

# **OKLAHOMA HORSE RACING COMMISSION**

**RAY BAYLIFF, CHAIR**

**RANDY CALVERT, ESQ., VICE-CHAIR**

**GENE BLEDSOE, DC, SECRETARY**

**ROGER COLE, MEMBER**

**TERRY SIMONSON, ESQ., MEMBER**

**DEAN SPENCER, DDS, MEMBER**

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## **AGENDA**

**Rescheduled Regular Meeting  
Thursday, September 23, 2004, 9:30 a.m.**

**Meeting Location:  
Remington Park  
Eclipse Room  
One Remington Place  
Oklahoma City, OK  
(405) 424-1000**

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Address of the:  
OKLAHOMA HORSE RACING COMMISSION  
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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 August 27, 2004 Rescheduled Regular Commission Meeting will be considered for approval (**Item A.1**).

**B. Continued Consideration/Deliberation of Organization License Applications to Conduct Calendar Year 2005 Live Racing and Simulcasting**

**1. BACKGROUND**

At the August 27, 2004 meeting, the Commission was advised that Remington Park, Blue Ribbon Downs and Fair Meadows at Tulsa were interested in requesting revisions to their proposed race dates after discussion among the racetracks prior to the beginning of the meeting. The Commission unanimously voted to continue consideration of the CY 2005 applications for organization license to the next meeting with stipulations that Remington Park forward its request in writing; that Fair Meadows at Tulsa provide its request in writing [explaining the change of live race dates as it relates to the statutory limitations on timing of fair meetings]; and that the Oklahoma Quarter Horse Racing Association and the Thoroughbred Racing Association of Oklahoma, the two elected horsemen's organizations, provide written responses to the proposed revisions. The chart below reflects the amended dates requested, and the list of proposed live race dates was amended (**Item B.1**).

Applicant	Type of Application	Revised Number of Live Race Days Requested	Revised Time Frame (2005)
Remington Park, Inc. Oklahoma City	Renewal	32 (QH, AP, PT)	March 19 - June 5, 2005
		66 (TB)	August 5 - November 27, 2005
Backstretch, L.L.C. d/b/a Blue Ribbon Downs, Sallisaw	Renewal	27 (TB, QH, AP, PT)	February 19 - May 7, 2005
		33 (TB, QH, AP, PT)	August 6 - October 30, 2005
Tulsa County Fair (Tulsa County Public Facilities Auth.) <sup>1</sup> Fair Meadows at Tulsa	Fair Meet Renewal	6 (TB, QH, PT, AP)	May 26 - June 16, 2005
Tulsa State Fair (Tulsa County Public Facilities Auth.) <sup>1</sup> Fair Meadows at Tulsa	Fair Meet Renewal	22 (TB, QH, PT, AP)	June 17 - July 23, 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.

a. **Original Application**

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

In its original application for organization license filed by Will Rogers Downs (WRD) for CY 2005 racing activities, WRD requests twelve (12) live race days: November 5, 6, 12, 13, 19, 20, 26, 27 and December 3, 4, 10, 11, 2005.

b. **Renewal Applications**

**Item B.2** is a September 15, 2004 e-mail from Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association, regarding the proposed revisions to CY 2005 live race dates as well as the scheduling of schooling races.

(1) **Remington Park**

In a renewal application, Remington Park, Inc. (RP) originally requested 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 27, 2005. **Item B.3** contains the August 30, 2004 letter from Mr. R.D. Logan, RP General Manager, and proposed race day calendar, requesting to alter its live race days in an effort to eliminate any overlap between Fair Meadows and RP. Mr. Logan suggested that the CY 2005 Fall Thoroughbred race meeting's opening day be changed from July 29 to August 5, resulting in moving 4 days of the opening week. Those 4 days could then be moved to four Saturdays in October (October 1, 8, 15 and 22), providing for 4 day weeks in October. The total number of days would remain the same and the end of the Thoroughbred race meeting would also not change.

(2) **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), originally requested 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. On August 20, 2004, the Commission was advised by Mr. Blaine Story, BRD Assistant General Manager, (**Item B.4**) that BRD was requesting to amend its live race days to reduce overlap among the racetracks. The proposed revisions would change the first Mixed Breed race meeting from 30 to 27 days, starting February 19 (rather than March 12) and ending May 7 (rather than May 21) and the second Mixed Breed race meeting from 30 to 33 days, starting August 6 (rather than August 26) and keeping the same ending date (October 30). At the August, 2004 Commission meeting, BRD announced that it would like to further amend its request to add August 13 to the first Mixed Breed race meeting and delete August 26 from that same race meeting. **Item B.5** is BRD's letter about the further proposed amendment received at the Commission September 8, 2004.

(3) **Tulsa County Fair (Tulsa County Public Facilities Authority)**

In a renewal application, the Tulsa County Fair (the Tulsa Public Facilities Authority) originally requested 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. **Item B.6** is the September 3, 2004 letter about the proposed revision of live race dates for the Tulsa County Fair, requesting to change the race meeting to 6 live race dates, May 26, 2005 through June 16, 2005, in order to eliminate any overlap with Remington Park.

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

In a renewal application, the Tulsa State Fair (the Tulsa County Public Facilities Authority) originally requested 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. **Item B.7** is the September 3, 2004 letter about the proposed revision of live race dates for the Tulsa State Fair, requesting to change the race meeting to 22 live race dates, June 17, 2005 through July 23, 2005, in order to eliminate any overlap with Remington Park.

**2. DELIBERATION**

**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 Continued 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 continued 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.]

**a. Purpose of Executive Session**

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

**b. 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.]**

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

3. **ACTION**

**Continued Commission Consideration of and Possible Action on the 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, but are not limited to: no action taken, grant or denial of an application, deferring consideration of an application, entrance of either preliminary or final Findings of Fact and Conclusions of Law, or the issuance of a preliminary or final Order.

C. **Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Certain Delegation of Authority Concerning the Oklahoma-Bred Program**

With the current vacancy in the Oklahoma-Bred Registrar position, Commission Staff requests that the Commission consider delegating decision-making authority to the Board of Stewards and/or the Executive Director concerning Oklahoma-Bred registration, accreditation and revocation of accreditation matters.

D. **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 September 1, 2004 at which meeting the following unanimous recommendations were made:

1. **Oklahoma Classics 2004 Foal Nomination Form**

**Item D.1** contains the August 20, 2004 letter from the Oklahoma Thoroughbred Association, seeking approval of the proposed 2004 Oklahoma Classics Foal Nomination Form which was enclosed with the letter. The only changes from the 2003 form are the dates.

**The Advisory Council recommends approval of the form.**

2. **Funding for Economic Impact Study of the Industry for the State of Oklahoma**

**Item D.2** is an August 20, 2004 letter from Dr. J.W. Alexander, Past President of the Oklahoma Thoroughbred Association, asking that the Commission consider a request for \$20,000 in funding to support an individual profile of the State of Oklahoma as part of the American Horse Council's economic impact study of the equine industry. **Item D.3** is an e-mail message from Ms. Debbie Schauf, Executive Director of the Oklahoma Quarter Horse Racing Association and member of the Advisory Council, seeking Commission support for the study to serve as a source document of the economic contributions of the industry for Legislative initiatives. **Item D.4** is an excerpt on Oklahoma from the last economic impact study.

**The Advisory Council recommends approval of \$20,000 funding from the Oklahoma Breeding Development Fund Special Account (OBDFSA) for an individual profile of the State of Oklahoma as part of the upcoming American Horse Council's economic impact study of the equine industry to be published in CY 2005.**

3. **Funding for CY 2005 Oklahoma Horsemen's Association's Oklahoma-Bred Races**

**Item D.5** is the August 23, 2004 letter from Mr. Charles Wooden, Director of the Oklahoma Horsemen's Association (OHA), asking for Oklahoma-Bred funding for added monies to the CY 2005 OHA Quarter Horse Futurity and Derby and the OHA Appaloosa and Paint Futurity and Derby to be run at Fair Meadows at Tulsa. **Item D.6** is the August 30, 2004 letter from Mr. Wooden, providing the following funding amounts:

2005 Oklahoma-Bred Quarter Horse Futurity	\$10,000
2005 Oklahoma-Bred Quarter Horse Derby	\$10,000
2005 Oklahoma-Bred Appaloosa and Paint Futurity	\$ 5,000
2005 Oklahoma-Bred Appaloosa and Paint Derby	\$ 5,000

**The Advisory Council recommends approval of OBDFA funding for the four races as follows with the inclusion of the accepted weight industry standards of 122 pounds for futurities and 124 for derbies:**

**Added monies of \$10,000 each for the OHA Quarter Horse Futurity and Derby plus \$6,800 for broodmare awards and \$3,200 for stallion awards for a total of \$40,000 for both races, and**

**Added monies of \$5,000 each for the OHA Appaloosa and Paint Futurity and Derby plus \$3,400 for broodmare awards and \$1,600 for stallion awards for a total of \$20,000 for both races**

4. **Proposed Criterion for Oklahoma-Bred Year-End Awards**

Recently, the Commission's Computer Services Coordinator was given the assignment to automate the selection process of recipients of the 39 Oklahoma-Bred year-end awards for better efficiency than the labor-intensive manual determination. The current wording in the criterion established for the selection process for award winners has been in some cases subject to interpretation. For example, the selection criterion for the Leading Dam of Quarter Horse Racing Stock could be based on either (1) the highest dollar total of foal performance among racing stock in a particular year or (2) the highest dollar total of broodmare awards in a particular year. **Items D.7 and D.8** contain August 12, 2004 and August 31, 2004 memoranda, respectively, from Mr. Lyndon Patton, OHRC Computer Services Coordinator.

**The Advisory Council recommends that the Commission make foal performance (highest earnings) be used as the selection criterion for future awards.**

5. **Funding Request for Annual Fall Promotion of Oklahoma-Bred Program**

In the Fall of each year, the decision about placing advertisements promoting the Oklahoma-Bred Program for the following calendar year is made. In the past, advertisements have been placed in the Heritage Place sale catalogs and the Oklahoma Thoroughbred Association's Stallion Directory.

**The Advisory Council recommends that the Commission approve \$10,000 for CY 2005 advertisement and promotion of the Program.**

**E. Consideration and Action, If Any, Deemed Appropriate by the Commission Regarding Contract between Remington Park and the Commission for Televising the Oklahoma Classics**

The Oklahoma Classics races, a series of seven stakes races restricted to accredited Oklahoma-Breds, are run each fall at Remington Park and are televised. Each year, in addition to providing added money from the Oklahoma Breeding Development Fund Special Account (OBDFSA), the Commission has approved funding from the OBDFSA toward the expense of televising the Classics as part of the promotional and advertising efforts for the Oklahoma-Bred Program. The funding of up to \$10,000 was approved by the Commission at its August 27, 2004 meeting. **Item E.1** is a draft contract between the Commission and Remington Park for consideration for approval regarding televising the Classics on September 25, 2004.

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

**G. REPORT .....Mr. Bayliff, Chair**

**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, and the attorneys advised the Commission of their preference to delay the status report until the location of the Commission meetings returned to Oklahoma City. The parties, or their Counsel, will be asked for a status report regarding the matter at this meeting.

**H. ANNOUNCEMENTS ..... Mr. Bayliff, Chair**

1. As noted earlier, the Oklahoma Classics, a series of seven stakes races for accredited Oklahoma-Bred Thoroughbred horses, is scheduled for Saturday, September 25, at Remington Park.
2. The next Commission Meeting is scheduled to be held Thursday, October 21, 9:30 a.m. at the Activity Center at Shepherd Mall. The published deadline for receipt by the Commission office of requests for agenda consideration for the scheduled meeting is October 12, 2004.
3. The Breeders' Cup World Thoroughbred Championship is scheduled for Saturday, October 30, at Lone Star Park in Grand Prairie, TX.

4. The next regularly scheduled Oklahoma-Bred Advisory Council meeting is set for 11:00 a.m., Wednesday, November 3, at the Shepherd Mall Activity Center in Oklahoma City.

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