt of agenda item requests. The published deadline for receipt by the Commission office of requests for agenda consideration for the scheduled meeting is nine days prior to the meeting date.
6. The Oklahoma Thoroughbred Association's 19<sup>th</sup> Annual Awards Banquet and Auction is scheduled for Saturday, July 31, at Remington Park. In addition to awards presented by OTA, the Commission will present Accredited Oklahoma-Bred Champion awards for Thoroughbreds at this banquet. Reservations may be made by calling the OTA at 405/330-1006.
7. The July 7, 2004 meeting of the Oklahoma-Bred Advisory Council was cancelled due to no new agenda items or topics carried forward from earlier meetings. Unless a need arises for a special meeting, the next regularly scheduled Oklahoma-Bred Advisory Council meeting is set for Wednesday, September 1, starting at 11:00 a.m., at the Shepherd Mall Activity Center in Oklahoma City.

**ADJOURNMENT ..... Mr. Bayliff, Chair**