

OKLAHOMA HORSE RACING COMMISSION

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MONTY MARCUM, MEMBER

DONNIE VON HEMEL, MEMBER

DOUGLAS WRIGHT, MEMBER

AGENDA

Regularly Scheduled Meeting
Thursday, October 19, 2017, 9:30 a.m.

Meeting Location:
Agriculture Board Room
Department of Agriculture, Food and Forestry
2800 N. Lincoln Boulevard
Oklahoma City, OK 73105

New Address of the:

OKLAHOMA HORSE RACING COMMISSION
2800 N. LINCOLN BLVD., SUITE 220
OKLAHOMA CITY, OKLAHOMA 73105
(Located in Department of Agriculture, Food and Forestry Building)
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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. Lucas, Chair

ROLL CALL Mr. Lucas, Chair

INTRODUCTION OF NEW LAW ENFORCEMENT AGENTS.....Mr. Lucas, Chair

Ms. Amanda Kilgore and Mr. Kevin Ortman joined the Commission as the new Law Enforcement Agents on October 1, 2017.

BUSINESS Mr. Lucas, Chair

A. MINUTES

The drafted Minutes of the August 17, 2017 Regularly Scheduled Commission Meeting [Item A.1] will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

B. CONTINUED DELIBERATIONS REGARDING CY 2018 RACING AND GAMING LICENSE APPLICATIONS FOR REMINGTON PARK, WILL ROGERS DOWNS AND FAIR MEADOWS AT TULSA

Background

At the August 17, 2017 meeting, representatives for Will Rogers Downs and Fair Meadows at Tulsa presented their respective applications for CY 2018 racing and gaming licenses. Commissioners and Commission Staff asked questions. The Commission then took preliminary action to award CY 2018 racing and gaming licenses to Remington Park, Will Rogers Downs and Fair Meadows at Tulsa, allot CY 2018 live race dates and direct Commission Staff to draft License Orders for continued deliberations for the next Commission meeting.

Current Consideration

The drafted racing and gaming license Orders have been distributed to the Commissioners.

Possible Action:

Possible actions may include: taking no action; going into Executive Session; taking final action to allot CY 2018 live race dates and adopting the drafted CY 2018 racing and companion gaming license orders; conducting a Hearing with regard to conditions of race meetings and taking such actions as the Commission deems appropriate to ensure continuity of racing programs; adopting amended orders; or continuing deliberations to a future Commission meeting.

C. GLOBAL GAMING RP, LLC'S REQUEST FOR APPROVAL OF MORTGAGE OF REMINGTON PARK LEASEHOLD ESTATE AND PLEDGE OF REMINGTON PARK ASSETS

Background

Remington Park's racing license Order requires Commission written approval before Global Gaming RP, LLC can sell, transfer, lease, sublease or otherwise affect any interest in the real property of the racetrack.

Most recently, at its June 16, 2016 meeting, the Commission approved Global Gaming RP, LLC's request for a proposed working capital loan for \$10,056,897.64 from Landmark Bank. The proceeds were used to replenish a portion of the funds that were used to pay off an earlier Bank of Oklahoma loan and also used for ongoing working capital needs.

Current Consideration

Item C.1 contains an October 5, 2017 letter from Ms. Monica J. Hoenshell, Esq., of the Calvert Law Firm, counsel for Global Gaming Solutions, LLC, the sole member of Global Gaming RP, LLC [Remington Park] and a summary of terms document regarding a proposed credit facility between Global Gaming Solutions, LLC and Wells Fargo Bank for a total of \$60,000,000 for Remington Park to "guaranty the credit facility and pledge its assets, including mortgaging its leasehold interest in the real property occupied by the Remington Park racetrack and casino, as security for its guaranty." The credit facility is proposed to "optimize the capital structure of Global Gaming Solutions, LLC and

Remington Park since both of those entities generate substantial cash flow and have little to no debt other than the credit facility.” If approved, a term of the Credit Agreement between Global Gaming Solutions, LLC and Wells Fargo states that the earlier “Landmark Bank, N.A. loan to Remington Park will never exceed \$500,000 going forward.”

Mr. Randy Calvert, as Counsel for Global Gaming RP, LLC, will present the financing details at the meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action, approving the request, rejecting the request, authorizing the Commission Executive Director to approve the request pending favorable review by the Commission’s Law Enforcement Division and/or the Commission members of the Ad Hoc Committee on Industry Relations/Issues, or continuing the matter.

D. APPEAL HEARING OF GERRY AND THERESA MC LEAN REGARDING STEWARDS’ ORDER 2017-RP-054A

Background

Item D.1 is the record on Mr. Gerry McLean, Trainer, and Mrs. Theresa McLean, Owner. In Stewards’ Order 17-RP-054A, Mr. McLean was found to be in violation of OAC 325:35-1-5, Trainer Responsibility, and OAC 325:45-1-4, Drugs or Medication, and the Directive on Commission-Sanctioned Thresholds for his horse, EXPRESSIONS N SNOW, testing positive for Tolfenamic Acid, a prohibited substance. The Board of Stewards fined Mr. McLean \$2,500 and suspended his occupation license for a period of three hundred sixty-five (365) days beginning Thursday, April 13, 2017, and continuing through Thursday, April 12, 2018. The Stewards also disqualified the horse, EXPRESSIONS N SNOW, from second place with the horse to remain unplaced in the 6th race at Remington Park on Saturday, March 25, 2017. The purse was ordered to be redistributed.

In Stewards’ Order 17-RP-055A, Ms. Theresa Lynn McLean, Owner, was suspended pursuant to OAC 325:15-5-10(a)(6), Grounds for Denial, Refusal, Suspension or Revocation of License.

On June 28, 2017, Mr. Gerry McLean and Mrs. Theresa McLean filed an appeal of the Board of Stewards’ Order 17-RP-054A, dated June 5, 2017,

Appeal Hearing

The Hearing before the Commission will be conducted pursuant to the authority and jurisdiction of the Oklahoma Administrative Procedures Act, Title 75, § 301 et seq., the Oklahoma Horse Racing Act, Title 3A O.S. § 200 et seq., OAC 325 (OHRC *Rules of Racing*), OAC 325:70-1-22, Grounds for Appeal from Decision of the Stewards, and OAC 325:70-1-24, Appeal Hearing Procedure.

The procedure for the Hearing before the Commission is set as follows:

1. The Appeal is not a new evidentiary hearing and is limited to the record. Presentations by both sides will be limited to arguments/comments regarding the record of the Board of Stewards' Hearing. New evidence may not be presented during the Appeal Hearing unless an offer of proof is made to the Commission pursuant to OAC 325:70-1-24(a), briefly explaining the new evidence and explaining how the new evidence satisfies the requirements set forth in OAC 325:70-1-22(2).
2. The appellants, Mr. Gerry Douglas McLean and Mrs. Theresa Lynn McLean, and the Board of Stewards at Remington Park are entitled to be present and to present arguments.
3. The appellants, Mr. Gerry Douglas McLean and Mrs. Theresa Lynn McLean, or their counsel will present oral arguments first, with the Board of Stewards or their counsel proceeding next. Each party will be allowed fifteen (15) minutes to present its case.
4. All parties are subject to questioning by Commissioners, Commission Staff and Commission Counsel.

Possible Action:

Possible action may include, but is not limited to: taking no action; going into Executive Session to deliberate in an individual proceeding*; continuing the matter; or taking preliminary action in the matter, including instructing Commission Staff to draft an Order for consideration in further deliberations at the November 16, 2017 Commission meeting.

* In compliance with 75 O.S. § 312, 25 O.S. § 307 (B)(8) and 311 (B)(1).

E. REPORTS

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

G. ANNOUNCEMENTS

The Oklahoma Classics, a series of stakes races for Oklahoma-Bred Thoroughbreds, will be held on Friday, October 20, 2017, at Remington Park.

ADJOURNMENT.....Mr. Lucas, Chair

PLEASE SEE CALENDAR ON NEXT PAGE

NOVEMBER-DECEMBER, 2017 CALENDAR

11/1/17 – Oklahoma-Bred Advisory Council Meeting, 1:30 p.m., Commission Conference Room, Department of Agriculture, Food and Forestry, Oklahoma City

11/2/17 – Deadline for submitting agenda topic requests for November 16, 2017 Regularly Scheduled Commission Meeting

11/10/17 – HOLIDAY [Veterans' Day]

11/11/17 – Will Rogers Downs' Quarter Horse, Paint and Appaloosa race meeting is scheduled to conclude

11/16/17 – Commission Regularly Scheduled Meeting, 9:30 a.m., Board Room, Department of Agriculture, Food and Forestry, 2800 N. Lincoln Boulevard, Oklahoma City, OK

11/23-24/17 – HOLIDAY [Thanksgiving]

12/17/17 – Remington Park's Thoroughbred race meeting is scheduled to conclude

12/25-26/17 – HOLIDAY [Christmas]

There is no December, 2017 Regularly Scheduled Meeting